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## CULLMAN CITY COUNCIL MEETING MONDAY, JANUARY 9, 2023 AT 7:00 P.M. IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:03 p.m. on Monday, January 9, 2023. Fire Division Chief Danny Cain 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 President Pro Tem Johnny Cook, Council Member David Moss, Council Member Brad Smith, and Council Member Clint Hollingsworth. Also present were Mayor Woody Jacobs, City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from December 12, 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 Brad Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from December 12, 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 Moss: Aye. Council Member Brad 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 - 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** - Mayor Jacobs presented the following memorial resolution to the family of Shawn Crider, a member of the Cullman Industrial Development Board:

### MEMORIAL RESOLUTION

#### Honoring the Life and Service of Industrial Development Board Member Shawn Crider

**WHEREAS**, the people of Cullman were shocked and grieved to learn of the sudden and untimely death of Shawn Crider on December 30, 2022; and,

**WHEREAS**, Shawn was appointed to serve on the City of Cullman Industrial Development Board in November 2011 and served as a member of that board for eleven years; and,

**WHEREAS**, Shawn's background, experience, knowledge, enthusiasm, devotion to duty, and love of community were integral to the board's success and to Cullman's remarkable growth and development; and,

**WHEREAS**, in addition to his public service, Shawn was a well-known and successful businessman and a beloved and devoted husband, father, son, brother, uncle, and friend; and,

**WHEREAS**, Shawn gained the respect, admiration, highest regards, and affection of all those with whom he came into contact and leaves behind a legacy of love and service that will continue to inspire those who knew and loved him and, also, positively impact our entire community for generations to come.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of Cullman, Alabama, on behalf of our citizens, hereby take public and official recognition of the life and service of Shawn Crider and express our gratitude and appreciation for the countless ways in which he was an influence for good in the growth and progress of our community throughout his life.

**BE IT FURTHER RESOLVED** that this resolution be spread upon the permanent minutes of the Cullman City Council and that a copy of same be presented to the family of Shawn Crider along with our deepest and sincerest condolences.

**ADOPTED** this the 9<sup>th</sup> day of January 2023.

/s/Woody Jacobs, Mayor

CULLMAN CITY COUNCIL

/s/Jenny Folsom, President, /s/John W. Cook, President Pro-Tem,

# DRAFT

/s/Brad Smith, /s/David Moss, /s/Clint Hollingsworth

Attest:

/s/Wesley M. Moore, City Clerk

## COMMENTS FROM ANYONE NOT ON THE AGENDA

John Hamrick of 1612 Hamrick Lane SE, spoke regarding the housing development on Old Hanceville Highway and King Edward Street.

## PUBLIC HEARINGS

Council President Folsom opened the public hearing at 7:17 p.m. for Ordinance No. 2023-09 to rezone Lot 2 of Bark-ley Plumbing Contractors property located on the corner of Bolte Road and Old Hanceville Highway from M-2 Manufacturing to B-2 Business District which received a favorable recommendation from the Planning Commission. With no one wishing to speak on this proposed rezoning, the public hearing was closed at 7:18 p.m.

Council President Pro Tem set a public hearing on February 13<sup>th</sup>, 2023, at 7:00 p.m. for Resolution No. 2023-17 for the vacation and surplus of a portion of Twelfth Way NW and Twelfth Street NW which is no longer needed for public or municipal purposes.

## REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council President Pro Tem Cook made a motion to approve a request from Joyce Nix of St. Bernard School for the annual Bloomin' Festival held at St. Bernard Preparatory School on April 22 - 23, 2023. Council Smith 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. 2023 – 12

#### TO ESTABLISH THE CULLMAN CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2023

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:

Monday, January 9th, 2023 at 7:00 p.m.  
Monday, January 23rd, 2023 at 7:00 p.m.

Friday, July 7th, 2023 at Noon  
Monday, July 24th, 2023 at 7:00 p.m.

Monday, February 13th, 2023 at 7:00 p.m.  
Monday, February 20th, 2023 at 7:00 p.m.

Monday, August 14th, 2023 at 7:00 p.m.  
Monday, August 21st, 2023 at 7:00 p.m.

Monday, March 6th, 2023 at 7:00 p.m.  
Monday, March 20th, 2023 at 7:00 p.m.

Monday, September 11th, 2023 at 7:00 p.m.  
Monday, September 25th, 2023 at 7:00 p.m.

Monday, April 10th, 2023 at 7:00 p.m.  
Monday, April 17th, 2023 at 7:00 p.m.

Monday, October 2nd, 2023 at 7:00 p.m.  
Monday, October 30th, 2023 at 7:00 p.m.

Monday, May 8th, 2023 at 7:00 p.m.  
Monday, May 15th, 2023 at 7:00 p.m.

Monday, November 13th, 2023 at 7:00 p.m.  
Monday, November 27th, 2023 at 7:00 p.m.

Monday, June 5th, 2023 at 7:00 p.m.  
Monday, June 26th, 2023 at 7:00 p.m.

