

**CULLMAN CITY COUNCIL MEETING ON JANUARY 24, 2022
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:02 o'clock p.m. on Monday, January 24, 2022. Police Chief Kenny Culpepper 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 Pro Tem Johnny Cook, and Council President Jenny Folsom, Council Member Clint Hollingsworth. Also present were Attorney Roy Williams and City Clerk Wesley Moore. Absent: Council Member David Moss

Council President Jenny Folsom asked the Council to consider the minutes from January 10, 2022. 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 President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Hollingsworth made a motion to approve the minutes from January 10, 2022, as written. Council President Pro Tem Cook 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 Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) – 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 – No report
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom highlighted the City's financial standing following the first quarter of the 2022 fiscal year: Revenues were up nearly 6%; expenses were up 19% but the expenditures were for budgeted items; unemployment for December was tied for the lowest in the state at 1.8%; and the inflation rate for our region was 7.4%.

REPORT FROM THE MAYOR

Mayor Jacobs gave a report to the council regarding the City's operations. School System Superintendent Kyle Kalhoff shared a quarterly report of the City of Cullman School System. Col. Ken Brown spoke regarding the veterans helped by the PTSD injections and requesting additional funds for the PTSD injections; and asked for additional funding to cover costs associated with the annual Veteran's Day celebration held at Cullman Regional Airport.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Noah Carpenter of Cullman Community Theater thanked the council for their support of the community theater program; and invited everyone to their upcoming production of Arsenic and Old Lace Dinner Theater.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council President Pro Tem Cook made a motion to approve a special event request from Melissa Aaron of East Elementary School PTO for a 1 mile / 5K color run on Saturday, March 12, 2022 from 8:00 am until 10:00 am. 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 President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2022-28

A RESOLUTION AUTHORIZING THE CITY OF CULLMAN, ALABAMA TO JOIN THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS AS PARTICIPANTS IN THE ENDO SETTLEMENT

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Alabama, and the City of Cullman, Alabama.

WHEREAS, the City of Cullman has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Alabama and some Alabama local governments have filed lawsuits against opioid manufacturers, distributors, and retailers ("Opioid Litigation");

WHEREAS, the State of Alabama has entered into a Settlement Agreement with Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. ("Endo"), which includes the claims for the State of Alabama's local governments, and the City of Cullman finds the terms of the Settlement Agreement acceptable and in the best interest of the community;

WHEREAS, the State of Alabama has proposed an Endo Settlement Sign-On Agreement to the local governments and the City of Cullman finds the terms of the Sign-On Agreement acceptable and in the best interest of the community;

WHEREAS, the Settlement Agreement and Sign-On Agreement detail the allocation of Settlement Funds, which the City of Cullman finds acceptable and in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA,

Section 1. That the City of Cullman finds that participation in the Endo Settlement, Settlement Agreement and Sign-On Agreement is in the best interest of the City of Cullman and its citizens because such a plan would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. That the City of Cullman hereby expresses its support for the Endo Settlement and allocation and use of Settlement Funds as generally described in the Settlement Agreement and Sign-On Agreement.

Section 3. That the City of Cullman's Mayor is hereby expressly authorized to execute the Endo Settlement Sign-On Agreement and the City Clerk is hereby authorized to execute any formal agreements necessary to implement the Endo Settlement and plan for the allocation and use of Settlement Funds.

Section 4. That the Mayor is hereby expressly authorized to execute any formal agreement and related documents evidencing the City of Cullman's agreement to the settlement of claims [and litigation] specifically related to Endo.

Section 5. That the Mayor is authorized to take such other action as necessary and appropriate to effectuate the City of Cullman's participation in the Endo Settlement.

Section 6. This Resolution is effective upon adoption, the welfare of the City of Cullman, Alabama requiring it.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

Approved by the Mayor of the City of Cullman on the 24th day of January, 2022.

/s/Mayor Woody Jacobs

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 adopt the following resolution:

RESOLUTION NO. 2022-29

TO AWARD BID FOR GENERAL EXCAVATION AND UTILITY WORK

WHEREAS, bids were opened on January 21, 2022 at 2:00 p.m. for general excavation and utility work for the City of Cullman,

WHEREAS, the low bidder for general excavation and utility work is Manning Construction, LLC; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Manning Construction, LLC, is the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for general excavation and utility work to Manning Construction, LLC.

ADOPTED BY THE CITY COUNCIL this the 24th day of January, 2022.

/s/Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of January, 2022.

/s/Woody Jacobs, Mayor

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 adopt the following resolution:

RESOLUTION NO. 2022-30

TO AWARD BID FOR THE CONSTRUCTION OF A PARKING LOT

WHEREAS, bids were opened on January 20, 2022 at 10:00 a.m. for the construction of a parking lot,

WHEREAS, the lowest responsible bidder was Carcel & G Construction, LLC; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Carcel & G Construction, LLC, is the lowest responsible bidder with a base bid of \$1,912,495.75.

