

**CULLMAN CITY COUNCIL MEETING
MONDAY, AUGUST 14, 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 7:01 p.m. on Monday, August 14, 2023. 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 - 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 July 24, 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 July 24, 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 opened the public hearing at 7:05 p.m. for Ordinance No. 2023-29 to amend, modify or delete portions of the City of Cullman Zoning ordinance, which received a favorable recommendation from the Planning Commission. With no one wishing to speak, the public hearing was closed at 7:06 p.m.

Council President Folsom set a public hearing on September 11, 2023 at 7:00 p.m. for Ordinance No. 2023-33 to rezone Alumni Properties of Alabama, LLC property located at Cherokee Ave and Swafford Road SW from B-1 to B-2.

Council President Folsom set public hearing on September 11, 2023 at 7:00 p.m. for Ordinance No. 2023-35 to expand the Special Events and Art Districts in the City of Cullman.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council President Pro Tem Cook made a motion to approve a special event request from Megan Tucker of R. E. Garrison Trucking for the Childhood Cancer Awareness Truck Unveiling at Festhalle on August 19, 2023. 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 approve a special event request from Tim Compton of Traditions Bank for their 20th Anniversary Celebration at 109 2nd Avenue NW on August 25, 2023. 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 approve a special event request from Dr. Jay Page of West Elementary PTA for a community event at Nesmith Park on August 31, 2023. 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 special event request from Chris Brooks of Cullman Lions Club for the annual Cullman County Fair Parade on September 30, 2023. 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 approve a special event request from Amanda Lee of St. Paul's Lutheran Church for their annual Fall Fest and Trunk or Treat on October 22, 2023. Council Member Moss 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 Allison Bright of Les Dames for a Charity Witches Ride around the Warehouse District on October 22, 2023. Council Member Moss 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 – 61

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 2024.

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 2024 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 14th day of August, 2023, 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 14th day of August, 2023.

/s/ Wesley M. Moore, City Clerk

Council President Pro Tem Cook 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. 2023-62

**TO ENTER INTO AGREEMENT WITH THE STATE OF ALABAMA
TO MAINTAIN THE TURN OUT STORM DRAIN AT 2001 CHEROKEE AVE SW**

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

1. That the City of Cullman, Alabama, enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for maintenance of 30 LF of storm drain installed as part of the turnout at 2001 Cherokee Ave SW (AL-69), Swafford Road at Milepost 241.929 - 241.935 in the city limits of Cullman which agreement is before the Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
3. That the signature of the Mayor be attested by the City Clerk and that the seal of the City be affixed to the agreement.

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

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL this the 14th day of August, 2023.

Wesley M. Moore, City Clerk

/s/ Woody Jacobs, Mayor

I, the undersigned qualified and acting clerk of the City of Cullman, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 14th day of August, 2023 and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the 14th day of August, 2023.

/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 approve the following resolution:

RESOLUTION NO. 2023 – 63
TO AWARD THE BID FOR LANDSCAPE AND IRRIGATION AT DEPOT PARK

WHEREAS, bids (PW2023-09) were opened on August 10, 2023, at 2:00 p.m. for landscaping and irrigation at Depot Park for the City of Cullman,

WHEREAS, the low bidder for landscaping and irrigation at Depot Park was Bright Landscapes, LLC, located in Cullman, Alabama; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Bright Landscapes, LLC is the lowest responsible bidder; and

BE IT RESOLVED by the Cullman City Council that the bid for landscaping and irrigation at Depot Park be awarded to Bright Landscapes, LLC in the amount of \$89,718.00.

ADOPTED BY THE CITY COUNCIL this the 14th day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 14th day of August, 2023.

/s/Mayor Woody Jacobs

Council Member Smith 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 approve the following resolution:

CITY OF CULLMAN
RESOLUTION NO. 2023 - 64

WHEREAS, the City of Cullman, acting by and through its City Council proposes to apply to the U.S. Department of Transportation requesting grant funds from the Multimodal Project Discretionary Grant Opportunity (MPDG Grant).

NOW, THEREFORE, be it resolved by the City Council of the City of Cullman as follows:

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the United States Department of Transportation requesting Fiscal Year 2023 Multimodal Project Discretionary Grant funds in the amount not to exceed \$18,800,000 to replace the St. Bernard Bridge and widen U.S. Highway 278/State Highway 69 from 4th Avenue to existing 3-lane section past St. Bernard Bridge; and

THAT, THE CITY OF CULLMAN will provide a local match of \$100,000 in support of this project and the Alabama Department of Transportation has committed the remainder of the project match.

READ AND ADOPTED this the 14th day of August 2023.

Signed for the City of Cullman:

/s/Woody Jacobs, Mayor

Attest:

/s/ Wesley M. Moore, City Clerk

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

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

**CITY OF CULLMAN
RESOLUTION #2023-65**

WHEREAS, the City of Cullman has received a grant from the Alabama Department of Economic and Community Affairs for a Recreational Trails Program (RTP) Project in the amount of \$300,000.00.

WHEREAS, the scope and purpose of this project is to construct 7,920 linear feet of motorized golf trail and associated trail lighting at the Palomino RV Resort Trail.

