

**CULLMAN CITY COUNCIL MEETING ON JANUARY 10, 2022
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 12:00 o'clock p.m. on Monday, January 10, 2022. 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 President Pro Tem Johnny Cook, Council Member David Moss, and Council President Jenny Folsom. Absent: Council Member Clint Hollingsworth. Also present were Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from December 13, 2021. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Moss 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 President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council President Pro Tem Cook made a motion to approve the minutes from December 13, 2021, as written. Council Member Moss 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 President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye.

PUBLIC HEARINGS

Council President Folsom set a public hearing on February 14, 2022 at 7:00 p.m. for Ordinance No. 2022-07 to rezone a vacant lot on Main Street SW from R-4 to B-2 which received a favorable recommendation from the Planning Commission.

Council President Folsom set a public hearing on February 14, 2022 at 7:00 p.m. for Ordinance No. 2022-08 to rezone a vacant lot on Main Street SW from B-1 to B-2 which received a favorable recommendation from the Planning Commission.

Council President Folsom set a public hearing on February 14, 2022 at 7:00 p.m. for Ordinance No. 2022-09 to vacate a 50 foot right of way located on 4th Street SW (Hwy 278) and Rosemont Ave SW, which received a favorable recommendation from the Planning Commission.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council Member Moss made a motion to approve a special event request from Grace Drovot for a wedding rehearsal dinner at Festhalle on Friday, February 25th, 2022 from 7:00 p.m. until 11:00 p.m. Council President Pro Tem Cook seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

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

RESOLUTION NO. 2022 – 25

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 engineering, design, administrative, and other professional services for the access driveway for Cullman City Primary School.

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 and Associates, Inc. for engineering, design, administrative, and other professional services for the access driveway for Cullman City Primary School.

ADOPTED BY THE CITY COUNCIL this the 10th day of January, 2022.

/s/Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 10th day of January, 2022.

/s/Woody Jacobs, Mayor

Council Member Moss 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. 2022-26

TO ENTER INTO AGREEMENT WITH THE STATE OF ALABAMA TO MAINTAIN THE SIDEWALKS

WITHIN IN ALDOT RIGHT OF WAY OF AL-74 (US-278) ALONG EAST SIDE OF 10th AVE SE AND THE WEST SIDE OF 11th AVE SE IN THE CITY LIMITS OF CULLMAN, ALABAMA

BE IT RESOLVED, by the City Council of the City of Cullman, Alabama as follows:

1. That the City of Cullman, Alabama, enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for maintenance of sidewalks within the ALDOT ROW of AL-74 (US-278) along the East side of 10th Ave SE along the West side of 11th Ave SE in the city limits of Cullman which agreement is before the Council.
2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
3. That the signature of the Mayor be attested by the City Clerk and that the seal of the City be affixed to the agreement.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on record by the City Clerk.

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL this the 10th day of January, 2022.

/s/ Wesley M. Moore, City Clerk

/s/ Woody Jacobs, Mayor

I, the undersigned qualified and acting clerk of the City of Cullman, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 10th day of January, 2022 and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the 10th day of January, 2022.

/s/Wesley Moore, City Clerk

Council Member Moss 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. 2022-27
TO APPROVE A TAX ABATEMENT FOR SCHULTE BUILDING SYSTEMS**

This Resolution is made this 10th day of **January, 2022** (the Effective Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Schulte Building Systems / Inland Southern** (the Company).

WHEREAS, the Company has announced plans for a 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 all state and local noneducational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational 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 **\$3,350,000** ; 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 all state and local noneducational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, all mortgage and recording taxes; and 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 **10th** day of **January, 2022**.

BY: /s/ Woody Jacobs
Its: Mayor

ATTEST:

/s/Wesley Moore, City Clerk

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

Council President Jenny Folsom held the first reading of Ordinance No. 2022-06 to confirm and ratify the levy of a 7.5 mill ad valorem school tax in the City of Cullman. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-06 to confirm and ratify the levy of a 7.5 mill ad valorem school tax in the City of Cullman. Council Member Moss 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 President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Moss made a motion to adopt Ordinance No. 2022-06.

ORDINANCE NO. 2022-06
AN ORDINANCE CONFIRMING AND RATIFYING
THE LEVY OF A 7.5 MILL AD VALOREM SCHOOL
TAX IN THE CITY OF CULLMAN

BE IT ORDAINED by the Cullman City Council (herein called "the Council"), the governing body of the City of Cullman (herein called "the City"), as follows:

Section 1. Findings. The Council hereby finds and declares as follows:

(a) that there is presently being levied in the City, pursuant to Amendment No. 56 to the Constitution of Alabama of 1901, and proceedings taken thereunder, a special school tax of 7.5 mills, the proceeds of which are used exclusively for general public school purposes (herein called the "Special School Tax") and are paid to the Cullman City Board of Education (herein called "the Board"); and

(b) that the Board has reported to the City that the Board proposes to issue its Special Tax School Warrants, Series 2022-A and Taxable Series 2022-B, in the approximate combined principal amount of \$42,790,000 (herein called "the Warrants"), for the purpose of financing and refinancing the costs of various public school capital improvements in the City, and to pledge, for the payment of the principal of and interest on the Warrants and among other revenues available to the Board, the proceeds of the Special School Tax presently being paid to the Board.

Section 2. Pledge. The City hereby pledges, to the Board and to the registered owners of the Warrants, the Special School Tax and the proceeds therefrom and agrees that it shall continue to levy and provide for the collection and assessment of the Special School Tax and to pay the same over to the Board until the final retirement of the Warrants, now expected to occur on or before March 1, 2051.

ADOPTED this 10th day of January, 2022.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this 10th day of January, 2022.

/s/Woody Jacobs, Mayor

Council President Pro Tem Cook 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 President Folsom: Aye. Council Member Moss: Aye.

Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made the motion to adjourn. Council Member Moss seconded the motion, and the meeting was adjourned at 12:10 p.m. by a voice vote. Ayes: All. Nays: None.