

**CULLMAN CITY COUNCIL MEETING
MONDAY, JUNE 24, 2024 AT 7:03 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 3, 2024. Police Chief David Nassetta led the Pledge of Allegiance and presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from June 3, 2024. Council President Pro Tem Cook made a motion to approve the minutes from June 3, 2024, as written. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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 shared that June's 2nd Friday was a great success with the largest turn out of approximately 10,000 people in attendance; and expressing appreciation for supporting our local businesses.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reported that results of the annual City vs. County blood drive are that the County had 63 donations and the City had 79 donations – with the City winning the blood drive this year.

REPORT FROM THE MAYOR

Mayor Jacobs also gave an update on the City's operations.

COMMENTS FROM ANYONE NOT ON THE AGENDA - None.

PUBLIC HEARINGS

Council President Folsom opened the public hearing at 7:07 pm for Ordinance No. 2024-19 to rezone property located at 309 Olive Street SW from R-1 to B-2, which received a favorable recommendation from the Planning Commission. With no one wishing to speak for or against this ordinance, the public hearing was closed at 7:09 pm.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER

Council President Pro Tem Cook made a motion to approve a special event request from Kalee Full of WellStone, Inc. to host the annual Oktoberfest 5k/10k run at 8:00 a.m. on October 5th, 2024. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Smith made a motion to approve a special event request from Blake Harbison of Blake Photo and Video to record a video in the parking deck on June 30th, 2024; with the request being on a Sunday night, to modify the approved time to have drumming and loud noise complete by 9:00 p.m. and to be out of the parking deck by 10:00 p.m. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, HEARINGS, APPOINTMENTS AND OTHER

Council President Folsom held the first reading of Ordinance No. 2024- to rezone property located at 309 Olive Street SW from R-1 to B-2, which received a favorable recommendation from the Planning Commission.

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

RESOLUTION NO. 2024-72

BE IT RESOLVED AND ORDERED, by the City of Cullman (the "City"), as follows:

Section 1. Findings. The City has ascertained and does hereby find and declare as follows:

WHEREAS, for several years the City has explored opportunities to enhance economic development within its corporate limits of Cullman, Alabama (the "City"), including through the attraction of major "big box" retailers; and

WHEREAS, MTN LTD, an Alabama limited partnership (the "Company") owns fee simple title to approximately seven (7) acres of real property located at the corner of King Edwards Street S.W. and the

CSX railroad tracks in the City of Cullman (the "City"), as more particularly shown on Exhibit A to the Development Agreement herein authorized (the "Site "); and

WHEREAS, the City has determined that due to its location and configuration, the Site's highest and best use to the public is to serve as the site for a major "big box" retail store; and

WHEREAS, the Company has approached the County and the City with plans to construct on the Site an approximately 55,000 square foot "big box" sporting goods retail store to be operated by a nationally-recognized retailer defined in the Development Agreement as a "Permitted Operator" (the "Sporting Goods Store"); and

WHEREAS, the Company has reported to the City that, due to rising construction and labor costs and certain public infrastructure improvements required in connection with development of the Sporting Goods Store, the Company will require financial assistance of up to \$833,000 from the County and up to \$1,167,000 from the City in order to locate to, and construct and develop the Sporting Goods Store on, the Site, all as more particularly set forth and described in the Development Agreement; and

WHEREAS, the City has determined it necessary, wise, and in the public interest to incentivize development of the Sporting Goods Store by agreeing to share a portion of its receipts of sales and use taxes collected by such entity from the operations of the Sporting Goods Store, so long as the same is operated by a Permitted Operator (as defined in the Development Agreement), which such payments would be made over a period of up to ten (10) years following the Sporting Goods Store opening to the public for business, all as more particularly set forth and described in the Development Agreement herein authorized; and

WHEREAS, the City expects the Sporting Goods Store to substantially expand and enhance the prosperity, contentment, and general welfare of the County and its residents by, among other things, (i) aiding in the elimination and remediation of blight and similar effects resulting from underuse of the Site; (ii) promoting enhancement and adaptive reuse of a high-visibility area of the City; (iii) bringing substantial commercial activity to an under developed area and fostering the use and development of underutilized commercial properties around the Site; (iv) helping improve the appearance and vibrancy of undeveloped areas of the City; (v) expanding commercial activity within the City; (vi) facilitating the growth and development of commercial sites and developments around the Site; (vii) supporting and expanding industrial and economic development within the City; and (viii) expanding jobs and employment opportunities within the City; and

WHEREAS, Amendment No. 772 to the Constitution of Alabama of 1901, now codified as Section 94.01 of the Constitution of Alabama ("Amendment 772") authorizes the City to grant public funds and things of value in aid of or to private business enterprises for the purpose of promoting the economic development of the City after compliance with certain conditions set forth in Amendment 772;

WHEREAS, the County, the City, and the Company desire to memorialize their agreements and understandings respecting the Project in a Sporting Goods Store Development Agreement, the form of which is attached as Exhibit I hereto; and

WHEREAS, the agreements and obligations of the City under the Development Agreement herein authorized are hereby determined by the County to be in the public interest and, further, are being made under and in furtherance of any power and authority authorized by Amendment 772, and the City hereby determines that the expenditure of public funds as set forth in the Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Section 2. Authorization of Development Agreement. (a) The Cullman City Council does hereby authorize and approve, and the Mayor and the City Clerk of the City are hereby authorized to execute and deliver, for and on behalf of the City, the Sporting Goods Store Development Agreement among the County, the City, and the Company in substantially the form attached as Exhibit I hereto, with such changes thereto as the parties thereto (the Mayor is hereby authorized to act on behalf of the City for such purpose) shall determine to be necessary or desirable (the "Development Agreement"). The City Clerk is hereby authorized to affix the seal of the City to the Development Agreement and to attest the same.

(b) The Mayor and the City Clerk are hereby authorized to execute, seal, attest and deliver such amendments to the Development Agreement, and to execute, seal, attest, and deliver such other instruments, notices, documents, certificates, and agreements and to take such other actions by and on behalf of the City, as may be necessary or desirable to fulfil the transactions contemplated by the Development Agreement.

Section 5. The various provisions of this Resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid, illegal, or unenforceable for any reason, the invalidity, illegality, or unenforceability shall not affect any

other provision hereof and this Resolution shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

DONE this the 24th day of June, 2024.

/s/ Jenny Folsom, City Council President

ATTESTED BY:

/s/Wesley Moore, City Clerk

APPROVED by the Mayor this the 24th day of June, 2024.

/s/ Woody Jacobs, Mayor

Council Member Moss 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. 2024 – 73

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 2025.

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 2025 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 24th day of June, 2024, 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 24th day of June, 2024.

/s/ Wesley Moore, City Clerk

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

BOARD APPOINTMENTS

Council Member Hollingsworth made a motion to appoint Cassie Sparks to the Wellstone Board. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to appoint Tiffany Oldacre to the Wellstone Board. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Mayor Jacobs reappointed Edgar Veigl to the Housing Authority Board.

Council President Folsom asked for a motion to adjourn. Council Member Smith made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:12 p.m. by a voice vote. Ayes: All. Nays: None.