Monday, December 4th, 2023 at 7:00 p.m.  
Monday, December 11th, 2023 at 7:00 p.m.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the schedule of dates and times for the Cullman City Council Meetings are hereby adopted.

ADOPTED BY THE CITY COUNCIL this the 9<sup>th</sup> day of January, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 9th day of January, 2023.

/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.

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

**RESOLUTION NO. 2023 – 13**

**TO AWARD THE BID FOR PAINTING AT THE CULLMAN COUNTY MUSEUM**

WHEREAS, bids (2022-1900) were opened on December 15th, 2022, at 2:00 p.m. for painting at the Cullman County Museum,

WHEREAS, the following bids were opened:

|                  |             |              |
|------------------|-------------|--------------|
| A-1 Painting     | Cullman, AL | \$ 23,200.00 |
| S & S Painting   | Cullman, AL | \$ 11,200.00 |
| Serrano Painting | Cullman, AL | \$ 10,320.00 |

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Serrano Painting was the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid in the amount of \$10,320.00 for painting at the Cullman County Museum be awarded to the lowest responsible bidder, Serrano Painting.

ADOPTED BY THE CITY COUNCIL this the 9<sup>th</sup> day of January, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 9th day of January, 2023.

/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 Moss made a motion to adopt the following resolution:

**CITY OF CULLMAN  
RESOLUTION NO. 2023-14**

WHEREAS, the City of Cullman has received a Transportation Alternatives Program (TAP) Grant from the Alabama Department of Transportation (ALDOT) to rehabilitate and construct new handicapped accessible sidewalks in the Downtown Cullman along 2nd Avenue NE from Arnold Street NE to Clark NE Street (Project #: TAPAA-TA22 (903)); and

THEREFORE, in accordance with ALDOT regulations the City of Cullman has solicited and received bids from qualified construction companies to construct the above referenced sidewalk improvement activities in accordance with the approved plans and specifications.

NOW, THEREFORE, be it resolved that the City Council and St. John and Associates has evaluated the bids received and has determined that Powe General Contracting, LLC is the low bidder on the construction portion of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to award a construction contract upon receipt of the approval of the Alabama Department of Transportation to Powe General Contracting, LLC in the amount of \$1,029,277.96 to complete all sidewalk improvement activities associated with the above referenced project.

READ AND ADOPTED this the 9th day of January 2023.

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 Member Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2023 – 15**

**TO ENTER INTO CONTRACT WITH GOODWYN, MILLS & CAWOOD FOR THE  
CULLMAN REGIONAL AIRPORT TERMINAL APRON REHABILITATION**

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 Terminal Apron Rehabilitation; and

# DRAFT

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 Terminal Apron Rehabilitation.

ADOPTED BY THE CITY COUNCIL this the 9th day of January, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 9th day of January, 2023.

/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 Hollingsworth made a motion to adopt the following resolution:

## RESOLUTION NO. 2023 – 16

### 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, subject to approval by the Mayor, with Cohen, Carnaggio & Reynolds, Inc. for supplemental design, architectural, and structural engineering services for the new Cullman Civic 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, subject to approval by the Mayor, with Cohen, Carnaggio & Reynolds, Inc. for supplemental exterior and interior design, architectural, and structural engineering services for the new Cullman Civic Complex.

ADOPTED BY THE CITY COUNCIL this the 9<sup>th</sup> day of January, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 9th day of January, 2023.

/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.

Council President Jenny Folsom held the first reading Ordinance No. 2023-09 to rezone Lot 2 of Bark-ley Plumbing Contractors property located on the corner of Bolte Road and Old Hanceville Highway from M-2 Manufacturing to B-2 Business District. Council President Pro Tem Cook made a motion to suspend the rules. Council Member Hollingsworth seconded the motion 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 Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2023-09. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. 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 adopt Ordinance No. 2023-09.

## ORDINANCE NO. 2023 - 09

# DRAFT

## 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, the petitioner, the following describe the tract or parcel of land, to-wit:

Property Owner: Bark-ley Plumbing Contractors, Inc.  
PPIN: 28034. Parcel No.: 17-07-26-2-001-001.000.  
Property Address: Bolte Road and Old Hanceville Highway.  
Legal Description:

