

## **CULLMAN CITY COUNCIL MEETING ON OCTOBER 22<sup>ND</sup>, 2018 IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, October 22<sup>nd</sup>, 2018. Police Chief Kenny Culpepper presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, Council President Pro Tem Johnny Cook, Council Member Clint Hollingsworth, Council President Jenny Folsom, and Council Member Garlan Gudger. Also, present were City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from October 1<sup>st</sup>, 2018. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Hollingsworth 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 President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from October 1<sup>st</sup>, 2018 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 Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye.

**ADDITIONS/DELETIONS TO AGENDA** - None.

### **REPORTS OF STANDING COMMITTEES**

1. Public Safety Committee - Chairman Andy Page, along with Police Chief Kenny Culpepper and Assistant Police Chief Montgomery, presented an award to Police Officer Kyle Foshee commending him for his work in apprehending two criminals resulting in 35 felony charges. Chairman Page also recognized Police Captain Bobby Kelley for 35 years of service, Police Lieutenant Jason Mickle for 20 years of service, Police Officer John Anderson for 15 years of service.
2. Utilities Committee - Chairman Garlan Gudger - No report.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth reported, with so many community activities including Halloween, to please be cautious of the additional pedestrian traffic.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

### **REPORT FROM THE MAYOR**

Mayor Jacobs invited everyone to an opioid crisis meeting at the Civic Center at 6:00 p.m. on Tuesday, October 23<sup>rd</sup>, 2018.

**COMMENTS FROM ANYONE NOT ON THE AGENDA** – None.

**PUBLIC HEARINGS** – None.

### **PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS**

Council President Pro Tem Cook made a motion to approve a request from Shannon Witcher for a special event permit to hold a Trunk or Treat in the Warehouse District for Grace Chapel on October 26<sup>th</sup>, 2018 from 4:00 p.m. until 10:00 p.m. Council Member Gudger seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Gudger made a motion to approve a request from Johann Moore for a special event permit to hold a family friendly Block Party in the Warehouse District to celebrate the one year anniversary of Mae's Food Hall on October 26<sup>th</sup>, 2018 and October 27<sup>th</sup>, 2018. Council President Pro Tem Cook seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to approve a request from Kelly Keel of Legacy Realty Group for a special event permit to hold a Trunk or Treat at 1844 Second Avenue NW on October 27<sup>th</sup>, 2018 from 6:00 p.m. until 8:00 p.m. Council President Pro Tem Cook seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Gudger made a motion to approve a request from Rebekah Mickle of Cullman First Baptist Church for a special event permit to hold their Fall Festival and Trunk or Treat on October 31<sup>st</sup>, 2018 from 6:00 p.m. until 8:00 p.m. Council President Pro Tem Cook seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to approve a request from Karen Speegle of Seventh Street Baptist Church for a special event permit to hold their Fall Festival on October 31<sup>st</sup>, 2018 from 6:00 p.m. until 8:00 p.m. Council Member Page seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Gudger made a motion to approve a request from Keith Peinhardt of Buettner Brothers Lumber Company for a special event permit to hold a Contractor and Customer Appreciation Luncheon on November 9<sup>th</sup>, 2018 from 10:00 a.m. until 3:00 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 Gudger made a motion to approve a request from Ronald Stevenson of Corner Ministries for a special event permit for sidewalk ministry at various dates and times in Cullman subject to prior approval by the Police Chief. 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 President Folsom held the first reading of Ordinance No. 2019-03 approving 2019 Severe Weather Preparedness Tax Holiday.

Council President Pro Tem Cook made a motion to adopt the following:

#### **RESOLUTION NO. 2019 – 11**

#### **TO ENTER INTO CONTRACT WITH KPS GROUP INC**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a professional services contract with KPS Group, Inc. for the development of subdivision regulations, neighborhood regulations, and zoning ordinances;

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 KPS Group, Inc. for the development of subdivision regulations, neighborhood regulations, and zoning ordinances.

ADOPTED BY THE CITY COUNCIL this the 22<sup>nd</sup> day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 22<sup>nd</sup> day of October, 2018.

/s/ Woody Jacobs - Mayor

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

Council Member Gudger made a motion to adopt the following:

#### **RESOLUTION NO. 2019 – 12**

#### **TO CALL A SPECIAL CITY COUNCIL MEETING**

WHEREAS, the City Council has determined that it needs to call a special meeting on Friday, November 2nd, 2018 at noon to declare a vacancy in the Cullman City Council;

THEREFORE, BE IT RESOLVED by the Cullman City Council that there will be a special meeting on Friday, November 2nd, 2018 at noon to declare a vacancy in the Cullman City Council.

ADOPTED BY THE CITY COUNCIL this the 22<sup>nd</sup> day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 22<sup>nd</sup> day of October, 2018.

/s/ Woody Jacobs – Mayor

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

Council Member Gudger made a motion to adopt the following:

#### **RESOLUTION NO. 2019 – 13**

#### **TO ENTER INTO CONTRACT WITH THOMPSON ENGINEERING INC**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a professional services contract with Thompson Engineering, Inc. for construction engineering and inspection services for Eva Road Bridge;

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 Thompson Engineering, Inc. for construction engineering and inspection services for Eva Road Bridge.

ADOPTED BY THE CITY COUNCIL this the 22<sup>nd</sup> day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 22<sup>nd</sup> day of October, 2018.

/s/ Woody Jacobs – Mayor

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

Council President Folsom asked for Board Appointments, but there were no appointments at this time.

Council President Folsom held the first reading of Ordinance No. 2019-04 to amend the Clean Air Ordinance to include vaping. Council President Pro Tem Johnny Cook made a motion to suspend the rules to consider the ordinance. Council Member Gudger seconded this motion, and the motion was approved by a roll call vote. Mr. Moore polled the Council: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Gudger made a motion to adopt the following:

**ORDINANCE NO. 2019 – 04**

**TO AMEND SECTION 24 OF THE CITY OF CULLMAN CODE OF ORDINANCES**

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

Section 1. Section 24-82 of the Code of Ordinances City of Cullman is hereby amended by adding the following definitions: E-cigarette means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which create a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

Section 2. Section 24-82 of the Code of Ordinances City of Cullman is hereby amended by deleting the definition of Smoking and replacing the definition of Smoking will the following definition: Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette or other device that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article. Section

3. Section 24-84 of the Code of Ordinances City of Cullman is hereby amended by removing the word tobacco in subsection (a) - (1). Section 4. Section 24-90 of the Code of Ordinances City of Cullman is hereby amended by adding "and/or vape stores" in subsection (a) - (4) after Retail tobacco stores. Section 5. All other sections of said Ordinance shall remain in full force and effect. Section 6. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 22<sup>nd</sup> day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 22<sup>nd</sup> day of October, 2018.

/s/ Woody Jacobs - Mayor

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

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn at 7:29 p.m. Council Member Gudger seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.