

**CULLMAN CITY COUNCIL MEETING
MONDAY, JANUARY 22, 2024 AT 7:00 P.M.
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Pro Tem Johnny Cook called the Cullman City Council Meeting to order at 7:00 p.m. on Monday, January 22, 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 Pro Tem Johnny Cook, Council Member David Moss, and Council Member Clint Hollingsworth. City Clerk Wesley Moore was also present. Council President Jenny Folsom, Council Member Brad Smith, and City Attorney Roy Williams were absent.

Council President Pro Tem Johnny Cook asked the Council to consider the minutes from January 4, 2024. Council Member Moss 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 Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve the minutes from January 4, 2024, 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 President Pro Tem Cook: Aye. Council Member Moss: 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 commended all city departments that were instrumental in handling the issues caused by the ice storm. The Police, Fire, and Street Departments did a great job handling emergency calls, road and traffic issues the ice caused. The Sanitation Department did a great job in collecting all the garbage pick-ups by Friday. Upcoming events to note are: the annual tree sale will be held at the Agriplex on Saturday, February 24, 2024; and the annual spring clean-up will be held the week on March 25 – March 29, 2024.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

Cullman City School Superintendent Kyle Kallhoff gave a report on the current school system construction projects; shared that preschool registration has begun; and Teachers of the Year were awarded to Miranda Gunter and Cassie Bowen.

REPORT FROM THE MAYOR

Mayor Jacobs gave a report to the council regarding the city's operations.

COMMENTS FROM ANYONE NOT ON THE AGENDA – No report.

PUBLIC HEARINGS

Council President Pro Tem Cook opened the public hearing at 7:16 p.m. for Ordinance No. 2024-08 to rezone Blue Hole, LLC property located on US Highway 278 West from AG-2 to AG-1 which received a favorable recommendation from the Planning Commission. With no one wishing to speak for or against the rezoning, the public hearing was closed at 7:17 p.m.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER – None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

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

RESOLUTION 2024-32

This Resolution is made this 22nd day of **January, 2024** by **City of Cullman, Alabama**, to grant a tax abatement for **Project Front**.

WHEREAS, the Company has announced plans for a major addition to their existing facility located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of all state and local noneducational ad valorem taxes, and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education; and

WHEREAS, the Company has requested that the abatement of state and local noneducational ad valorem taxes (if applicable) be extended for a period of **10** years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the amended request of the Company and the completed amended application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's amended application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of **\$2,600,000.00**; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local noneducational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education; and as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational ad valorem taxes (if applicable) shall extend for a period of **10** years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the **City of Cullman, Alabama** of Alabama at a meeting held on the **22nd** day of **January, 2024**.

BY: /s/ Woody Jacobs L. S.

Its: Mayor

ATTEST:

/s/ Wesley M. Moore, City Clerk

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

Council President Pro Tem Cook held the second reading of Ordinance No. 2024-11 to abolish and re-create the Downtown Design Review Board which received a favorable recommendation from the Planning Commission. Council Member Moss made a motion to approve Ordinance No. 2024-11.

ORDINANCE NO. 2024 - 11

AN ORDINANCE TO DELETE AND REPLACE ORDINANCE NO. 2011 - 23 RELATING TO THE DOWNTOWN DESIGN REVIEW BOARD OF THE CITY OF CULLMAN

SECTION I. Purpose.

The purpose of this Ordinance is to hereby delete and replace Ordinance No. 2011-23, *An Ordinance to Amend the Zoning Ordinance of the City of Cullman CBD District*.

WHEREAS, Ordinance 2011-23 was established for the creation of a Downtown Design Review Board within the Central Business District ("CBD") within the City of Cullman, Alabama, in order to advance the economic development and preserve and enhance the historical and architectural integrity of the CBD; and

WHEREAS, the City Council finds it is in the best interest of the general public to abolish and re-create a five (5) person Downtown Design Review Board that shall serve in an appellate capacity under past and new standards to review Building Official decisions as they relate to façade plans of any structure within the CBD to ensure the protection and preservation of all existing and future structures within the CBD.

