

**CULLMAN CITY COUNCIL MEETING  
MONDAY, JULY 25, 2022 AT 7:00 P.M.  
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 Thursday, July 25, 2022. Assistant Police Chief Dave Nassetta 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, and Council President Jenny Folsom, Council Member Brad Smith, Council Member Clint Hollingsworth. 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 July 7, 2022. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Smith 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, Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from July 7, 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 Pro Tem Cook, Council President Folsom: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

**ADDITIONS/DELETIONS TO AGENDA** – None.

**REPORTS OF STANDING COMMITTEES**

1. Public Safety (Fire, Police, etc.) – Chairman Brad Smith – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook commended garage employee Rod Cook for helping out a visitor from France who is in Cullman to work at Rehau.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth - CPRST Director Nathan Anderson shared that the funding goal has been met to cover the cost of restrooms at the new skateboard park; the waterpark is doing great and 60-70% of visitors are from out of town. Airport Director Ben Harrison reports the airport is applying for grants and creating plans for the next 10 years of improvements.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reported the third quarter financial report shows revenues are up 7.5% and expenses are up 22.2% from last year, but the expenditures are budgeted projects.

**REPORT FROM THE MAYOR**

Mayor Jacobs gave a report to the council regarding the City's operations.

**COMMENTS FROM ANYONE NOT ON THE AGENDA**

Cullman City School System Superintendent, Kyle Kalhoff, reported on the city school system.

**PUBLIC HEARINGS** – None.

**REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS**

Pending finalization of the street closing plan, Council President Pro Tem Cook made a motion to approve a special event request from Judy Caples of the Cullman Downtown Merchants Association for a block party at Depot Park on September 9th, 2022 from 5:00 p.m. until 10:00 p.m. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Smith made a motion to approve a special event request from Chambers Farm and Garden for a fall festival on September 17th, 2022 from 8:00 a.m. until 4:00 p.m. 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 approve a special event request from Cullman Lions Club for Cullman County Fair Parade on October 1st, 2022 starting at 2:00 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 Member Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2022 – 88**

WHEREAS, the City of Cullman intends to apply for state and federal matching funds for airport improvement projects for the Cullman Regional Airport during fiscal year 2023.

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

1. That the City of Cullman is authorized to make an application for airport improvement funding assistance from the State of Alabama Department of Transportation and the Federal Aviation Administration, for the purpose of undertaking a project in fiscal year 2023 to make improvements at the Cullman Regional Airport.
2. That the application be submitted for and on behalf of the City of Cullman by its Mayor who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City.
3. That the City of Cullman is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, and the Federal Aviation Administration, for the purpose of undertaking a project to make improvements at the Cullman Regional Airport, with partial funding provided by the State of Alabama and the Federal Aviation Administration.
4. That the agreement be executed in the name of the City of Cullman for and on behalf of the City of Cullman by its Mayor.
5. That the authority of the City of Cullman to enter into contracts with the State of Alabama and the Federal Aviation Administration has been reviewed by the City's attorney, and in his/her opinion, the City of Cullman is duly authorized to commit the City of Cullman to an agreement with the Alabama Department of Transportation and Federal Aviation Administration.

BE IT FURTHER RESOLVED, that the City of Cullman hereby affirms that the local matching share of funds in the amount required for this airport improvement project has been officially approved, placed into the budget of the airport and is available for expenditure upon execution of the Federal Aviation Administration's and the State of Alabama's funding agreements and the start of the project.

I, the undersigned qualified and acting as the City Clerk, of City of Cullman, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Cullman named therein, at a regular meeting of such body held on the 25th day of July, 2022, and that such resolution is on file in the office of the City of Cullman.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Cullman on this 25th day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

Council Member Smith 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. 2022 – 89**

**TO AWARD BID FOR VARIOUS TYPES OF CONCRETE**

**WHEREAS**, bids (2022-1891) were received on July 21, 2022 at 2:00 p.m. for various types of concrete

**WHEREAS**, the low bidder was Ready Mix USA, LLC., located in Cullman, Alabama;

**BE IT RESOLVED** by the Cullman City Council has evaluated the bids received and has determined that Ready Mix USA, LLC is the lowest responsible bidder; and

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Ready Mix USA, LLC to provide various types of concrete for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 25th day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 25<sup>th</sup> day of July, 2022.

/s/Mayor Woody Jacobs

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

Abstained: Council Member Smith.

