

CULLMAN CITY COUNCIL MEETING ON MAY 8TH, 2017 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:02 o'clock p.m. on Monday, May 8th, 2017. Division Fire Chief Darren Peeples presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Council Member Andy Page, Council Member Johnny Cook, Council Member Clint Hollingsworth, Council President Pro Tem Jenny Folsom, and Council President Garlan Gudger. Absent: None. Also, present were Mayor Woody Jacobs, City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Garlan Gudger asked the Council to consider the minutes from April 24th, 2017. Council Member Cook made a motion to suspend the rules to consider the minutes. Council Member Folsom 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 Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to approve the minutes from April 24th, 2017 as written. Council Member Folsom 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 Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA - None.

REPORTS OF STANDING COMMITTEES

1. Public Safety Committee - Chairman Andy Page stated that the 2017 1A-3A AHSAA State Track Meet at Cullman High School was a huge success and that City Clerk Wes Moore will have a detailed report at the next Cullman City Council Meeting.
2. Utilities Committee - Chairman Garlan Gudger - No report.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth stated that this past weekend City of Cullman and its businesses hosted thousands of visitors between the annual Strawberry Festival and the AHSAA State Track Meet.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Mayor Woody Jacobs presented the following resolution:

RESOLUTION

WHEREAS, Mark Atlas may not be a member of this community, but he visits and has close ties to Cullman through his wife, Clifta (née Kirkwood), and other members of the Kirkwood family who are longtime, beloved Cullman residents; and,

WHEREAS, Mark, an attorney, and Clifta reside in Willows, California, where they raised two daughters, Lauren and Lindsay, and where they now enjoy watching their three beautiful grandchildren grow; and,

WHEREAS, Mark is a very distinguished and honorable man who has worked hard to build a very successful career in the field of law, but he has also found time to use his knowledge, education, and talents to selflessly give back to his community and to help those in need; and,

WHEREAS, Mark has been diagnosed with, and has recently undergone surgery for, glioblastoma, a form of brain cancer, and is currently preparing to aggressively fight against this cancer with the help of the Lord, his medical team, and his family and friends; and,

WHEREAS, almost everyone has been affected by cancer in some way – whether through battling cancer ourselves or through watching a dear family member or friend struggle against the disease – and we all know how important it is to show our support for families dealing with cancer and to lift them up in prayer.

NOW, THEREFORE, BE IT RESOLVED on the 8th day of May, 2017, that the Mayor and Council of the City of Cullman, on behalf of our citizens, do hereby offer our sincere and heartfelt support of MARK ATLAS and his courageous commitment to beat the cancer that has so abruptly entered his life, and offer up prayers that he and his family will be blessed with the courage, strength, perseverance, and faith to see them through this battle.

MAYOR

/s/ Woody Jacobs

ATTEST:

/s/ Wesley M. Moore, City Clerk

CULLMAN CITY COUNCIL

/s/ Garlan E. Gudger, Jr., President

/s/ Andy Page

/s/ John W. Cook

/s/ Clint Hollingsworth

/s/ Jenny Folsom

Council President Gudger asked Mr. Stuart Moore to address the closing of 1st Avenue NE. Mr. Moore presented the City Council with a petition signed by every business on the block to close the street. Council President Gudger asked to Building Director Rick Fulmer to address the handicapped parking issue on the block.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS

President Gudger held the first reading of Ordinance No. 2017-15 to vacate and surplus a city-owned sidewalk directly north of Rumor's Deli and to set the public hearing for June 26th, 2017 at 7:00 p.m.

President Gudger held the first reading of Ordinance No. 2017-16 to rezone 1006 Second Avenue NW from M-1 Manufacturing District to B-2 Business District and to set the public hearing for June 26th, 2017 at 7:00 p.m.

