

**CULLMAN CITY COUNCIL MEETING ON MARCH 8, 2021
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, March 8, 2021. Fire Chief Brian Bradberry led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, Council President Pro Tem Johnny Cook, Council Member Clint Hollingsworth and Council President Jenny Folsom. Also present were Attorney Roy Williams and City Clerk Wesley Moore. Absent: Council Member David Moss.

Council President Jenny Folsom asked the Council to consider the minutes from February 22, 2021. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Page seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from February 22, 2021 as written. Council Member Hollingsworth seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook reported the annual spring clean-up week will begin on March 29th.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth asked Park and Recreation Director Zac Wood to report on upcoming events. Mr. Wood shared many upcoming events, such as the Strawberry Festival, 2nd Friday's, FLW Fishing Tournament supported by the City, County and Chamber of Commerce, Cullman Regional Archery Tournament and the Farmer's Market will be opening for the season on April 3rd.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

REPORT FROM THE MAYOR – No report.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mr. Mitchell Beshears of 32 Co Rd 712 spoke concerning the new water billing rate structure.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER

Council Member Hollingsworth made a motion to approve a special event request from Rita Dean for a Warehouse District Street Sale on the First Avenue NE block on March 19th and 20th, 2021 from 10:00 a.m. to 5:00 p.m. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

Council Member Page made a motion to adopt the following resolution:

RESOLUTION NO. 2021 – 69

TO DECLARE CERTAIN PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN

WHEREAS, the Cullman City Council hereby finds and determines that the City of Cullman is owner of various capital assets and inventory that is no longer needed by the City of Cullman for public or municipal purposes and that the best interests of the City will be served by the sale or disposal of said property;

BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to designate a City employee to sell or disposal of said property that is no longer needed by the City of Cullman for public or municipal purposes for its present fair market value.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2021 – 70
AUTHORIZING THE MAYOR TO PURCHASE REAL PROPERTY

WHEREAS, the City of Cullman has an opportunity to purchase property near the Cullman Wellness & Aquatics Center for public use that appears to meet the requirements of the City of Cullman; and

WHEREAS, the Cullman City Council believes that it is in the best interest of the City to authorize the Mayor to purchase said property at a reasonable price to address storm water drainage in this area;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Woody Jacobs is hereby authorized to negotiate and to purchase the real property near the Cullman Wellness & Aquatics Center under the terms and conditions as he deems just.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2021 – 71
TO ENTER INTO CONTRACT WITH ST. JOHN & ASSOCIATES, INC.

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with St. John and Associates, Inc. for civil engineering services related to the Civic Center Complex;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into a contract with St. John & Associates, Inc. for civil engineering services related to the Civic Center Complex.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2021 – 72
TO ENTER INTO CONTRACT WITH COHEN, CARNAGGIO & REYNOLDS, INC.

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Cohen, Carnaggio & Reynolds, Inc. for exterior and interior design, architectural, and structural engineering services related to the Cullman Civic Center Complex;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into a contract with Cohen, Carnaggio & Reynolds, Inc. for exterior and interior design, architectural, and structural engineering related to the Cullman Civic Center Complex.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2021-73

This Resolution is made this 8th day of **March**, **2021** (the Effective Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Project MBEQ** (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or **XX** major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

X all state and local non-educational ad valorem taxes,

X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational ad valorem taxes (if applicable) be extended for a period of **10** years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of **\$50,000,000**; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- X all state and local non-educational ad valorem taxes,
- X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational ad valorem taxes (if applicable) shall extend for a period of **10** years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the **City of Cullman, Alabama** of Alabama at a meeting held on the **8th** day of **March, 2021**.

BY: /s/ Woody Jacobs L. S.

Its: Mayor

ATTEST:

/s/ Wesley Moore, City Clerk

Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 – 74
TO ACCEPT BROWNSTONE WAY AS A PART OF THE PUBLIC STREET SYSTEM**

WHEREAS, Developer KVB PROPERTIES, LLC., has recorded a final plat of The Grove at Fisher Farms, Phase I, located in Cullman County Map Book 2016., P13; and

WHEREAS, said Plat shows public road proposed for dedication to the City of Cullman; and

WHEREAS, an Offer of Dedication, Deeds of Conveyance and a Maintenance Surety have been submitted pursuant to the Subdivision Regulations, or as the City requires; and