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

**RESOLUTION NO. 2022 – 90**

**TO AWARD BID FOR VARIOUS TYPES OF ROCK**

WHEREAS, bids (2022-1890) were opened on July 21, 2022 at 2:00 p.m. for various types of rock for the City of Cullman

WHEREAS, the low bidder was Wiregrass Construction Company located in Cullman, Alabama;

BE IT RESOLVED by the Cullman City Council has evaluated the bids received and has determined that Wiregrass Construction Company is the lowest responsible bidder; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Wiregrass Construction Company to provide various types of rock for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 25<sup>th</sup> day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 25<sup>th</sup> day of July, 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 President Pro Tem Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2022-91**

**AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN THE CITY OF CULLMAN, ALABAMA AND THE UNITED WAY OF CULLMAN COUNTY**

WHEREAS, the Lease Agreement between the City of Cullman and the United Way of Cullman County for the Cullman Train Depot will be for one calendar month beginning on the 1<sup>st</sup> day of August, 2022; and

WHEREAS, the City of Cullman to renew the Lease Agreement for the Cullman Train Depot with the United Way of Cullman County on a month to month basis until terminated;

WHEREAS, the Cullman City Council has determined that renewing the Lease Agreement with the United Way of Cullman County would serve a public purpose and that the United Way of Cullman County provides a valuable service for the citizens of Cullman County and the City of Cullman;

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the Mayor Woody Jacobs is hereby authorized to execute a lease agreement with United Way of Cullman County for Cullman Train Depot beginning on the 1<sup>st</sup> day of August 2022.

ADOPTED BY THE CITY COUNCIL this the 25<sup>th</sup> day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 25<sup>th</sup> day of July, 2022.

/s/Mayor Woody Jacobs

Council Member Smith 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. 2022-92**

**TO AWARD THE BID FOR PIPE AND MATERIALS FOR WARNKE ROAD IMPROVEMENTS**

WHEREAS, bids (2022-1895) were opened on July 19, 2022, at 2:00 p.m. for pipe and materials for the Warnke Road Improvements for the City of Cullman,

WHEREAS, the following bids were opened:

Consolidated Pipe	Decatur, AL	\$ 301,510.15
Core & Main	Huntsville, AL	\$ 311,506.60

Empire Pipe	Birmingham, AL	\$ No Bid
Ferguson Waterworks	Pelham, AL	\$ 270,430.97
<b>Southern Pipe &amp; Supply</b>	<b>Birmingham, AL</b>	<b>\$ 252,560.69</b>

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Southern Pipe and Supply was the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for pipe and materials for the Warnke Road Improvements be awarded to Southern Pipe and Supply.

ADOPTED BY THE CITY COUNCIL this the 25th day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 25<sup>th</sup> day of July, 2022.

/s/Mayor Woody Jacobs

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

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

**RESOLUTION NO. 2022-93**  
**TO AWARD THE BID FOR SUPPLYING AND INSTALLING FENCING AND GATES**

WHEREAS, bids (2022-1893) were opened on July 21, 2022, at 2:00 p.m. for supplying and installing fencing and gates at the Cullman Regional Airport,

WHEREAS, the following bids were opened:

Aegis Fence Company	Cullman, AL	No Bid
Parris Chain Link Fence Company	Cullman, AL	\$ 25,633.00
Robertson Fencing Company	Holly Pond, AL	No Bid

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Parris Fence Company is the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for supplying and installing fencing and gates at the Cullman Regional Airport be awarded to Parris Fence Company.

ADOPTED BY THE CITY COUNCIL this the 25th day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 25<sup>th</sup> day of July, 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:

**RESOLUTION NO. 2022-94**  
**A RESOLUTION AUTHORIZING THE CITY OF CULLMAN TO JOIN THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS AS PARTICIPANTS IN CURRENT AND FUTURE OPIOID SETTLEMENTS**

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Alabama, and the City of Cullman, Alabama.

WHEREAS, the City of Cullman has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Alabama and some Alabama local governments have filed lawsuits against opioid manufacturers, distributors, and retailers ("Opioid Litigation");

WHEREAS, the State of Alabama has entered into various Settlement Agreements and are likely to enter into additional agreements in the future which include the claims for the State of Alabama's local governments;

WHEREAS, the City of Cullman finds the terms of the current Settlement Agreements acceptable and in the best interest of the community and anticipates the terms of the future Settlement Agreements to be similarly acceptable;

WHEREAS, the State of Alabama has prepared and presented Settlement Sign-On Agreements to the local governments and the City of Cullman finds the terms of the Sign-On Agreement acceptable and in the best interest of the community;

WHEREAS, the current and future Settlement Agreements and Sign-On Agreements will detail the allocation of Settlement Funds, which the City of Cullman finds acceptable and in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA,

Section 1. That the City of Cullman finds that the participation in the various Opioid Settlements, Settlement Agreements and Sign-On Agreement is in the best interest of the City of Cullman and its citizens because such a plan would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. That the City of Cullman hereby expresses its support for the Settlement of various Opioid claims and allocation and use of Settlement Funds as generally described in the Settlement Agreement and Sign-On Agreement.