A TRACT OR PARCEL OF LAND CONTAINING 1.00 ACRES OF LAND, MORE OR LESS AND BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 SOUTH, RANGE 3 WEST, CULLMAN COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT A FOUND BAR MARKING THE NORTHWEST CORNER OF SAID QUARTER-QUARTER HAVING AN ALABAMA STATE PLANE, WEST ZONE, NAD 83 COORDINATE VALUE OF N. 1509571.86', E 2170996.26' AND RUN THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS EAST (BEARING BASED ON AL. STATE PLANE, WEST ZONE, NAD 83, GRID, A DISTANCE OF 790.85 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 55 SECONDS EAST, A DISTANCE OF 7.46 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BOLTE ROAD; THENCE SOUTH 89 DEGREES 49 MINUTES 39 SECONDS EAST AND RUN ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 207.98 FEET TO A SET REBAR (CONN-17831) MARKING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 49 MINUTES 39 SECONDS EAST, A DISTANCE OF 144.42 FEET TO A FOUND PIPE MARKING THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF OLD HANCEVILLE HIGHWAY; THENCE SOUTH 31 DEGREES 45 MINUTES 30 SECONDS EAST AND RUN ALONG SAID WEST LINE, A DISTANCE OF 246.14 FEET TO A FOUND REBAR; THENCE NORTH 89 DEGREES 49 MINUTES 14 SECONDS WEST, A DISTANCE OF 274.09 FEET TO A SET REBAR; THENCE NORTH 00 DEGREES 02 MINUTES 01 SECONDS EAST, A DISTANCE OF 208.86 FEET TO THE POINT OF BEGINNING.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as M-1 Manufacturing 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 M-2 Manufacturing District to B-2 Business 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 synopsis, 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 9<sup>th</sup> day of January, 2023 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 9th day of January, 2023.

/s/ Jenny Folsom, President of the City Council

# DRAFT

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 9th day of January, 2023.

/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 Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Absent. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the first reading Ordinance No. 2023-13 to authorize the issuance of general obligation warrant Series 2023-CWSRF-DL. Council President Pro Tem Cook made a motion to suspend the rules. Council Member Hollingsworth seconded the motion 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 Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2023-09. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to adopt Ordinance No. 2023-13.

**ORDINANCE NO. 2023-13**  
**AN ORDINANCE TO AUTHORIZE THE ISSUANCE**  
**OF ONE \$3,880,000 GENERAL OBLIGATION WARRANT**  
**SERIES 2023-CWSRF-DL**

**BE IT ORDAINED** by the City Council of the City of Cullman, Alabama, a municipal corporation under the laws of the State of Alabama (the "City"), as follows:

## ARTICLE I

### DEFINITIONS AND USE OF PHRASES

**Section 1.1 Definitions.** The following words and phrases and others evidently intended as the equivalent thereof shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"**ADEM**" means the Alabama Department of Environmental Management, an agency of the State of Alabama created pursuant to Chapter 22A of Title 22 of the Code of Alabama 1975, as amended.

"**Allowable Costs**" shall have the meaning given to such term in the Special Loan Conditions Agreement.

"**Authority**" means the Alabama Water Pollution Control Authority, a public corporation under the laws of the State of Alabama.

"**Authority Loan**" means the loan in the initial amount of \$3,880,000 made to the City by the Authority, the repayment of which is evidenced by the Series 2023-CWSRF-DL Warrant.

"**Authority Trustee**" means The Bank of New York Mellon Trust Company, N.A., as successor trustee to J.P. Morgan Trust Company, N.A., under the Master Authority Trust Indenture.

"**Authority Trustee Prime Rate**" means the rate of interest established (whether or not charged) from time to time by the Authority Trustee as its general reference rate of interest, after taking into account such factors as the Authority Trustee may from time to time deem appropriate in its sole discretion (it being understood, however, that the Authority Trustee may from time to time make various loans at rates of interest having no relationship to such general reference rate of interest).

"**City**" means the City of Cullman, Alabama, a municipal corporation under the laws of the State of Alabama.

"**City Sewer System**" means the entire sanitary sewer system owned by the City and all additions thereto and replacements thereof, and all properties, rights easements and franchises appurtenant thereto, whether any of the said properties are now owned by the City or may be hereafter acquired by it.

"**Council**" means the governing body of the City as from time to time constituted.

"**Davis-Bacon Act**" means the Davis-Bacon Act of 1931, P.L. No. 403.

"**Holder**" means the person in whose name the Series 2023-CWSRF-DL Warrant is registered.

# DRAFT

"**Interest Payment Date**" means each February 15 and August 15, commencing February 15, 2023, and continuing until and including the maturity of the Series 2023-CWSRF-DL Warrant.

"**Loan Amount**" means the sum of \$3,880,000.

"**Master Authority Trust Indenture**" means the Master Direct Loan Trust Indenture from the Authority to the Authority Trustee, dated as of January 1, 2004.

"**Project**" means the improvements to the City Sewer System to be constructed with proceeds of the Authority Loan in accordance with the provisions of the Special Loan Conditions Agreement.

"**Project Fund**" means the Project Fund created in the Master Authority Trust Indenture wherein proceeds of the Authority Loan will be deposited and held pending disbursement to or on behalf of the City for Allowable Costs respecting the Project.

"**Project Funds**" means the amount from the Authority Loan deposited into the Project Fund.

"**Redemption Date**" means the date fixed for redemption of any principal installments of the Series 2023-CWSRF-DL Warrant in a Resolution adopted pursuant to the provisions of Section 3.1(e) hereof.