WHEREAS, a Letter of Satisfactory Completion has been furnished by the City of Cullman indicating that through inspections of the road, the design intent has been achieved, and the road is in acceptable condition and that the infrastructure work was constructed per the approved plans by the City; and

WHEREAS, the Mayor and Cullman City Council deems it in the best interest of the City of Cullman that the Letter of Dedication of the public road, Brownstone Way be accepted and the same become a part of the public street system of the City of Cullman; and

WHEREAS, by accepting the above-mentioned public road as a city street, the City shall maintain and upkeep the portion(s) of the road described in the following legal description:

25 feet off either side of the centerline of Brownstone Way as shown by the Plat of the Grove at Fisher Farms, Phase 1, as shown by map or plat on file of record in Map Book 2016, Page 13 in the Probate Records of Cullman County, Alabama.
Property Address: Fisher Farms Subdivision, Phase 1, Cullman, AL 35055
FOR SOURCE OF TITLE, SEE DEED BOOK 637, PAGE 956, RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF CULLMAN COUNTY, ALABAMA.

WHEREAS, the acceptance of this dedication is made in accordance with the statutes made and provided for such dedications.

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the City is hereby authorized to accept the public road of Brownstone Way as a city street.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 – 75
TO ENTER INTO CONTRACT WITH EMERGENCY REPORTING**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Emergency Reporting for Rover responder services for Cullman Fire and Rescue.

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into a contract with Emergency Reporting.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 – 76
TO AMEND CERTAIN CULLMAN CITY COUNCIL MEETING DATES FOR CY2021**

WHEREAS, the Cullman City Council encourages the public to attend all Cullman City Council Meetings and has determined that the following dates and times listed below would be the most appropriate:

WHEREAS, the Cullman City Council has determined that there will be no quorum present for the regularly scheduled City Council Meeting on Monday, June 14th, 2021 at 7:00 p.m.;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the date and time of the Council Meeting on Monday, June 14th, 2021 at 7:00 p.m. is hereby moved to Monday, June 7th, 2021 at 7:00 p.m. and;

WHEREAS, the Cullman City Council has determined that there will be no quorum present for the regularly scheduled City Council Meeting on Monday, July 26th, 2021 at 7:00 p.m.;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the date and time of the Council Meeting on Monday, July 26th, 2021 at 7:00 p.m. is hereby moved to Monday, July 19th, 2021 at 7:00 p.m.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:
/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Folsom held the first reading of Ordinance No. 2021-26 to establish reserve police force for the City of Cullman. Council Member Hollingsworth made a motion to suspend the rules to consider Ordinance No. 2021-26. Council Member Page seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-26.

ORDINANCE NO. 2021-26
An Ordinance to Establish a Reserve Police Force to Augment
Part Time and Full Time Paid Officers of Cullman Police Department

WHEREAS, The City of Cullman has established the Cullman Police Department to protect life and property and insure the safety and security of the citizens and businesses in the City of Cullman, and otherwise preserve law and order; and

WHEREAS, the City of Cullman has employed and will continue to employ paid law enforcement personnel to provide such services and protection; and

WHEREAS, certain levels of manpower are required in order to provide for the safety of the public and also to the members of the Cullman Police Department; and

WHEREAS, the City of Cullman desires to protect lives and property as well as the safety of its citizens in a professional manner; and

WHEREAS, the use of reserve officers allows for voluntary augmentation of sworn law enforcement officers while allowing those reserves to train;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

Section 1. Establishment

As provided by § 11-43-210, Code of Alabama, 1975, a police reserve force, hereinafter called "reserve", is hereby established within the police department of the City of Cullman, Alabama. The purpose of this Reserve is to supplement, not replace, the existing and future paid personnel of Cullman Police Department.

Section 2. Qualifications

The reserve shall consist eligible citizens, all of whom are twenty-one (21) years of age or older. Any person desiring appointment to the reserve must submit a written application to the chief of police of the City of Cullman, Alabama, and pass a physical agility test and background check. Applicant shall be of good moral character and reputation, and has never been convicted of a felony or misdemeanor involving force, violence or moral turpitude.

Section 3. Appointment

Appointments to the Reserve shall be made by the Chief of Police with the approval of the Mayor. Members of the reserve are not permanent employees of the City of Cullman and shall serve at the pleasure of the Chief of Police, and may be removed with or without cause and without hearing by the Chief of Police.

Section 4. Supervision

The reserve shall function under the immediate direction of the designee of the chief of police, who shall provide for its organization and training. The chief of police is hereby authorized and directed to establish such rules and regulations as may be necessary for the efficient operation of the reserve.