President Gudger held the first reading of Ordinance No. 2017-17 to rezone a vacant lot located at the corner of Denson Avenue SW and 3rd Street SW from CBD Central Business District to R-4 Residential District and to set the public hearing for June 26th, 2017 at 7:00 p.m.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Folsom made a motion to approve the request from Leah Bolin of the Cullman Area Chamber of Commerce for a special event permit to hold 2nd Fridays on June 9th, 2017, July 14th, 2017, August 11th, 2017, and September 15th, 2017 from 5:00 p.m. until 10:00 p.m. in the Special Events District. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Ben Smith of the Cullman Area Chamber of Commerce for a special event permit to hold the annual MOPAR car show on June 10th, 2017 from 8:00 a.m. until 3:00 p.m. in Depot Park. Council Member Cook seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Melia Mead of Dixie Duds and Decor for a special event permit to hold a block party and antique car show on June 10th, 2017 from 1:00 p.m. until 7:00 p.m. on 2nd Street SE between 3rd Avenue SE and 4th Avenue SE. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Michael Sullins of the Cullman Electric Cooperative for a special event permit to hold a traffic safety session on May 30th, 2017 and June 27th, 2017 from 7:30 a.m. until 11:00 a.m. on the east service road beside Highway 157. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Waid Harbison of the Cullman City Parks and Recreation for a special event permit to hold the 2nd Annual Dinner on First Event on May 12th, 2017 from 6:00 p.m. until 11:00 p.m. on 1st Avenue NE in the Warehouse District. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Waid Harbison of the Cullman City Parks and Recreation for a special event permit to hold the 100 Hammock Hang Event on May 20th, 2017 from 3:00 p.m. until 9:00 p.m. in King Edward Park on First Avenue SW. Council Member Hollingsworth seconded the motion to approve, and the motion was approved by a voice vote. Ayes: All. Nays: None. City Attorney Roy Williams stated that the property owner, Rob Werner, has approved this event.

Council Member Folsom made a motion to approve the request from Leslie Nabors of Buffalo Wild Wings for a special event permit to have a band in the parking lot on June 3rd, 2017 from 11:00 a.m. until 2:00 p.m. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Suzette Kendall of Hand on the Wheel for a special event permit to hold a distracted driving rally and candle light vigil on the sidewalks around the Cullman County Courthouse on July 23rd, 2017 from 5:00 p.m. until 8:00 p.m. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION NO. 2017 – 74
TO ADOPT THE MUNICIPAL WATER POLLUTION PREVENTION RESOLUTION

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to adopt the Municipal Water Pollution Prevention Resolution;

BE IT RESOLVED, that the City of Cullman, Alabama, informs the Department of Environmental Management that the following actions were taken by the Cullman City Council:

1. Reviewed the MWPP Annual Report which is attached to this resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirements contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Continue Five-Year Planning for Wastewater.
 - (b) Continue currently Planned Projects.
 - (c) Continue Smoke Testing.
 - (d) Continue Video Inspection.

BE IT FURTHER RESOLVED, that upon the completion of the execution of this Agreement by all Parties, that a copy of such Agreement shall be kept on file by the City Clerk.

ADOPTED BY AN UNANIMOUS VOTE of the Cullman City Council on this the 8th day of May, 2017.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 8th day of May, 2017.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 75

TO ENTER INTO CONTRACT WITH CDG ENGINEERS & ASSOCIATES, INC.

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with CDG Engineers & Associates, Inc. for professional services related to the Downtown Streetscape Project Phase IV from 5th Street to 7th Street South in the amount not to exceed \$62,700.00;

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 & Associates, Inc. for professional services related to the Downtown Streetscape Project Phase IV from 5th Street to 7th Street South in the amount not to exceed \$62,700.00.

ADOPTED BY THE CITY COUNCIL this the 8th day of May, 2017.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 8th day of May, 2017.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 76

TO RENEW THE GENERAL LIABILITY INSURANCE

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to renew the general liability and property insurance with Travelers Insurance through Smith-Gray Insurance Agency, Inc.;

NOW THEREFORE, BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renew the general liability insurance with Travelers Insurance through Smith-Gray Insurance Agency, Inc.