"**Redemption Price**" means the price at which the Series 2023-CWSRF-DL Warrant or principal installments thereof called for redemption and prepayment may be redeemed on the Redemption Date.

"**Resolution**" or "**Ordinance**" means a resolution or ordinance adopted by the Council.

"**Series 2023-CWSRF-DL Warrant**" without other qualifying words, means the \$3,880,000 General Obligation Warrant, Series 2023-CWSRF-DL, herein authorized evidencing the obligation of the City to repay the Authority Loan.

"**Special Loan Conditions Agreement**" means the Special Authority Loan Conditions Agreement (CWSRF) among the City, the Authority and ADEM, dated as of December 15, 2022.

"**United States Securities**" means any securities that are direct obligations of the United States of America and any securities with respect to which payment of the principal thereof and the interest thereon is unconditionally guaranteed by the United States of America.

"**Warrant Fund**" shall have the meaning given to such term in Section 3.3(a) hereof.

**Section 1.2 Use of Words and Phrases.** The following words and phrases, where used in this Resolution, shall be given the following and respective interpretations:

"Herein," "hereby," "hereunder," "hereof" and other equivalent words refer to this Resolution as an entirety and not solely to the particular portion hereof in which any such word is used.

The definitions set forth in Section 1.1 hereof shall be deemed applicable whether the words defined are herein used in the singular or plural.

Any pronoun or pronouns used herein in any fashion shall be deemed to include both singular and plural and to cover all genders.

## ARTICLE II

### FINDINGS

**Section 2.1 Findings.** The Council does hereby find and declare that the following facts are true and correct:

(a) It is necessary, desirable and in the public interest that the City make certain capital improvements to the City Sewer System (the "Project"), the estimated costs of the said improvements being approximately \$3,880,000. The City has heretofore filed an application with ADEM for the purpose of obtaining a loan from the Authority (the "Authority Loan") to provide funds to pay a portion of the costs of the Project, to pay capitalized interest, and to pay a portion of the costs of obtaining said loan.

# DRAFT

(b) The award of the loan to the City will be of substantial economic benefit to the City and the public by reducing the amount of interest that would be payable by the City if the funds were provided from sources other than from the Authority Loan.

(c) The current capitalization grant agreement between the Authority and the United States Environmental Protection Agency requires, among other things, that all projects funded in whole or part with Authority funds, including the Project, be constructed in accordance with certain provisions of the Davis-Bacon Act and with certain requirements pertaining to use of United States-produced iron and steel.

(d) The Council deems it necessary, desirable and in the public interest that the City obtain the Authority Loan for the purpose of providing funds to finance the costs of the Project, to pay capitalized interest, and paying a portion of the costs of obtaining the Authority Loan. In order to accept the Authority Loan and to evidence the obligation of the City to repay the Authority Loan, the City deems it necessary, desirable and in the public interest that the Series 2023-CWSRF-DL Warrant hereinafter authorized be issued.

(e) The City is not in default under any Resolution or Ordinance authorizing any outstanding indebtedness of the City, and no such default is imminent.

## ARTICLE III

### ACCEPTANCE OF AUTHORITY LOAN AND ISSUANCE OF SERIES 2023-CWSRF-DL WARRANT

**Section 3.1** (a) **Authority Loan Made and Accepted.** In consideration of the mutual promises and agreements made in the Special Loan Conditions Agreement, in this Ordinance and in the Series 2023-CWSRF-DL Warrant, and subject to the terms and conditions of each, the City, by the delivery of the Series 2023-CWSRF-DL Warrant, accepts the Authority Loan that the Authority has, upon delivery to it of the Series 2023-CWSRF-DL Warrant, made available to the City in the Loan Amount in the manner and to the extent specified in the Special Loan Conditions Agreement.

(b) **Authorization and Description of the Series 2023-CWSRF-DL Warrant.** Pursuant to the applicable provisions of the Constitution and laws of the State of Alabama, including particularly Section 11-47-2 and Section 11-81-4 of the Code of Alabama 1975, as amended, and for the purpose of evidencing the obligation of the City to repay the Authority Loan, there is hereby authorized to be issued by the City one fully registered General Obligation Warrant, Series 2023-CWSRF-DL, in the aggregate principal amount of \$3,880,000. The Series 2023-CWSRF-DL Warrant shall be issued as one fully registered warrant without coupons, shall be dated December 15, 2022, and shall mature and become payable on August 15 in the following principal installments in the following years:

| Year | Principal<br>Amount<br>Maturing |
|------|---------------------------------|
| 2023 | \$160,000                       |
| 2024 | 165,000                         |
| 2025 | 165,000                         |
| 2027 | 170,000                         |
| 2027 | 175,000                         |
| 2028 | 175,000                         |
| 2029 | 180,000                         |
| 2030 | 185,000                         |
| 2031 | 185,000                         |
| 2032 | 190,000                         |
| 2033 | 195,000                         |
| 2034 | 200,000                         |
| 2035 | 200,000                         |
| 2036 | 205,000                         |
| 2037 | 210,000                         |
| 2038 | 215,000                         |
| 2039 | 220,000                         |
| 2040 | 225,000                         |
| 2041 | 230,000                         |
| 2042 | 230,000                         |

The Series 2023-CWSRF-DL Warrant shall be initially issued and registered in the name of the Authority.