Section 5. Equipment

Each member of the reserve shall be issued an identification card signed by the chief of police and the mayor. Members of the reserve shall carry this identification card with them at all times. When funding allows, each reserve shall be provided with required uniforms and equipment to carry out duties of the reserve police force.

Section 6. Duties

The duties of reserve officers are confined to the following: (1) Patrol operation performed for the purpose of detection, prevention and suppression of crime or enforcement of traffic or highway laws of the state, provided the reserve law enforcement officer acts at all times under the direct control and supervision of a certified law enforcement officer. (2) Traffic direction and control may be performed without direct supervision; provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits. (3) Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the municipality, provided supervisory control will be exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits. For purposes of this section, the term "certified law enforcement officer" shall mean a sworn police officer who has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama, 1975.

Section 7. Arrest Powers

Arrest powers. No member of the reserve shall have any authority to exercise any power of arrest unless he or she has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama, 1975.

Section 8. Training.

Members of the reserve will be required to attend departmental training, which may include the field training officer program. The members of the reserve may be offered and required to attend the law enforcement academy at the direction of the police chief. The costs associated with this and other training are to be paid by the City so long as funding is available and approved.

Section 9. Weapons

No member of the reserve shall carry a weapon while on duty unless the reserve officer has completed the training requirements as designated by the chief of police. The reserve officer also must have a valid pistol permit.

Section 10. Compensation.

No member of the reserve shall receive compensation for the time they work. Reserves who have completed the training requirements of the Alabama Peace Officers' Standards and Training Commission and have received certification as a law enforcement officer may apply for hire as a part-time officer given position and fund availability.

Section 11. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

Section 12. Effective Date.

This ordinance shall become effective upon its adoption, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion to approve the ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2021-27 to repeal Ordinance No. 1158. Council Member Hollingsworth made a motion to suspend the rules to consider Ordinance No. 2021-27. Council President Pro Tem Cook seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve Ordinance No. 2021-27.

ORDINANCE NO. 2021 – 27
AN ORDINANCE TO REPEAL ORDINANCE NO. 1158 OF THE CITY OF CULLMAN, ALABAMA

WHEREAS, The City of Cullman has provided police and fire protection and other services and benefits to businesses and residences located outside the corporate limits as authorized by state law; and

WHEREAS, The City of Cullman retains all authority granted it by the laws of the State of Alabama and does not hereby relinquish its right to provide services to and collect fees and taxes within the police jurisdiction; and

WHEREAS, The City of Cullman finds it in the best interest of the health, safety and public welfare to reserve the right to provide services within the police jurisdiction, or in other areas of Cullman County.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Cullman, Alabama, as follows:

Section 1. That Ordinance No. 1158 of the Code of Ordinances of the City of Cullman, Alabama, is hereby repealed in its entirety due to conflicts with the Code of Alabama; therefore making the Ordinance preempted and void.

Section 2. The repealing of this Ordinance shall not hereby have the effect of reviving any Ordinance theretofore repealed or superseded.

Section 3. This Ordinance shall in no way affect water, sewer or utility service provided outside the corporate limits of the City, or the collection of fees for such services.

Section 4. The City of Cullman retains all authority granted it by the laws of the State of Alabama and does not hereby relinquish its right to provide services to and collect fees and taxes within the three-mile police jurisdiction of the City of Cullman, Alabama.

Section 5. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

Section 6. Effective Date. This Ordinance shall become effective after its adoption and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 8th day of March, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 8th day of March, 2021.

/s/Woody Jacobs, Mayor

Council Member Page seconded the motion to approve the ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS

Council President Pro Tem Cook made a motion to reappoint Peggy Harris to the Tree Commission. Council Member Page seconded the motion and the motion was approved by a voice vote.

Council President Pro Tem Cook made a motion to reappoint Jan Barnett to the Tree Commission. Council Member Page seconded the motion and the motion was approved by a voice vote.

Council President Pro Tem Cook made a motion to appoint Barry Slatton to the Tree Commission. Council Member Page seconded the motion and the motion was approved by a voice vote.

Council President Pro Tem Cook made a motion to appoint Don Hewitt to the Zoning Board of Adjustments. Council Member Page seconded the motion and the motion was approved by a voice vote.

Council President Folsom asked for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council Member Page seconded the motion and the meeting was adjourned at 7:20 p.m. by a voice vote. Ayes: All. Nays: None.