

**CULLMAN CITY COUNCIL MEETING
MONDAY, JUNE 5, 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 7:00 p.m. on Monday, June 5, 2023. Fire Chief Brian Bradberry led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - 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 May 15, 2023. 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 May 15, 2023, as written. Council Member Moss seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. 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.
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 gave a report to the council regarding the city's operations.

COMMENTS FROM ANYONE NOT ON THE AGENDA - None.

PUBLIC HEARINGS

Council President Folsom set a public hearing on July 7th, 2023 at Noon for Ordinance No. 2023-26 to rezone the Nearen Property located on Highway 278W from E-1 Entertainment District to B-3 Business District which received a favorable recommendation from the Planning Commission.

Council President Folsom set a public hearing on July 7th, 2023 at Noon for Ordinance No. 2023-27 to rezone the Ergle Property located on Beech Avenue SE from M-1 Manufacturing District to B-2 Business District which received a favorable recommendation from the Planning Commission.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council Member Smith made a motion to approve a special event request from Summer Shaddix of 3SIXTY Jeep Club for a Jeepers Creepers Halloween Trunk or Treat event at Depot Park on Saturday, October 28, 2023, from 10:00 a.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 Moss made a motion to approve a request from Taz K&R, LLC, dba Taziki's Mediterranean Café, of 421 3rd Ave SE, Ste 110, for a restaurant retail liquor license which received a favorable recommendation from the Alcohol Review Committee. Council Member Hollingsworth 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:

**CITY OF CULLMAN
RESOLUTION NO. 2023-45
TO AWARD BID FOR ELECTRICAL EQUIPMENT TO WEST CULLMAN ELECTRICAL SUPPLY, LLC**

WHEREAS, the City of Cullman has determined it serves a public purpose to build a civic center and sports complex; and

WHEREAS, supply chain issues have caused many products to be delayed or unavailable; and

WHEREAS, the City Council has determined it necessary and will serve a public purpose to order required electrical equipment to achieve the project timeline and avoid costly project delays; and

THEREFORE, in consideration of supply chain issues and construction timeline, the City of Cullman has solicited and received bids from qualified companies for the required electrical equipment in accordance with product specifications, within the project timeline; and

NOW, THEREFORE, be it resolved that the City of Cullman has evaluated the bids received and has determined that West Cullman Electrical Supply, LLC is the bidder capable of delivery of the required electrical equipment within the project timeline; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to award and enter into a contract with West Cullman Electrical Supply, LLC in the amount of \$74,801.30 for the required electrical equipment within the project timeline.

ADOPTED AND APPROVED by the Cullman City Council on this the 5th day of June, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 5th day of June, 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 Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2023-46
TO APPROVE A TAX ABATEMENT FOR WAL-MART STORES EAST LP

This Resolution is made this 5th day of June, 2023 by the City of Cullman, Alabama, to grant a tax abatement for WAL-MART STORES EAST LP.

WHEREAS, the Company has announced plans for a major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of all state and local noneducational ad valorem taxes, and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and

WHEREAS, the Company has requested that the abatement of state and local noneducational ad valorem taxes and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or (if applicable) be extended for a period of 10 years, in accordance with the Act; and

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

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

WHEREAS, the construction of the project will involve capital investment of \$350,000,000; and

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

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

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

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local noneducational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational ad valorem taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(h) of the Act.

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

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

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

I hereby certify that the foregoing was duly adopted by the City of Cullman, Alabama of Alabama at a meeting held on the 5th day of JUNE, 2023.

BY: /s/ Woody Jacobs
Its: 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 Smith made a motion to adopt the following resolution:

**CITY OF CULLMAN
RESOLUTION NO. 2023 – 47**

WHEREAS the City of Cullman desires to rehabilitate and construct new handicapped accessible sidewalks south along 4th Avenue, SW from US Highway 278 to 4th Street SW and will extend west along 4th Street SW to the intersection of 5th Avenue SW.

WHEREAS the City of Cullman proposes to submit an application to the Alabama Department of Transportation for grant assistance available through the FY2024 Transportation Alternatives Program (TAP); and

WHEREAS, the estimated total project cost is \$1,352,261.43, the TAP Grant Ceiling is \$800,000.00 and the program requires a cash match of at least 20% of eligible project cost.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Cullman will provide the required local cash match of \$552,261.43, as well all cost associated with engineering design and administrative services; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to file an application for these funds, and in the event a grant is awarded, the Cullman City Council understands that the Mayor will be required to sign certifications and assurances to comply with applicable Federal and State laws, rules and regulations.

READ AND APPROVED by the City of Council of Cullman, Alabama on this the 5th day of June 2023.

SIGNED FOR THE CITY OF CULLMAN

/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 Moss made a motion to adopt the following resolution:

**RESOLUTION NO. 2023-48
TO EXTEND THE BID FOR GENERAL EXCAVATION AND UTILITY WORK**

WHEREAS, the recommendation from the City Clerk Wesley Moore is to extend the current bid (R-01899) for general excavation and utility work for the City of Cullman; and

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for general excavation and utility work with Manning Construction, LLC., through January 20, 2024;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for general excavation and utility work with Manning Construction, LLC., is hereby extended through January 20, 2024.

ADOPTED BY THE CITY COUNCIL this the 5th day of June, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 5th day of June, 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 of Ordinance No. 2023-25 to annex the Jones property located at 60 County Road 1474 as R-1 District, which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook made a motion to suspend the rules. Council Member Smith 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. 2023-25.

ORDINANCE NO. 2023 – 25

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 owner, Bryant J. Jones and Jordan P. Jones, 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: 82004. Parcel No. 10-09-30-0-001-020.014. Property Address: 60 County Road 1474, Cullman, Alabama.

