

**CULLMAN CITY COUNCIL MEETING ON MAY 23, 2022
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:01 o'clock p.m. on Monday, May 23, 2022. Police Chief Kenny Culpepper led the Pledge of Allegiance and presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from May 9, 2022. Council Member Moss made a motion to suspend the rules to consider the minutes. Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve the minutes from May 9, 2022, 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 President Folsom: Aye. Council Member David Moss: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss reported that Phase 1 of the sewer rehab project is nearing completion and additional repairs will be done to the roads to correct the areas affected by the sewer line replacement. Following the completion of the sewer project, a street assessment will be performed to assess the overall condition of the roads.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – No report.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR – None.

COMMENTS FROM ANYONE NOT ON THE AGENDA

The following people spoke against the proposed rezoning: John Hamrick of 1612 Hamrick Lane SE; Jennifer White of 1030 Meadowview Circle NE; Mark Whitley of 1710 3rd Ave SE; Sharon Painter of 1423 Elm Drive SE; Melissa Jones of 1816 Teakwood Drive SE; Anthony Phillips of 1402 Elm Drive SE; Barbara Ragsdale 1401 5th Ave SE; Michael Earnest of 1504 Bower Drive; and Barbara Ragsdale at 1401 5th Ave SE.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Cliff Harris, of GLB Cullman, LLC, presented their development plan pertaining to their rezoning request of 5.15 acres on 3rd Avenue SE from R-1 Residential District to R-4 Residential District. The project planned is for three two story brick apartment buildings containing a total of 48 apartment units with rent above \$1,000 per month. Mr. Harris cited a housing study from 2017 forecasted a need for approximately 1218 multifamily rental units; polled three of the city's largest apartment complexes, all reporting no vacancies; and the two largest real estate management companies also reporting no rental availabilities. He also provided other current statistics regarding Cullman's population increase of 23.9% reflected in the 2020 Census; the low employment rate of 1.6%; and current industries are seeking to fill an additional 625 positions; all reiterating that all these facts supporting the need for additional housing.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

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

RESOLUTION NO. 2022-68

TO AWARD BID FOR TAXIWAY PAVEMENT MAINTENANCE AT THE CULLMAN REGIONAL AIRPORT

WHEREAS, bids (R-01884) were opened on May 18th, 2022, at 2:00 p.m. for Taxiway Pavement Maintenance at the Cullman Regional Airport; and

WHEREAS, the lowest responsible bidder for Taxiway Pavement Maintenance at the Cullman Regional Airport; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Ameriseal of Ohio, Inc., is the lowest responsible bidder in the amount of \$142,504.50 which is the base bid plus alternates 1 and 2; and

BE IT RESOLVED by the Cullman City Council that the bid for Taxiway Pavement Maintenance at the Cullman Regional Airport be hereby awarded to Ameriseal of Ohio, Inc. in the amount of \$142,504.50.

ADOPTED BY THE CITY COUNCIL this the 23rd day of May, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 23rd day of May, 2022.

/s/Mayor Woody Jacobs

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

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

RESOLUTION NO. 2022 – 69

TO ENTER INTO CONTRACT WITH GOODWYN, MILLS & CAWOOD FOR THE AIRPORT LAYOUT PLAN

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Goodwyn, Mills & Cawood for professional airport planning and engineering services related to the Cullman Regional Airport Layout Plan; and

NOW THEREFORE BE IT RESOLVED, by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter a contract with Goodwyn, Mills & Cawood related to the Cullman Regional Airport Layout Plan.

ADOPTED BY THE CITY COUNCIL this the 23rd day of May, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 23rd day of May, 2022.

/s/Mayor Woody Jacobs

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:

CITY OF CULLMAN

RESOLUTION NO. 2022-70

TO APPLY FOR HOMELAND SECURITY GRANT PROGRAM

WHEREAS, the City of Cullman has made it known their intention to apply for the Homeland Security Grant Program; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Cullman City Council authorizes the Mayor to submit an application for the Homeland Security Grant Program; and

BE IT FURTHER RESOLVED, that in the event the grant is awarded, the City of Cullman understands that it will sign assurances complying with all applicable Federal and State laws, rules and regulations.

ADOPTED AND APPROVED by the Cullman City Council, on this the 23rd day of May, 2022.