# DRAFT

(c) **Interest Rate and Method of Payment of Principal and Interest.** The principal installments of the Series 2023-CWSRF-DL Warrant shall bear interest from December 15, 2022 until their respective due dates at the per annum rate of interest of 1.99%, computed on the basis of a 360 day year consisting of 12 consecutive 30 day months, all as reflected in the amortization schedule set forth in Appendix C to the Special Loan Conditions Agreement. Interest shall be payable semiannually on each February 15 and August 15, commencing February 15, 2023, until and at the final maturity of the Series 2023-CWSRF-DL Warrant. Interest accruing on the Series 2023-CWSRF-DL Warrant from December 15, 2022 through and including February 28, 2023, is included in the principal amount of the Series 2023-CWSRF-DL Warrant as the "Capitalized Interest Amount" (as such term is defined in the Special Loan Conditions Agreement) and shall be remitted to the Holder by the City out of funds from the Authority Loan held by the Holder for such purpose). Payment of the principal of and interest on the Series 2023-CWSRF-DL Warrant shall be payable in lawful money of the United States of America by check or draft mailed by the City to the lawful holder of the Series 2023-CWSRF-DL Warrant at the address shown on the registry books of the Authority Trustee pertaining to the Series 2023-CWSRF-DL Warrant; provided, that so long as the Authority is the registered Holder of the Series 2023-CWSRF-DL Warrant, payment of the principal of and the interest on the Series 2023-CWSRF-DL Warrant shall be made by the City in accordance with instructions given by the Authority.

(d) **Interest Rate and Loan Amount after Maturity.** Each installment of principal of and interest on the Series 2023-CWSRF-DL Warrant shall bear interest after its due date until paid at a per annum rate of interest equal to 2% above the Authority Trustee Prime Rate.

(e) **Redemption Provisions.** Those of the principal installments of the Series 2023-CWSRF-DL Warrant having stated maturities on August 15, 2033, and thereafter, may be redeemed and paid prior to their respective maturities, at the option of the City, as a whole or in part (but if in part, in the inverse order of installments of principal), on August 15, 2032, and on any date thereafter, at and for a redemption price with respect to each principal installment of the Series 2023-CWSRF-DL Warrant redeemed equal to the principal prepaid plus accrued interest thereon to the Redemption Date. Any such redemption or prepayment of the Series 2023-CWSRF-DL Warrant shall be effected in the following manner:

(1) **Call.** The City shall by Resolution or Ordinance call for redemption and prepayment of the Series 2023-CWSRF-DL Warrant (or principal portions thereof) on the stated date when it is by its terms subject to redemption, and shall recite in said Resolution that the City is not in default with respect to payment of the principal of or interest on the Series 2023-CWSRF-DL Warrant.

(2) **Notice.** The Authority Trustee shall forward by United States Registered Mail or United States Certified Mail to the Holder of the Series 2023-CWSRF-DL Warrant a notice stating the following: (I) that the Series 2023-CWSRF-DL Warrant (or principal installments thereof) has been called for redemption and will become due and payable at the Redemption Price, on a specified Redemption Date, and (II) that all interest on the Series 2023-CWSRF-DL Warrant will cease after the Redemption Date. Such notice shall be so mailed not less than forty-five (45) days nor more than ninety (90) days prior to the Redemption Date. The Holder of the Series 2023-CWSRF-DL Warrant may waive the requirements of this subsection.

(3) **Payment of Redemption Price.** Not later than forty-five (45) days prior to the Redemption Date, the City shall make available at the Authority Trustee the total Redemption Price of the Series 2023-CWSRF-DL Warrant or principal installments thereof so called for redemption and shall further provide to the Authority a certified copy of the Resolution required in subsection (a) of this section.

Upon compliance by the City with the foregoing requirements on its part contained in this subsection, and if the City is not on the Redemption Date in default with respect to the payment of the principal of or interest on the Series 2023-CWSRF-DL Warrant, the Series 2023-CWSRF-DL Warrant (or principal portions thereof) called for redemption shall become due and payable at the Redemption Price on the Redemption Date specified in such notice, anything herein or in the Series 2023-CWSRF-DL Warrant to the contrary notwithstanding, and the Holder thereof shall then and there surrender the Series 2023-CWSRF-DL Warrant for redemption; provided however, that in the event that less than all of the outstanding principal of the Series 2023-CWSRF-DL Warrant is to be redeemed, the registered Holder thereof shall surrender the Series 2023-CWSRF-DL Warrant that is to be prepaid in part to the Authority Trustee in exchange, without expense to the Holder, for a new Series 2023-CWSRF-DL Warrant of like tenor, except in a principal amount equal to the unredeemed portion of the Series 2023-CWSRF-DL Warrant. All future interest on the Series 2023-CWSRF-DL Warrant (or principal portions thereof) so called for redemption shall cease to accrue after the Redemption Date. Out of the moneys so deposited with it, the Authority Trustee shall make provision for payment of the Series 2023-CWSRF-DL Warrant (or principal portions thereof) so called for redemption at the Redemption Price and on the Redemption Date.