ADOPTED BY THE CITY COUNCIL this the 8th day of May, 2017.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 8th day of May, 2017.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 77

TO AWARD THE BID FOR TRAFFIC CAMERA SYSTEMS

WHEREAS, bids were opened on April 27th, 2017 at 2:00 p.m. for traffic camera systems,

WHEREAS, the following bids were opened:

Southern Lighting & Traffic Systems, Inc.	Cumming, GA	No Bid
Temple, Inc.	Decatur, AL	\$6,974 per system
Traffic Products, Inc.	Birmingham, AL	No Bid

WHEREAS, the recommendation from Traffic Superintendent Jeff Adams is to award the bid for traffic camera systems to Temple, Inc., the lowest responsible bidder, in the amount of \$6,974 per system.

BE IT RESOLVED by the Cullman City Council that the bid for traffic camera systems is hereby awarded to Temple, Inc., the lowest responsible bidder, in the amount of \$6,974 per system.

ADOPTED BY THE CITY COUNCIL this the 8th day of May, 2017.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 8th day of May, 2017.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 78

TO AWARD THE BID FOR A HIGH PRESSURE BREATHING AIR COMPRESSOR

WHEREAS, bids were opened on May 4th, 2017 at 2:00 p.m. for a high pressure breathing air compressor for the Fire Department,

WHEREAS, the following bids were opened:

Sunbelt Fire, Inc.	Fairhope, AL	\$37,178.40
NAFECO	Decatur, AL	\$41,765.00

WHEREAS, the recommendation from Fire Chief Edward Reinhardt is to award the bid for a high pressure breathing air compressor to Sunbelt Fire, Inc., the lowest responsible bidder, in the amount of \$37,178.40.

BE IT RESOLVED by the Cullman City Council that the bid for a high pressure breathing air compressor is hereby awarded to Sunbelt Fire, Inc., the lowest responsible bidder, in the amount of \$37,178.40.

ADOPTED BY THE CITY COUNCIL this the 8th day of May, 2017.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 8th day of May, 2017.

/s/ Woody Jacobs - Mayor

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

Council President Gudger held the second reading of Ordinance No. 2017-13 to amend the City of Cullman Alcohol Ordinance.

Council Member Folsom made a motion to adopt the following ordinance:

ORDINANCE NO. 2017 - 13

TO AMEND ORDINANCE NO. 2011-09, AS AMENDED IN ORDINANCE NO. 2012-03, ORDINANCE NO. 2013-01, ORDINANCE NO. 2015-32, TO PROVIDE FURTHER FOR THE REGULATION OF THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF CULLMAN, ALABAMA, PROVIDING LICENSING PROCEDURES AND ESTABLISHING PUNISHMENT FOR VIOLATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN AS FOLLOWS:

Section 1. Sec. 4-33 Definitions.

The definition for Restaurant Class III (Food Hall), Food Vendor and Alcohol Vendor are hereby added as follows:

Restaurant, Class III (Food Hall): A reputable place licensed as a cooperative of 3 or more restaurants located on the same premises

sharing the same dining area with not less than 3 separate restaurant vendors each having their own separate storage, refrigeration, preparation and cooking facilities certified by the Cullman County Health Department, operated by responsible persons of good reputation in which a diversified selection of food and refreshments with alcohol sales within the premises is offered for sale for consumption within the building premises on which the establishment is located that also meets the following requirements:

1. A dining space containing 3,000 square feet or more on one floor in one room shall have a mandatory Class III designation.
2. The dining room shall be equipped with tables and chairs accommodating at least 150 persons at one time and adequately air conditioned and heated as appropriate.
3. All spaces of a Class III restaurant (food hall) must comply with the adopted building code occupancy requirements, fire and life safety codes.
4. A minimum of three fully equipped and operational kitchens separate and apart from the dining area in which meals are prepared for consumption by the public and served in said dining area adjoining the kitchen area that is open and fully staffed during the same hours as any portion of the establishment that has been issued a food service certificate by the Cullman County Health Department and an alcohol license for the entire premises.
5. The licensee and/or their food vendors shall maintain and operate at least two kitchens and shall, upon order of a customer, prepare and serve all food items shown on its menu during normal and reasonable business hours. Exceptions shall be made where there is a known and provable shortage or temporary unavailable supply of a food item.
6. Such place shall meet the minimum requirements for an Alabama Alcoholic Beverage Control Board on-premises license.
7. The serving of food or meals shall constitute the principal business of such establishment with the serving of liquor, malt or brewed beverages, wines, or other alcoholic beverages being only an incidental part of the business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute at least 60% of the total gross receipts of the businesses located within the establishment. The licensee of such establishment shall maintain daily cash register summaries from all the businesses located within the establishment differentiating the receipts for the sale of food and alcoholic beverages. In addition, the licensee for such establishment shall maintain all invoices for the purchases of food and all types of alcoholic beverages and shall preserve such records for not less than three (3) years of all the businesses located within the establishment. All such records shall be available for inspection and audit at the licensee's premises within the City during regular business hours as the A.R.C., any elected official, or a duly authorized representative may request.