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

SECTION II. Appellate Downtown Design Board Created.

- A. The City of Cullman hereby abolishes its seven (7) member Downtown Design Board creates a new board of Downtown Design Review made up of five (5) members to be appointed by the Mayor and Council. The Cullman City Council will appoint four (4) members and the Mayor shall appoint one (1) member. All members shall reside in the City of Cullman. The first term of members will serve as follows:
 1. Place #1 and #2 shall be appointed by the Council and shall serve for two (2) years.
 2. Place #3 and #4 shall be appointed by the Council and shall serve for three (3) years.
 3. Place #5 shall be appointed by the Mayor and shall serve for four (4) years.

SECTION III. Appeals Process.

- A. The Members of the Downtown Design Board shall serve in an appellate capacity to address and any all appeals from an aggrieved party in regard to final decisions made by the Building Official(s) of the City of Cullman Building Department of and concerning design standards within the districts (“Exhibit A”).
 1. Upon a final decision from the City of Cullman Building Department Building Official(s), the official designated by the City Council to administer and enforce these regulations, or his/her designee, if the aggrieved party disagrees with decision from the Building Official(s), he or she shall have fourteen (14) days after denial to appeal to the Downtown Design Board.
 2. The aggrieved party shall send notice in writing to the City Clerk of the City of Cullman and the Building Department of its intent to appeal to the Downtown Design Board any denial made by the Building Official(s).
 3. Upon any and all appeals, the Downtown Design Board (“Board”) shall determine whether or not the aggrieved party’s proposal within the district fits the character, historical, cultural and architectural integrity of the district as it pertains to the *Design Guidelines* of the City of Cullman.
 4. If the Board finds that the plans do in fact meet the requirements of Section II(B)(3), it shall then issue a Certificate of Appropriateness (“COA”) to the aggrieved party.
 5. Should the Board find that the design proposal from the aggrieved party fails to meet said Guidelines or any part of this Ordinance, the Board shall not issue a COA.
 6. The aggrieved party denied a COA by the Board may, within ten (10) days after the decision of the Board, appeal to the Circuit Court of Cullman County from any decision of the Board by filing such appeal with the Court and causing a copy of such notice to be served on the other affected parties or officials. The City Clerk shall furnish the court with a certified transcript of proceedings which it had before with respect to the appeal and its decision in the matter. No bond shall be required for such an appeal and the cost of such appeal shall be taxed against the unsuccessful party or as the judge may direct. Review by the Court shall be without jury and be confined to the record and to a determination of the questions of law present. The Board’s findings of fact shall be final and conclusive. Appeal may be taken from the judgment of the Circuit Court as provided by law.

SECTION IV. 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 V. Effective Date.

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

ADOPTED BY THE CITY COUNCIL this the 22nd day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of January, 2024.

/s/Mayor Woody Jacobs

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 Pro Tem Cook: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Pro Tem Cook held the second reading of Ordinance No. 2024-12 to delete and replace Ordinance No 2011-25 relating to the Downtown Design Review Board of the City of Cullman. Council Member Moss made a motion to approve Ordinance No. 2024-12.

**AN ORDINANCE TO DELETE AND REPLACE ORDINANCE NO. 2011 - 25 RELATING TO PRESERVING
DOWNTOWN DESIGN AESTHETICS OF THE CITY OF CULLMAN WITHIN THE CBD**

SECTION I. Purpose.

The purpose of this Ordinance is to hereby delete and replace Ordinance No. 2011-25, *An Ordinance Creating a Façade Improvement Program Within the CBD District of the City of Cullman*.