Legal Description: A tract or parcel of land containing 10.22 acres, more or less and being a part of the South half of the Southwest Quarter of Section 30, Township 9 South, Range 2 West, Cullman County, Alabama and being more particularly described as follows: Commence at a found railroad spike marking the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 30, Township 9 South, Range 2 West, having an Alabama State Plane, West Zone, NAD 83 coordinate value of N 1537296.62', E 2183137.16 feet and run South 89 degrees 02 minutes 37 seconds East, a distance of 355.26 feet to the point of beginning; thence continue South 89 degrees 02 minutes 37 seconds East, a distance of 317.69 feet to a found capped rebar (CONN-17831) marking the Northeast corner of the West half of said Quarter-Quarter; thence South 00 degrees 26 minutes 06 seconds West, and run along the East line of said West half, a distance of 743.57 feet to a point on the South bank of a creek; thence run in a Southerly, then a Westerly direction following the South bank the following 6 courses: South 37 degrees 26 minutes 27 seconds West, 105.08 feet; South 41 degrees 52 minutes 21 seconds West, 163.53 feet; South 37 degrees 52 minutes 39 seconds West, 144.85 feet; South 33 degrees 15 minutes 27 seconds West, 124.02 feet; North 83 degrees 32 minutes 24 seconds West, 77.08 feet; North 61 degrees 18 minutes 49 seconds West, 147.98 feet to a found capped corner (CONN-17831); thence run in a Northerly direction the center of a ditch following 3 courses: North 27 degrees 29 minutes 58 seconds East, 294.34 feet; North 25 degrees 17 minutes 20 seconds East, 56.60 feet; North 28 degrees 49 minutes 42 seconds East, 73.17 feet to a set rebar; thence North 88 degrees 59 minutes 41 seconds West, a distance of 191.99 feet to a found pipe; thence North 01 degrees 00 minutes 25 seconds East, a distance of 419.45 feet to a found pipe; thence run South 88 degrees 59 minutes 41 seconds East, a distance of 31.73 feet to a found capped corner (CONN-17831); thence run South 89 degrees 11 minutes 40 seconds East, a distance of 181.97 feet to a set rebar; thence run North 00 degrees 00 minutes 52 seconds West, a distance of 296.38 feet to the point of beginning. Less and except all that part of the above described property that is within the right of way of Cullman County Road No. 1466 and County Road No. 1474.

Source of title: Deed Book 672 Page 624

Also, land situated in Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 30, Township 9 South, Range 2 West, Cullman County, Alabama and being more particularly described as follows: Commence at a found railroad spike at the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 30; thence run South 89 degrees, 02 minutes, 37 seconds East along the North line of said Quarter-Quarter for a distance of 355.26 feet to a point; thence run South 00 degrees, 00 minutes, 52 seconds East for a distance of 296.38 feet to a point; thence run North 89 degrees, 11 minutes, 40 seconds West for a distance of 181.97 feet to a point; thence run North 88 degrees, 59 minutes, 41 seconds West for a distance of 31.73 feet to a point; thence run South 01 degrees, 00 minutes, 25 seconds West for a distance of 419.45 feet to a found 3/4 inch pipe; thence run South 88 degrees, 59 minutes, 41 seconds East for a distance of 192.02 feet to an iron pin found with a Conn cap, being the center of a ditch; thence run South 28 degrees, 49 minutes, 42 seconds West along center of ditch for a distance of 73.17 feet to a point; thence run South 25 degrees, 17 minutes, 20 seconds West along center of ditch for a distance of 56.50 feet to a point; thence run South 30 degrees, 24 minutes, 46 seconds West along center of a ditch for a distance of 272.85 feet to the point of beginning; thence run North 86 degrees, 02 minutes, 07 seconds West for a distance of 103.57 feet to an iron pin set with ah DBE cap; thence run North 79 degrees, 12 minutes, 41 seconds West for a distance of 89.37 feet to an iron pin set with a DBE cap; thence run South 86 degrees, 03 minutes, 18 seconds West for a distance of 29.37 feet to a point in the centerline of County Road 1466; thence run South 13 degrees, 22 minutes, 39 seconds East along said centerline for a distance of 18.36 feet to a point; thence run North 88 degrees, 05 minutes, 49 seconds East for a distance of 44.35 feet to a point in the center of creek; thence run North 64 degrees, 18 minutes, 04 seconds East along center of creek for a distance of 45.01 feet to a point; thence run South 79 degrees, 33 minutes, 23 seconds East along center of creek for a distance of 68.32 feet to a point; thence run South 81 degrees, 54 minutes, 27 seconds East along center of creek for a distance of 116.02 feet to found 1/2" rebar in the center of creek; thence run North 04 degrees, 54 minutes, 59 seconds West along the center of a ditch for a distance of 25.87 feet to the point of beginning. Said parcel of land containing 5,676 square feet, more or less.

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 contingent upon the owner granting an easement up to but not exceeding an additional fifty (50) feet in width less any width of existing public road contiguous to said easement for a public road right-of-way including utilities for water, sewer, surface water, natural gas, electric, internet, cable or other public services provided by the City or its franchises.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the properties 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 5th day of June, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 5th day of June, 2023.

/s/Mayor Woody Jacobs

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

BOARD APPOINTMENTS - None.

Council President Folsom asked for a motion to adjourn. Council Member Moss made the motion to adjourn. Council Member Smith seconded the motion, and the meeting was adjourned at 7:14 p.m. by a voice vote. Ayes: All. Nays: None.