THEREFORE, in accordance with RTP regulations the City of Cullman has solicited and received bids from qualified electrical contractors to construct the electrical phase of the above referenced project.

NOW, THEREFORE, be it resolved that the City of Cullman has reviewed the 3 bids received and have determined K & M Electrical is the lowest bidder for the installation of the required electrical improvements; and

THAT, Woody Jacobs, Mayor, is authorized to enter into a contract with K & M Electrical Contractors, LLC in the amount of \$45,900.00 to construct the electrical phase of this project.

ADOPTED AND APPROVED by the Cullman, Alabama, City Council on this the 14th day of August 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 President Jenny Folsom held the first reading of Ordinance No. 2023-29 to amend, modify or delete portions of the City of Cullman Zoning ordinance, which received a favorable recommendation from the City of Cullman Alcohol Review Committee and the Planning Commission.

Council President Jenny Folsom held the first reading of Ordinance No. 2023-30 to amend, modify or delete the definitions City of Cullman Alcohol Ordinance, which received a favorable recommendation from the City of Cullman Alcohol Review Committee and the Planning Commission.

Council President Jenny Folsom held the first reading of Ordinance No. 2023-31 to annex the Tekulve property at 595 County Road 1413 as R-1 Residential District, which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2023.31. Council Member Hollingsworth seconded the motion to consider Ordinance No. 2023-31, 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 Member Moss made a motion to approve Ordinance No. 2023-31.

ORDINANCE NO. 2023 – 31

**TO ANNEX CERTAIN PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:**

SECTION 1. The City Council of the City of Cullman finds that the following property owners, John R. Tekulve, Jr. and Dora C. Tekulve, has 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: 9616. Parcel No. 09-07-36-0-001-012.000. Property Address: 595 County Road 1413, Cullman, Alabama.

Legal Description: Commencing at the southwest corner of the NW 1/4 of the SW 1/4 of Section 36 Township 9 South, Range 3 West; thence N01°00'W a distance of 479 feet to a point and the true point of beginning; thence continue N01°00'W a distance of 232 feet to a point; thence N89°00'E a distance of 270 feet to a point which is 50 feet west of the 750 foot elevation as established by the US Coast and Geodetic Survey; thence S03°38'13"W along a line 50 feet west of the 750 foot elevation a distance of 232.82 feet,

more or less, to a point; thence S89°00W a distance of 250.5 feet, more or less, to the true point of beginning. Said land lying and being in the NW 1/4 of the SW 1/4 of Section 36, Township 9, Randt 3 West. Containing 1.38 acres, 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 property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

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

ADOPTED BY THE CITY COUNCIL this the 14th day of August, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 14th day of August, 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.

Council President Jenny Folsom held the first reading of Ordinance No. 2023-32 to annex Cullman Regional Medical Center property located at 5788 Alabama Highway 157 as B-2 Business District, which received a favorable recommendation from the Planning Commission.

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

RESOLUTION NO. 2023-66

TO ADOPT A POLICY FOR COMPENSATION FOR FIELD TRAINING OFFICERS

WHEREAS, the men and women of the City of Cullman Police Department wear their uniforms with dedication, honor and integrity as they protect and defend the community in which they serve; and

WHEREAS, the City Council proudly supports all law enforcement officers and the selfless job in which they perform daily; and

WHEREAS, the City Council recognizes the public need and commitment in backing and strengthening the Police Department's Field Training and Evaluation Program ("FTEP") for all recruit officers in order to produce and attain highly-trained and positively-motivated police officers capable of meeting the high expectations of professional police service of the City of Cullman Police Department; and

WHEREAS, the City Council recognizes that it is imperative from a public safety point to acknowledge the strong and experienced participation in the FTEP by supervising officers to coordinate, train and monitor a successful educational opportunity for all recruit officers; and

WHEREAS, the City Council desires to provide a formal pay incentive for officers who officially serve, while on shift, in a supervising and training role as a Field Training Officer ("FTO") to encourage those supervising officers to serve as a role model in the development of the knowledge, skills and abilities of recruit officers; and

WHEREAS, the City Council recognizes the importance to the community and law enforcement as a whole to encourage continued supervisory participation in the FTEP to provide experience, guidance, and leadership to the recruit officer so that he or she may become a professional and productive solo police officer employed within the City of Cullman Police Department; and

WHEREAS, those officers who actively participate in the FTEP, not to exceed a maximum total of nine officers, shall receive an increase in his or her hourly wage by seventy-five cents (\$0.75) per hour; and

WHEREAS, the supervisor who actively coordinates and supervises the FTEP, not to exceed a maximum total of one supervisor, shall receive an increase in his or her hourly wage by one dollar (\$1.00) per hour; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, the Field Training and Evaluation Program shall be conducted under the policy of the Cullman Police Department, Procedure 3.702, or as amended hereafter by the Department.

ADOPTED BY THE CITY COUNCIL, this the 14th day of August, 2023.

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 14th day of August, 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 Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2023-67

TO AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended accordingly, and is incorporated into the Fiscal Year 2023 City Budget.

ADOPTED BY THE CITY COUNCIL, this the 14th day of August, 2023.

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 14th day of August, 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.

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 7:20 p.m. by a voice vote. Ayes: All. Nays: None.