BE IT RESOLVED by the Cullman City Council that the bid for the construction of a parking lot to Carcel & G Construction, LLC.

ADOPTED BY THE CITY COUNCIL this the 24th day of January, 2022.

/s/Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of January, 2022.

/s/Woody Jacobs, Mayor

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. 2022-10 to adjust and update speed limits and parking regulations. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-10 to adjust and update speed limits and parking regulations. 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 President Folsom: Aye. Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2022-10.

ORDINANCE NO. 2022-10

AN ORDINANCE TO ADJUST AND UPDATE SPEED LIMITS AND PARKING REGULATIONS IN CITY OF CULLMAN

WHEREAS, the Alabama Department of Transportation (“ALDOT”) has requested that the City of Cullman update its 1972 Ordinance based upon speed studies performed by ALDOT to alleviate traffic flow concerns and aid in public safety; and

WHEREAS the City Council of the City of Cullman has determined that it is in the best interests of the public health, safety, and welfare of the citizens of Cullman to adjust certain speed limits as requested by ALDOT and post speed limit signs within the corporate boundaries of the City of Cullman; and

WHEREAS, any violation of the aforementioned posted speed limits shall constitute a traffic offense, pursuant to the Alabama Code, and within the jurisdiction of The City of Cullman Municipal Court.;

BE IT ORDAINED by the City Council of the City of Cullman, Alabama, that Ordinance No. 668 is hereby deleted in its entirety and replaced with the following:

Section I. No person shall operate a motor vehicle at a speed greater than listed in Sections II-VII of this Ordinance, unless otherwise posted.

Section II. No person shall operate a motor vehicle at a greater speed than 55 miles per hour in the following listed zones of the town:

On Alabama #157 from the west most City limits to the east most City limits a distance of 5.5 miles.

On US Highway 31 (SR-3), from the southern city limit and extending northly for 1.1 miles to .1-miles South of Beech Ave.

On US Highway 31 (SR-3), at intersection of Grape Street and extending northly for .65 miles to the North city limit.

Section III. No person shall operate a motor vehicle at a greater speed than 50 miles per hour in the following listed zones of the town:

On US Highway 31 (SR-3), from .1-mile South of Beech Ave and extending northly for .9 miles to Sheraton Road.

On US Highway 31 (SR-3), at the intersection with Loring Street NW/8th Street NW and extending northly for 1.9 miles to the intersection of Grape Street.

On US Highway 278 (SR-74), from its intersection with Richard Ave NE and extending easterly for .9 miles to the East city limit.

Section IV. No person shall operate a motor vehicle at a greater speed than 45 miles per hour in the following listed zones of the town:

On US Highway 278 (SR-74), from the western city limit and extending easterly for 1.6 miles to the intersection of Hickory Ave SW.

On Alabama Highway 69, from its intersection with U.S. 31 and extending southernly for 2.5 miles to the South city limit.

Section V. No person shall operate a motor vehicle at a greater speed than 40 miles per hour in the following listed zones of the town:

On US Highway 31 (SR-3), from the intersection with Sheraton Road and extending northly for 2.2 miles to Loring St NW/8th Street NW.

On US Highway 278 (SR-74), from its intersection with 4th Ave NE and extending easterly for 1.2 miles to the intersection of Richard Ave NE.

Section VI. No person shall operate a motor vehicle at a greater speed than 35 miles per hour in the following listed zones of the town:

On US Highway 278 (SR-74), from its intersection with Hickory Ave SW and extending easterly for .25 miles to the intersection of 5th Ave SW.

Section VII. No person shall operate a motor vehicle at a greater speed than 30 miles per hour in the following listed zones of the town:

On US Highway 278 (SR-74), from its intersection with 5th Ave SW and extending easterly for .5 miles to the intersection of 4th Ave NE.

Section VIII. No person shall operate a motor vehicle at a greater speed than (25) miles per-hour on any street or alleys not specifically mentioned or set out herein, or posted otherwise by the City.

Section XIX. Speed limits as described above shall apply so long as the town limits remain as they are this date. In the event they are extended, this Ordinance shall be revised to properly cover the new territory.

Section X. No person shall park a motor vehicle in any designated area when said prohibited area is properly marked with yellow paint and/or signed.

Section XI. In addition to all other provisions of law relating the speed and operation of motor vehicles in said City, there is hereby adopted by the City of Cullman, Alabama, all laws of the State of Alabama and all rules and regulations of the Alabama Highway Department pertaining to the control of traffic and motor vehicles on highways, that are misdemeanors under the State Laws and a violation of such laws, rules and regulations in the City of Cullman shall be violations of this Ordinance.