Section 3. That the City of Cullman's Clerk ("City Clerk") is hereby expressly authorized to execute the Settlement Sign-On Agreements and the City Clerk is hereby authorized to execute any formal agreements necessary to implement the Settlements and plan for the allocation and use of Settlement Funds.

Section 4. That the City Clerk is hereby expressly authorized to execute any formal agreement and related documents evidencing the City of Cullman's agreement to the settlement of claims and litigation related to the Opioid Epidemic.

Section 5. That the City Clerk is authorized to take such other action as necessary and appropriate to effectuate the City of Cullman's participation in any Settlement related to the Opioid Epidemic.

Section 6. This Resolution is effective upon adoption, the welfare of the City of Cullman, Alabama requiring it.

ADOPTED this the 25th day of July, 2022.

ATTEST: /s/ Wesley M. Moore

**Exhibit D**  
**Subdivision Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated **June 2, 2022** ("*Agreement*"), and acting through the undersigned authorized official, hereby elects to participate in the Agreement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Agreement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Agreement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Execution Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has

filed.

3. The Governmental Entity agrees to the terms of the Agreement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Agreement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning on or after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Agreement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the Circuit Court for Montgomery County, Alabama for purposes limited to that Court's role as provided in, and for resolving disputes to the extent provided in, the Agreement. The Governmental Entity likewise agrees to arbitrate disputes to the extent provided in the Agreement.
7. The Governmental Entity has the right to enforce the Agreement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Agreement, including, but not limited to, all provisions of Section V of the Agreement, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Agreement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Agreement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Agreement.
10. A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Agreement.
11. Nothing herein is intended to modify in any way the terms of the Agreement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Agreement in any respect, the Agreement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: /s/ Woody Jacobs  
Name: Woody Jacobs  
Title: Mayor  
Date: July 25, 2022

### **SIGN-ON**

The undersigned, as a duly appointed representative of the City of Cullman, has read the attached Sign-On Agreement, understands its terms, and agrees to be bound by those terms.

Done, this the 25<sup>th</sup> day of July, 2022.

/s/ Woody Jacobs  
Mayor  
City of Cullman

# DRAFT

## **EXHIBIT B** **Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated April 1, 2022 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision or Special District as provided therein.
2. The Governmental Entity shall, within 30 days of the execution of this Settlement Participation Form, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions or Special Districts as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

### **SIGN-ON**

The undersigned, as a duly appointed representative of the City of Cullman, has read the attached Sign-On Agreement, understands its terms, and agrees to be bound by those terms.

Done, this the 25<sup>th</sup> day of July, 2022.

/s/ Woody Jacobs  
Mayor  
City of Cullman

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: /s/ Woody Jacobs  
Name: Woody Jacobs  
Title: Mayor  
Date: July 25, 2022

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



# DRAFT

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

**RESOLUTION NO. 2022 – 95**  
**APPROVING CHANGE ORDER NO. 3 FOR AQUATIC DEVELOPMENT GROUP**

WHEREAS, the Cullman City Council awarded the bid for Cullman Wellness and Wellness Center for a waterpark expansion project to Aquatic Development Group in the amount of \$6,736,000;

WHEREAS, the City of Cullman approved Change Order No. 1 to increase the project cost by \$636,360 for additional and improved features at the “Wild Water” Waterpark including but not limited to a larger wave pool; and

WHEREAS, the City of Cullman approved Change Order No. 2 to decrease the project cost by \$212,000 to remove the concessions building and also remove perimeter and interior fencing at the “Wild Water” Waterpark; and

WHEREAS, the City of Cullman wishes to approve Change Order No. 3 to further decrease the project cost by \$66,224.56 for additional work performed by the City; and

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 3 which will decrease the total cost of the contract with Aquatic Development Group to \$7,094,135.44.

ADOPTED BY THE CITY COUNCIL this the 25<sup>th</sup> day of July, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 25<sup>th</sup> day of July, 2022.

/s/Mayor Woody Jacobs

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

## BOARD APPOINTMENTS

Council President Pro Tem Cook made a motion to appoint Brad Jones in the supernumary position on the Zoning Board of Adjustment. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Smith made a motion to appoint Suzanne Harbin to replace Tim Culpepper on the Industrial Development Board. 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 appoint Tabitha Smothers to replace Jasef Wisener on the CATS 55 TV Board. Council President Pro Tem Cook 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 appoint BJ Morgan to replace Nona Moon on the Tree Commission. 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 Member Smith seconded the motion, and the meeting was adjourned at 7:32 p.m. by a voice vote. Ayes: All. Nays: None.