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**Section 3.2 General Obligation of City.** The indebtedness evidenced and ordered paid by the Series 2023-CWSRF-DL Warrant is and shall be a general obligation of the City to which the full faith and credit of the City are hereby irrevocably pledged.

**Section 3.3 Warrant Fund.** (a) **Payments Therein and Use and Continuance Thereof.** There is hereby created a special fund to be designated the "City of Cullman Series 2023-CWSRF-DL Warrant Fund" (the "Warrant Fund") for the purpose of providing for payment of the principal of and interest on the Series 2023-CWSRF-DL Warrant, at the respective maturities of said principal and interest, which special fund shall be maintained until the principal of and interest on the Series 2023-CWSRF-DL Warrant has been paid in full. On or before February 15, 2023, and on or before each August 15 and February 15 thereafter until the principal of and interest on the Series 2023-CWSRF-DL Warrant shall have been paid in full, the City will pay into the Warrant Fund an amount equal to the sum of (i) the interest that will mature on the Series 2023-CWSRF-DL Warrant on such February 15 or August 15, as the case may be, plus (ii) the principal installment that will mature on the Series 2023-CWSRF-DL Warrant on such August 15 (interest on the Series 2023-CWSRF-DL Warrant from December 15, 2022, until and including February 28, 2023, having been capitalized).

(b) **Use of Moneys in Warrant Fund.** All moneys paid into the Warrant Fund shall be used only for payment of the principal of and the interest on the Series 2023-CWSRF-DL Warrant upon or after the respective maturities of such principal and interest; provided, that if at the final maturity of the Series 2023-CWSRF-DL Warrant, however the same may mature, there shall be in the Warrant Fund moneys in excess of what shall be required to pay in full the principal of and the interest on the Series 2023-CWSRF-DL Warrant, then any such excess shall thereupon be returned to the City.

(c) **Appointment of Authority Trustee.** The City hereby appoints The Bank of New York Mellon Trust Company, N.A., as registrar and paying agent with respect to the Series 2023-CWSRF-DL Warrant. The City shall have no liability for payment of any charges or fees of the Authority Trustee in acting in such capacity, it being understood that all such charges or fees shall be the sole responsibility of the Authority.

(d) **Trust Nature of and Security for the Warrant Fund.** The Warrant Fund shall be and at all times remain public funds impressed with a trust for the purpose for which the Warrant Fund is herein created. Each depository for any part of the Warrant Fund shall at all times keep the moneys on deposit with it in the Warrant Fund continuously secured for the benefit of the City and the Holder of the Series 2023-CWSRF-DL Warrant either:

(1) by holding on deposit as collateral security United States Securities or other marketable securities eligible as security for the deposit of trust funds under regulations of the Board of Governors of the Federal Reserve System, having a market value (exclusive of accrued interest) not less than the amount of moneys on deposit in the Series 2023-CWSRF-DL Warrant Fund, or

(2) if the furnishing of security in the manner provided in the foregoing clause (1) of this sentence is not permitted by the then applicable law and regulations, then in such other manner as may be required or permitted by the applicable state and federal laws and regulations respecting the security for, or granting a preference in the case of, the deposit of public funds;

provided, however, that it shall not be necessary for any such depository so to secure any portion of the moneys on deposit in the Warrant Fund that may be insured by the Federal Deposit Insurance Corporation (or by any agency of the United States of America that may succeed to its functions).

**Section 3.4 Form of Series 2023-CWSRF-DL Warrant.** The Series 2023-CWSRF-DL Warrant shall be in substantially the following form, with such insertions, omissions and other variations as may be necessary to conform to the provisions hereof:

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(Form of Series 2023-CWSRF-DL Warrant)

**UNITED STATES OF AMERICA**

**STATE OF ALABAMA**

**CITY OF CULLMAN**

**GENERAL OBLIGATION WARRANT  
SERIES 2023-CWSRF-DL**

Subject to prior payment and other provisions as herein provided

The City Treasurer (also referred to within the City as its City Clerk) of the **CITY OF CULLMAN, ALABAMA**, a municipal corporation under the laws of Alabama (the "City"), is hereby ordered and directed to pay to **ALABAMA WATER POLLUTION CONTROL AUTHORITY**, or registered assigns, the aggregate principal sum of