Section XII. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in accordance with Title 32-5A-8 of the Code of Alabama (1975), as amended or may be amended, and by the City of Cullman Code of Ordinances, as amended or may be amended.

Section XIII. All Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed.

Section XIV. Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

Section XV. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

ADOPTED this the 24th day of January 2022.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of January 2022.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth 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 Folsom: Aye. Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the first reading of Ordinance No. 2022-11 to establish public park hours and trespassing procedures. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-11 to establish public park hours and trespassing procedures. 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 President Folsom: Aye. Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2022-11.

ORDINANCE NO. 2022-11

TO ESTABLISH PUBLIC PARK HOURS AND TRESPASSING PROCEDURES

WHEREAS, it is in the best interest of the health, safety and public welfare of the citizens of the City of Cullman that the Cullman City Council set out clearly defined guidelines for parks owned by the City of Cullman and managed by Cullman Parks, Recreation and Sports Tourism; and

WHEREAS, this shall serve as a legal mechanism to help deter loitering and vandalism occurrence on City owned parks; and

WHEREAS, the facilities, services and programs of the City and Cullman and City of Cullman Parks, Recreation and Sports Tourism are open for use by all members of the public without regard to race, color, religion, sex, age, national origin, or physical or mental disability;

BE IT ORDAINED by the City Council of the City of Cullman, Alabama, that Chapter 36, "Parks and Recreation" of the *City of Cullman Code of Ordinances* is hereby amended to add as the following after Section 24, Park Rules and Regulations":

Section I. Director's Discretion.

City owned parks, or a clearly defined section of the City owned parks, may be declared closed to the public by the Director of Parks, Recreation and Sports Tourism ("Director") whenever the Director determines that the closing is necessary because of park conditions, weather, or for another reason that is in the public interest.

Section II. Opening and Closing Hours Unless Posted Otherwise.

1. Every City owned park, except areas which are lighted for recreational purposes within those parks, shall open thirty (30) minutes prior to sunrise and shall close thirty (30) minutes after sunset, **unless posted otherwise.**
2. Lighted recreational areas within those public parks, excluding standard street-lighting, shall close fifteen (15) minutes after all security and walking/running-trail lights in the park are turned off, **unless posted otherwise.**
 - a. Areas which are lighted with the intent for recreational purposes shall be marked with appropriate signage and shall be used solely for the recreational purposes in which they are intended.
3. Different operating hours may be established at any time by the Director, and/or Park and Recreation Board, and/or Council for a City owned park, or a clearly defined area of a City owned park.
 - a. The hours shall be conspicuously posted, in accordance with State of Alabama law, at a location that is visible and accessible within the park or area where the public enters the premises, indicating that entry is forbidden after the hours established and shall also state that violators shall be considered trespassing.
4. Restrooms shall be available for all public use during staffed, operating hours except for reasons that are in the public interest, or **unless posted otherwise.**

Section III. Trespassing Violation and Unlawful Conduct.

1. It shall be unlawful and a violation of subsection (2) of this section for any person to enter or remain unlawfully in or upon any City owned park when it is closed, absent a license, invitation, or privilege to do so, or for a person to defy a lawful order not to enter or remain unlawfully on public park property, personally communicated to him by an authorized City official or by a law enforcement officer of the City of Cullman.
2. No unlawful conduct, or conduct in violation of Section 36-24 of *City of Cullman Code of Ordinances*, is permitted on the grounds of City owned parks.
3. Any law enforcement officer of the City, at the request of an authorized City official or upon witnessing unlawful conduct upon City owned park property, shall have the right to trespass any individual, indefinitely or until determined in the best interest of the City, from all City owned parks for any and all unlawful or disorderly conduct which he/she commits while on

City owned park property.

Section IV. Enforcement Clause.

1. A person who violates this Ordinance and is ordered to leave a City owned park by an authorized City official or a law enforcement officer of the City of Cullman must do so immediately or shall be trespassed from City owned park property for failure to timely do so by a City of Cullman law enforcement officer.
2. An individual shall be charged with criminal trespass when the following occur: (i) a person who is not lawfully permitted to enter or remain on the premises of a City owned park property; (ii) which has told by a law enforcement officer of the City of Cullman not to enter or remain unlawfully due to his/her conduct which occurred on City owned park property; and (iii) does enter or remain unlawfully on the City owned park(s) which he/she has been trespassed from.

Section V. Severability Clause.

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

Section VI. Effective Date.

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED this the 24th day of January 2022.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 24th day of January 2022.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth 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 Folsom: Aye. Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made the 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.