SIGNED FOR THE CULLMAN CITY COUNCIL:

/s/Woody Jacobs, 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 Member Moss made a motion to adopt the following resolution:

**CITY OF CULLMAN
RESOLUTION NO. 2022 – 71**

WHEREAS, the City of Cullman is seeking assistance from the Alabama Department of Economic and Community Affairs (ADECA) for Recreational Trails Program (RTP) Funds to construct a motorized trail at the Palomino RV Resort; and

WHEREAS, ADECA has approved the city’s grant application for a reduced funding amount of \$300,000 from the requested \$400,000 in the City’s original grant application due to limited funding availability.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Cullman will accept the reduced funding amount and will reduce the scope of the project proportionally which will reduce the city’s local matching commitment to \$163,211.00.

BE IT FURTHER RESOLVED, that in the event the grant is awarded, the City understands that it will sign assurances complying with all applicable Federal and State laws, rules and regulations.

ADOPTED AND APPROVED by the City of Cullman, on this the 23rd day of May 2022.

SIGNED FOR THE CULLMAN CITY COUNCIL:

/s/Woody Jacobs, Mayor

ATTEST:

/s/ Wesley Moore, City Clerk

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

Council President Folsom held the second reading of Ordinance No. 2022-16 to rezone property located east of King Edward Street SW and 3rd Ave SE from R-1 Residential District to R-4 Residential District, which received a favorable recommendation from the Planning Commission. Council Member Hollingsworth made a motion to adopt Ordinance No. 2022-16.

**ORDINANCE NO. 2022-16
AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN,
ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

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

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, GLB Cullman, LLC, the following describe the tract or parcel of land, to-wit:

PPIN: 24706. Parcel No.: 17-05-22-1-001-001.000. Property Address: 3rd Avenue SE.

Legal Description: A TRACT OF PARCEL OF LAND CONTAINING 5.15 ACRES OF LAND, MORE OR LESS AND BEING A PART THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 3 WEST, CULLMAN COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A FOUND ½ INCH REBAR MARKING THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SAID SECTION 22, HAVING AN ALABAMA STATE PLANE, WEST ZONE, NAD 83 COORDINATE VALUE OF N. 1514862.92’, E. 2171027.25’ AND RUN THENCE NORTH 89 DEGREES 45 MINUTES 50 SECONDS WEST , (BEARING BASED ON AL. STATE, WEST ZONE, NAD 83, GRID) AND RUN ALONG THE SOUTH RIGHT-OF-WAY OF SIXTEEN STREET SE., A DISTANCE OF 15.00 FEET TO A FOUND 5/8 INCH BAR; THENCE SOUTH 00 DEGREES 20 MINUTES 18 SECONDS WEST , A DISTANCE OF 165.00 FEET TO A FOUND CAPPED CORNER (HARRIS-5742); THENCE NORTH 89 DREGEES 45 MINUTES 50 SECONDS WEST , A DISTANCE OF 236.32 FEET TO A FOUND CAPPED REBAR (CONN-17831) ON THE EAST RIGHT-OF-WAY LINE OF OLD HANCEVILLE HIGHWAY; THENCE SOUTH 00 DEGREES 27 MINUTES 33 SECONDS WEST AND RUN ALONG

SAID RIGHT-OF-WAY LINE,, A DISTANCE OF 250.37 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 15 DEGREES 33 MINUTES 56 SECONDS, A RADIUS OF 1,508.63 FEET, A CHORD BEARING OF SOUTH 07 DEGREES 19 MINUTES 25 SECONDS EAST AND A CHORD LENGTH OF 408.59 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 409.85 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 15 DEGREES 06 MINUTES 23 SECONDS EAST AND CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 520.04 FEET TO A SET REBAR ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 55 MINTUES 09 SECONDS EAST AND RUN ALONG SAID SOUTH LINE, A DISTANCE OF 58.96 FEET TO A FOUND PIPE MARKING THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER; THENCE NORTH 00 DEGREES 19 MINUTES 53 SECNDS EAST. A DISTANCE OF 628.97 FEET TO A FOUND PIPE; THENCE NORTH 00 DEGREES 20 MINUTES 18 SECONDS EAST, A DISTANCE OF 693.83 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY RIGHT-OF-WAY AND/OR EASMENTS OF RECORD.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as R-1 Residential District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from R-1 Residential District to R-4 Residential District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsised, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 9th day of May, 2021 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 23rd day of May, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 23rd day of May, 2022.