WHEREAS, Ordinance No. 2011-25 was established for the protection, preservation and rehabilitation of downtown properties located within the Central Business District (“CBD”) within the City of Cullman, Alabama; and

WHEREAS, the intent of the City of Cullman is to provide a uniformed procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings structures, objects, landscape features and works of art having a special historical, cultural or aesthetic significance to the City of Cullman; and

WHEREAS, the City of Cullman’s historic buildings and streetscapes are valuable economic and cultural assets, and good design can stabilize and strengthen property values as well as attract businesses, residents, and tourists who value the area’s special qualities; and

WHEREAS, design guidelines enhance a district’s image by emphasizing sensitive storefront and building rehabilitation, thoughtful use of landscaping and signage, and intelligent implementation of parking and pedestrian access; and

WHEREAS, design guidelines are the tool used to address the dynamic balance between growth and change on the one hand and preservation of historic resources which define community character on the other; and

WHEREAS, these guidelines serve as a guide to making improvements which are compatible with the City’s character, and they set broad parameters while encouraging design creativity, individual choices, and personal taste; and

WHEREAS, the result of these guidelines is a pattern of growth and change consistent with the historic qualities of the City of Cullman within the primary commercial area of the CBD.

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

SECTION II. Ordinance No. 2011-25 of the City of Cullman, Alabama, is hereby deleted in their entirety and replaced with the following:

B. Definitions.

1. *Façade* is defined as the principal face of the building which faces a public street or roadway; or, as determined by the Building Official(s) for any particular building (which must be visible from any public street).
2. *Building Official(s)* is defined as the official(s) designated by the City Council to administer and enforce these regulations, or his/her designee.
3. *District* is defined as the development area in the Central Business District located within the corporate limits of the City of Cullman, Alabama, shown in “Exhibit A,” as “*downtown core,*” and “*downtown edge,*” including but not limited to, private buildings used for business, commercial and mixed-use purposes.

SECTION III. Application Process.

A. The City Council hereby re-adopts the Downtown Design Guidelines (“Guidelines”) as the standards for review for façade improvements.

1. The façade/structure design must be submitted to the Building Official(s) by an architect or engineer licensed and doing business in the State of Alabama.
2. The Building Official(s) shall make determinations based upon this Ordinance and the Guidelines.
3. The licensed architect or engineer referenced hereabove shall apply to the Building Official(s) for a Certificate of Appropriateness (“COA”) upon providing all design plans.
4. The purpose of the Building Official(s) under this Ordinance is to issue a COA or deny a downtown façade/structure design.
5. Nothing in this Ordinance shall be construed to amend, exempt or nullify any requirements and process of the Planning Commission and City of Cullman Zoning Ordinance, or as amended hereafter.
6. All successors in title to the beneficiary shall be bound by this Ordinance and the Guidelines.

B. Improvement Requirements.

1. Improvements shall be made in accordance with conditions and standards approved by the City in advance of work being performed.

2. Improvements shall be made by a licensed and bonded contractor(s) in the City of Cullman.
 3. Historic palette must be used for color scheme on all repainting of facades regardless of permit requirements.
 4. Building permit- if required.
- C. The Building Official(s) shall review the façade plans or any remodel, additions or new construction plans by the developer or property owner to the extent which requires a building permit or that of a material change in appearance of the exterior of the existing structure. Property owners must discuss with City Building Staff prior to initiating any work on the property to determine whether the work would constitute a material change within the district. A material change in appearance is defined as a change that will affect either the exterior architectural or environmental features of a property or any building, structure, site, object, landscape feature or work of art within the district, such as, but not limited to:
1. An alteration, change of the exterior color/palette, exterior material; or, alteration or reconstruction of the size, shape, or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements.
 2. Demolition or relocation of a historic structure.
 3. Commencement of excavation for construction purposes.
 4. A change in the location of advertising visible from the public right of way.
 5. The erection, alteration, restoration, or removal of any building or other structure within the district, including walls, fences, steps and pavements, or other appurtenant features.

SECTION IV. New Construction and Additions Within the District.