Food Vendor shall mean an individually, licensed restaurant within a (Food Hall) Restaurant, Class III.

Alcohol Vendor: An individually, licensed alcohol business licensed to sell on premises beer, wine or other alcoholic beverages within the entire Restaurant Class III (Food Hall) only during the hours that at least two or more food vendors are open for business with full menus within the licensed premises.

A. A licensee shall not be allowed to sell more than 40% of the gross receipts of all food vendor food sales combined during any one 90-day period. Failure to meet the minimum ratio will result in the suspension or revocation of the license to sell alcohol on the premises.

B. Nothing herein shall preclude the alcohol vendor from also being one or more of the food vendors within the Restaurant Class III (Food Hall).

Section 2. Sec. 4-34 Zoning. Restaurant Class III (Food Hall) May be located only in E-1 (Entertainment District) and CBD (Central Business District) within SE-1 (Special Event) Overlay District.

Section 3. Sec. 4-35 Location of On-Premises Sales near Church, School, or Licensed Day Care is hereby replaced with the following:
Sec. 4-35. Location of On-Premises Sales near Church, School, or Licensed Day Care

1. When measuring from a church, school, or licensed child development facility, from the frame of the main entrance of the closest building in the church, school, or child development facility complex wherein an essential function or activity of the church, school, or licensed child development facility is carried on shall constitute the beginning point for measurement. When measuring from the facility or property, from the frame of the main entrance on the exterior wall entering the building occupied by the person seeking to sell alcoholic beverages shall be used for measurement purposes if the building is occupied solely by that person; otherwise, such measurement shall be made from the closest point of the person's occupancy within the building in question. The method of measurement is a straight line from the aforementioned defined points.

2. On-Premises Sales:

(A) In addition to all other regulations and restrictions, no facility or property located in CBD, B-1, B-3, E-1 and B-2 shall be authorized for on-premises sale of alcoholic beverages except for the following:

- i. Class I Restaurant licensed to sell alcoholic beverages for on-premises consumption;
- ii. Class II Restaurant licensed to sell alcoholic beverages for on-premises consumption;
- iii. Specialty wine and beer establishment;
- iv. Persons holding a special events retail license for on-premises consumption.

(B) In addition to all other regulations and restrictions, no facility or property located in CBD with SE-1 Overlay District shall be authorized for on-premises sale of alcoholic beverages except for the following:

- i. Class I Restaurant licensed to sell alcoholic beverages for on-premises consumption;
- ii. Class II Restaurant licensed to sell alcoholic beverages for on-premises consumption;
- iii. Specialty wine and beer establishment;
- iv. Persons holding a special events retail license for on-premises consumption; and

- v. Class III Restaurant (Food Hall) license to sell alcoholic beverages for on-premises consumption

(C) In addition to all other regulations and restrictions, no club in a residential zone or in a planned development district not already established before the passage of this Ordinance shall be authorized for on-premises sale of alcoholic beverages unless the same has been recommended as a conditional use by the City of Cullman Planning Commission as may be required by the City of Cullman Zoning Ordinance and adopted by the City Council.