/s/Mayor Woody Jacobs

Council Member Moss 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 Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2022-17 to annex properties owned by Joseph and Emalie McGaughey on County Road 1300 and County Road 1301 as R-1 Residential District, which received a favorable recommendation from the Planning Commission. Council Member Moss made a motion to adopt Ordinance No. 2022-17.

ORDINANCE NO. 2022-17

TO ANNEX CERTAIN PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA

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

SECTION 1. The City Council of the City of Cullman finds that the following property owners, Joseph and Emali McGaughey, have petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, owned by the petitioners, be annexed into the City of Cullman:

PPIN: 86957. Parcel No.: 09-08-27-0-001-030.064. Property Address: County Road 1300.

Legal Description: Commence at the Southwest corner of the Southwest Quarter of the Southeast Quarter of Section 27, Township 9 South, Range 3 West; thence North 89 degrees 45 minutes East 735.00 feet to a point; thence North 17 degrees 00 minutes West 114.00 feet; thence North 42 degrees 20 minutes East 334.00 feet to a point; thence South 33 degrees 30 minutes East 128.1 feet to a point; thence South 79 degrees 00 minutes East 177.00 feet to the Point of Beginning; thence from the point of beginning go South 1 degree 22 minutes East 100.00 feet; thence South 51 degrees 58 minutes West 208.1 feet to the North right of way of County Road 1301 (Lake George Road); thence go in an easterly direction along the North right of way of County Road 1301, 357 feet, more or less to the West right of way of County Road 1300; thence in a North/Northeasterly direction along the West right of way of County Road 1300, 325 feet, more or less to the Southeast corner of Lot 1 of Misty Acres South 55 degrees 43 minutes 40 seconds West 148.32 feet to a set rebar and the point of beginning.

To be zoned as R-1 Residential District.

PPIN: 48290. Parcel No.: Lot 1 09-08-27-0-001-030.030. Property Address: 115 County Road 1300.

PPIN 48288. Parcel No.: Lot 2 09-08-27-0-001-030.029.

Lots 1 and 2 of Misty Acres Subdivision as recorded in Map Cabinet B, Slide 151A in the Office of the Judge of Probate of Cullman County, Alabama and being more particularly described as follows:

Begin at a found capped corner (Harris-5742) marking the Northwest corner of said Lot 2, having an Alabama State Plane, West Zone, NAD 83 Coordinate value of N.1536473.40', E.2169522.05' and run South 56 degrees 50 minutes 22 seconds East (bearing based on AL. State Plane, West Zone, NAD 83, grid) and run along the South right-of-way line of Cullman County Road No. 1300, a distance of 229.21 feet to the point of curvature of a curve to the right, having a central angle of 23 degrees 00 minutes 55 seconds, a radius of 312.77 feet, a chord bearing of South 45 degrees 19 minutes 54 seconds East and a chord length of 124.79 feet; thence run along the arc of said curve an arc distance of 125.64 feet to found 5/8 inch rebar marking the Southeast corner of said Lot 1; thence South 55 degrees 43 minutes 40 seconds West, departing said right-of-way line, a distance of 148.32 feet to a set rebar; thence North 78 degrees 21 minutes 42 seconds West, a distance of 176.47 feet to a found 5/8 inch rebar; thence North 33 degrees 14 minutes 44 seconds West, a distance of 128.24 feet to a found 5/8 inch rebar; thence North 28 degrees 57 minutes 15 seconds East, a distance of 175.74 feet to the point of beginning. Description taken from survey of Joseph E. Conn, III, Al. Reg. No. 17831 dated August 21, 2016. Current Deed Book 690, Page 48.

To be zoned as R-1 Residential District.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-1 Residential District.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 23rd day of May, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 23rd day of May, 2022.

/s/Mayor Woody Jacobs

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 President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS

Council Member Moss made a motion to appoint Brad Smith to the City Council Place 1. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Folsom asked for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council President Pro Tem Cook seconded the motion, and the meeting was adjourned at 7:45 p.m. by a voice vote. Ayes: All. Nays: None.