- A. The following standards shall be applied to all new structures or additions to existing structures along with the Downtown Cullman Design Guidelines, 2011, when determining whether or not to issue a COA either by the Building Official(s) or upon an appeal by the aggrieved party.
1. Recognizing Prevailing Character of Existing Development. The design of buildings is determined by the way in which various basic design concepts and elements are utilized: building orientation and setback, shape, proportion, scale and height, directional emphasis, massing, rhythm, and architectural and site elements. These concepts form the basis for visual relationships among buildings, which in turn influence the ways in which buildings are perceived by the public.
 - i. *Historical Architectural and Community Character General Guideline:* In the CBD of the City of Cullman, the historical architectural and community character of the historic districts is primarily commercial.
 2. Community Character General Guideline. The purpose of the following guidelines is to encourage appropriate new development within the district while preserving the historic character of the existing district and buildings.
 - i. The health of the overall district will depend, in significant part, on the compatibility of new construction with historical construction materials, types, setback, and scale.
 - ii. New construction or addition designs shall be compatible with the historical architectural and community character of the district as described in paragraphs “A” above, “Historical Architectural and Community Character.” Specific sites shall be considered in relation to the area of influence and will consider every aspect that affects its public visual appearance including, but not exclusive to, building materials, fenestration, height, scale, landscaping, and setback.
 3. New Building Design Specific Guidelines.
 - i. Each building unit (whether existing or proposed), shall be an integral element of an overall site design plan and shall reflect and complement the character of the surrounding area or plans prepared therefore.
 - ii. Each building facade shall be compatible with adjacent or nearby facades in terms of scale, amenity, and appearance.
 - iii. Buildings shall be designed to function as an integral part of the streetscape with attention to visibility, safety, lighting and incorporation of public amenities. It should reflect and confirm the pedestrian oriented character of the district.
 - iv. Building design shall reflect an overall compatibility to existing historical architecture with regard to building materials, fenestration, height, scale, color, contrast, roofs, and parapets.
 - v. Building design shall address the public right-of-way, ADA accessibility and define and complement the streetscape.
 - vi. Generally, blank walls are not permitted. Developers and designers should provide windows in high activity areas or provide architectural relief elements in wall design to the ground level.
 - vii. Historic palette must be used for color scheme on all painting of facades.
 - viii. Awnings, canopies, etc., shall be designed as an integral part of the structure and shall be meet all State and Federal law requirements, and adhere to the specific requirements such as height, projection, structural design criteria as prescribed elsewhere in the *Code of Ordinances of the City of Cullman*.
 - ix. Building entrances shall provide ease of access, be designed so that pedestrians/patrons have visual and actual access from the front/street facade of the building, can easily identify the entrance points, be well lighted, and act as an integral part of the streetscape.

- x. Building materials shall be of good quality. Metal buildings, or buildings of other materials which are “modern” and not in keeping with the historical character of the district are prohibited unless they cannot be seen from the public right-of-way.
- xi. Corner buildings shall be designed so that they are architecturally responsive to the corner condition, help to define the intersection, and accentuate the building line along the street.
- xii. No LED signage shall be permitted with any existing, addition or new structure within the district.

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 BY THE CITY COUNCIL this the 22nd day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 22nd day of January, 2024.

/s/Mayor Woody Jacobs

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 Pro Tem Cook: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Pro Tem Cook held the first reading of Ordinance No. 2024-08 to rezone Blue Hole, LLC property located on Highway 278 from AG-2 to AG-1 which received a favorable recommendation from the Planning Commission.

Council President Pro Tem Cook held the first reading of Ordinance No. 2024-13 to regulate mobile food businesses in the city limits of Cullman.

BOARD APPOINTMENTS

Mayor Jacobs appointed Jay Page to replace resigning member, Mike Voss, to the Planning Commission.

Council President Pro Tem Cook asked for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council Member Moss seconded the motion, and the meeting was adjourned at 7:20 p.m. by a voice vote. Ayes: All. Nays: None.