**THREE MILLION EIGHT HUNDRED EIGHTY THOUSAND DOLLARS**

in principal installments on August 15 in the following respective years and principal amounts:

| <b>Year</b> | <b>Principal<br/>Amount<br/>Maturing</b> |
|-------------|--|
| 2023        | \$160,000                                |
| 2024        | 165,000                                  |
| 2025        | 165,000                                  |
| 2027        | 170,000                                  |
| 2027        | 175,000                                  |
| 2028        | 175,000                                  |
| 2029        | 180,000                                  |
| 2030        | 185,000                                  |
| 2031        | 185,000                                  |
| 2032        | 190,000                                  |
| 2033        | 195,000                                  |
| 2034        | 200,000                                  |
| 2035        | 200,000                                  |
| 2036        | 205,000                                  |
| 2037        | 210,000                                  |
| 2038        | 215,000                                  |
| 2039        | 220,000                                  |
| 2040        | 225,000                                  |
| 2041        | 230,000                                  |
| 2042        | 230,000                                  |

with interest on the then unpaid principal balance hereof from December 15, 2022, at the per annum rate of interest of 1.99%, computed on the basis of a 360 day year consisting of 12 consecutive 30 day months, as reflected in the amortization schedule set forth in Appendix C to the Special Loan Conditions Agreement. Interest hereon shall be payable semiannually on each February 15 and August 15, commencing February 15, 2023, until and at the final maturity of this Series 2023-CWSRF-DL Warrant. Interest accruing on this Series 2023-CWSRF-DL Warrant from December 15, 2022, through and including February 28, 2023, is included in the principal amount of this Series 2023-CWSRF-DL Warrant as the "Capitalized Interest Amount" (as such term is defined in the Special Loan Conditions Agreement).

Interest on this Series 2023-CWSRF-DL Warrant is payable by check or draft mailed by The Bank of New York Mellon Trust Company, N.A. (the "Authority Trustee"), to the then registered holder hereof at the address shown on the registry books of the Authority Trustee pertaining to the Series 2023-CWSRF-DL Warrant; provided, that so long as the Alabama Water Pollution Control Authority (the "Authority") is the registered holder of this Series 2023-CWSRF-DL Warrant the payments of principal of and interest on this Series 2023-CWSRF-DL Warrant shall be made by the Authority Trustee in accordance with instructions given the Authority Trustee by the Authority. Interest on this Series 2023-CWSRF-DL Warrant shall be deemed timely made if mailed to the then registered holder on the

# DRAFT

interest payment date with respect to which such payment is made or, if such interest payment date is not a business day, then on the first business day following such interest payment date. The Ordinance described below provides that all payments by the City or the Authority Trustee to the person in whose name this Series 2023-CWSRF-DL Warrant is registered shall to the extent thereof fully discharge and satisfy all liability for the same. Any transferee of this Series 2023-CWSRF-DL Warrant takes it subject to all payments of principal and interest in fact made with respect hereto.

This Series 2023-CWSRF-DL Warrant evidences a duly authorized warrant designated \$3,880,000 General Obligation Warrant, Series 2023-CWSRF-DL, dated December 15, 2022 (herein called the "Series 2023-CWSRF-DL Warrant"). This Series 2023-CWSRF-DL Warrant is issued only as a single fully registered warrant pursuant to the applicable provisions of the Constitution and laws of Alabama, including particularly Section 11-47-2 and Section 11-81-4 of the Code of Alabama 1975, as amended, and an ordinance (the "Ordinance") duly adopted by the governing body of the City on January 9, 2023.

Those of the principal installments hereof having stated maturities on August 15, 2033, and thereafter, may be redeemed and paid prior to their respective maturities, at the option of the City, as a whole or in part (but if in part, in the inverse order of installments of principal), on August 15, 2032, and on any date thereafter, at and for a redemption price with respect to each principal installment of the Series 2023-CWSRF-DL Warrant redeemed equal to the principal prepaid plus accrued interest thereon to the Redemption Date, after not less than forty-five (45) nor more than ninety (90) days prior notice by United States Registered Mail or Certified Mail to the registered owner of this warrant, at and for a redemption price equal to the principal so prepaid plus accrued interest to the date of prepayment.

In the event less than all the outstanding principal hereof is to be redeemed, the registered Holder hereof shall surrender this Series 2023-CWSRF-DL Warrant to the Authority Trustee in exchange for a new Series 2023-CWSRF-DL Warrant of like tenor herewith except in a principal amount equal to the unredeemed portion of this warrant. Upon the giving of notice of redemption in accordance with the provisions of the Ordinance, this warrant (or principal installments thereof) so called for redemption and prepayment shall become due and payable on the date specified in such notice, anything herein or in the Ordinance to the contrary notwithstanding, and the Holder hereof shall then and there surrender for prepayment, and all future interest on the Series 2023-CWSRF-DL Warrant (or principal installments thereof) so called for prepayment shall cease to accrue after the date specified in such notice, whether or not the Series 2023-CWSRF-DL Warrant is so presented.

The indebtedness evidenced and ordered paid by this Series 2023-CWSRF-DL Warrant is and shall be a general obligation of the City for the payment of which the full faith and credit of the City have been irrevocably pledged.