(D) In addition to all other regulations and restrictions, and subject to exceptions contained in this section, no building shall be authorized for on-premises sale of alcoholic beverages where the facility or property is less than 250 feet from any church, public or private elementary, intermediate, middle, junior high, or high school, or licensed child development facility. The aforesaid distance restriction in this subsection shall not apply in the following enumerated cases:

- i. Where the building is located in the CBD zoning district and the closest exterior wall of the building on the lot frontage is not less than 50 feet from the church, school, or licensed child development facility;
- ii. Where the church, school, or licensed child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 6 months;
- iii. Where the establishment upon the facility or property is a grocery store as defined herein.

3. Off-Premises Sales:

(A) In addition to all other regulations and restrictions, no facility or property located in E-1, B-1, B-3, and B-2 (with the exception of Alabama Beverage Control stores and retail liquor sales for off-premises consumption), shall be authorized for off-premises sale of alcoholic beverages except for the following:

- i. Convenience stores licensed to sell beer and/or table wine for off-premises consumption;
- ii. Grocery stores licensed to sell beer and/or table wine for off-premises consumption;
- iii. Specialty beverage stores with respect to beer and/or table wine;
- iv. Merchandise store with incidental table wine sales;
- v. Specialty wine and beer establishment; and
- vi. Persons holding a special events retail license for on-premises consumption.

(B) In addition to all other regulations and restrictions and subject to the exceptions contained in this Subsection, no facility or property shall be authorized for off-premises sales of alcoholic beverages when the facility or property is less than 500 feet from any church, public or private elementary, intermediate, middle, junior high or high school, or licensed child development facility. The aforesaid distance restriction in this Subsection shall apply in CBD, B-1, B-2 except Alcohol Beverage Control stores and retail liquor sales for off-premises consumption, but shall not apply in the following enumerated cases:

- (i) Where the facility or property is located in CBD zoning district and the facade on the lot frontage of the facility or property is not less than 50 feet from the church, school, or licensed child development facility;
- (ii) Where (1) the facility fronts a state highway or the property is separated from the church, school, or licensed child development facility by a street or highway having four or more traffic lanes, not including any lanes that are turning lanes, service lanes, and/or hazard lanes, (2) at least four of the traffic lanes that separate the licensed premises from the church, school, or licensed child development facility extend continuously and together for more than one mile before any one of the lanes terminates or becomes a turning lane, service land, and/or hazard lane, and (3) the minimum distance between the licensed premises and the church, school, or licensed child development facility building is at least 200 feet;
- (iii) Where the church, school, or licensed child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 6 months;
- (iv) Where the establishment upon the facility or property is a grocery store as defined herein.

Section 4. Sec. 4-98 City Alcohol License Fees.

Restaurant Retail Liquor License is hereby deleted and replaced with the following:

Restaurant Retail Liquor License.

1. Restaurant Class I and II - Each person licensed by the Board to sell alcoholic beverages in connection with the operation of a restaurant under §28-3A-1, et seq., Code of Alabama, 1975, shall pay to the City an annual privilege license fee of \$500.00. In addition to the stated license fee, each such person shall pay to the City, on or before the 15th day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional liquor tax of 12% of the monthly gross receipts of such business derived from the sale of liquor.

2. Restaurant Class III (Food Hall) - Each person licensed by the Board to sell alcoholic beverages in connection with the operation of a restaurant under §28-3A-1, et seq., Code of Alabama, 1975, shall pay to the City an annual privilege license fee of \$1,500.00. In addition to the stated license fee, each such person shall pay to the City, on or before the 15th day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional liquor tax of 12% of the monthly gross receipts of such business derived from the sale of liquor.

Section 5. Conflicts

1. This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to same and in no manner intended to supersede any such statutes of the State of Alabama. Any provision hereof in conflict with any provision of any State statute shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such State statute.

2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

3. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence,

paragraph, or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs or sections since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 6. Effective Date

This Ordinance shall be effective immediately upon its adoption and publication according to law.

ADOPTED BY THE CITY COUNCIL this the 8th day of May, 2017.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 8th day of May, 2017.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the ordinance was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Garlan Gudger asked for the City Council and Mayor to consider Board Appointments: Mayor Jacobs reappoint Barrett Richard to the City of Cullman Planning Commission.

Council President Garlan Gudger asked for a motion to adjourn. Council Member Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:31 p.m. by a voice vote. Ayes: All. Nays: None.