It is hereby certified and recited that the indebtedness evidenced and ordered paid by this Series 2023-CWSRF-DL Warrant is lawfully due without condition, abatement or offset of any description; that this Series 2023-CWSRF-DL Warrant has been registered in the manner provided by law; that all conditions, actions and things required by the Constitution and laws of the State of Alabama to exist, be performed or happen precedent to and in the issuance of this Series 2023-CWSRF-DL Warrant do exist, have been performed and have happened; and that the indebtedness evidenced and ordered paid by this Series 2023-CWSRF-DL Warrant, together with all other indebtedness of the City, was at the time the same was created and is now within every debt and other limit prescribed by the Constitution and laws of the State of Alabama.

This Series 2023-CWSRF-DL Warrant is transferable by the registered holder hereof, in person or by authorized attorney, only on the books of the Authority Trustee (the registrar and transfer agent of the City) and only upon surrender of this Series 2023-CWSRF-DL Warrant to the Authority Trustee for cancellation, and upon any such transfer a new Series 2023-CWSRF-DL Warrant of like tenor hereof will be issued to the transferee in exchange therefor, all as more particularly described in the Ordinance. Each holder, by receiving or accepting this Series 2023-CWSRF-DL Warrant, shall consent and agree and shall be estopped to deny that, insofar as the City and the Authority Trustee are concerned, this Series 2023-CWSRF-DL Warrant may be transferred only in accordance with the provisions of the Ordinance.

The Authority Trustee shall not be required to transfer or exchange this Series 2023-CWSRF-DL Warrant during the period of fifteen (15) days next preceding any February 15 or August 15; and in the event that this Series 2023-CWSRF-DL Warrant (or any principal portion hereof) is duly called for redemption and prepayment, the Authority Trustee shall not be required to register or transfer this Series 2023-CWSRF-DL Warrant during the period of forty-five (45) days next preceding the date fixed for such redemption and prepayment.

Execution by the Authority Trustee of its registration certificate hereon is essential to the validity hereof.

# DRAFT

IN WITNESS WHEREOF, the City has caused this Series 2023-CWSRF-DL Warrant to be executed in its name and behalf by the Mayor of the City, has caused its corporate seal to be hereunto affixed, has caused this Series 2023-CWSRF-DL Warrant to be attested by the signature of the City Clerk, and has caused this Series 2023-CWSRF-DL Warrant to be dated December 15, 2022.

## CITY OF CULLMAN, ALABAMA

By: /s/ Woody Jacobs, Mayor

ATTEST:

By: /s/ Wesley Moore, City Clerk

Council Member Smith 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 Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Absent. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

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

### CITY OF CULLMAN RESOLUTION NO. 2023 – 18

WHEREAS, City of Cullman acting by and through its City Council proposes to apply for a Community Development Block Grant (CDBG) - Economic Development Grant and a Appalachian Regional Commission (ARC) Grant to construct improvements and resurface a portion of County Road 222 from the I-65 to the Topre Manufacturing facility on County Road 222.

THEREFORE, be it resolved by the City Council of Cullman, Alabama, as follow:

THAT, **WOODY JACOBS, MAYOR**, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting Fiscal Year 2023 CDBG Economic Development Grant Funds in the amount of \$200,000.00 and ARC Grant funds in the amount of \$500,000.00 to construct improvements and resurface the above referenced section of County Road 222.

THAT, **THE CITY OF CULLMAN** as the grantee is committing the required local match of \$300,000.00 in support of this project, which will be provided on a proportionate basis by the City of Cullman, the Cullman County Commission, and the City of Good Hope in the form of cash/in-kind services in support of the construction phase of this project.

**READ AND ADOPTED** this the **9th** day of **January 2023**.

**SIGNED FOR THE CULLMAN CITY COUNCIL:**

By: /s/ Woody Jacobs, Mayor

**Attest:**

/s/ Wesley M. Moore, City Clerk

Council Member Hollingsworth 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. 2023 – 19

### TO ENTER INTO CONTRACT WITH CDG ENGINEERS AND ASSOCIATES FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES FOR THE SIDEWALK IMPROVEMENT PROJECT 2<sup>ND</sup> AVENUE FROM ARNOLD STREET TO CLARK STREET NE

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a contract with CDG Engineers and Associates for construction engineering and inspection services related to the sidewalk improvements along 2<sup>nd</sup> Avenue NE from Arnold Street to Clark Street NE – ALDOT Project No. TAPAA-TA22(903).

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 CDG Engineers and Associates for construction engineering and inspection services related to the sidewalk improvements along 2<sup>nd</sup> Avenue NE.

ADOPTED BY THE CITY COUNCIL this the 9<sup>th</sup> day of January, 2023.

/s/ Jenny Folsom, President of the City Council

# DRAFT

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 9th day of January, 2023.

/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** - 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 7:25 p.m. by a voice vote. Ayes: All. Nays: None.