

**CULLMAN CITY COUNCIL MEETING
MONDAY, FEBRUARY 19, 2024 AT 7:00 P.M.
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:01 p.m. on Monday, February 19, 2024. Police Chief Dave 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 Clerk Wesley Moore was also present. City Attorney Roy Williams was absent.

Council President Jenny Folsom asked the Council to consider the minutes from February 12, 2024. Council Member Moss made a motion to approve the minutes from February 12, 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 – No report.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom, on behalf of the City Council, wished Mayor Jacobs a happy birthday.

REPORT FROM THE MAYOR

Mayor Jacobs recognized Mike Voss with a proclamation in appreciation for his 16 years of dedicated service on the Planning Commission.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

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

Council Member Hollingsworth made a motion, contingent to working with the mayor on the event dates, to approve a special event request from Amanda Garrison of Sonic Drive In for a ‘Cruise In’ car show each second Friday from March through October on Compass Way SW. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to approve a special event request from Helen Allen for the annual Relay for Life on April 27, 2024 at Depot Park. 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 Jenny Folsom held the second reading of Ordinance No. 2024-14 to approve the Back-to-School Sales Tax Holiday every third full weekend in July. Council President Pro Tem Cook made a motion to approve Ordinance No. 2024-14.

ORDINANCE NO. 2024 - 14

AN ORDINANCE OF THE CITY OF CULLMAN, ALABAMA, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE “BACK-TO-SCHOOL SALES TAX HOLIDAY” AS AUTHORIZED 40-23-210 THROUGH 40-23-213, CODE OF ALABAMA 1975.

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

Section 1. In conformity with the provisions in 40-23-230 through 40-23-233, Code of Alabama 1975, providing for a State Sales Tax Holiday, the City of Cullman, Alabama, has affirmatively voted to grant the exemption of municipal sales and use taxes on certain purchases covered by 40-23-210 through 40-23-213, Code of Alabama 1975 during the third full weekend of July 2024, beginning at 12:01 a.m. on Friday, July 19, 2024 and ending at twelve midnight on Sunday, July 21, 2024 **and continuing each subsequent year thereafter during the same time period as the State’s “Back-to-School Sales Tax Holiday”** until and unless annual participation in the exemption is rescinded by further action of the council.

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by 40-23-210 through 40-23-213, Code of Alabama 1975.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Cullman, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective upon its approval and publication as required by law.

ADOPTED AND APPROVED THIS 19th DAY OF FEBRUARY, 2024.

/s/Mayor Woody Jacobs

ATTEST:

/s/ Wesley Moore, City Clerk

Council Member Smith 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the second reading of Ordinance No. 2024-15 to regulate mobile food businesses in the city limits of Cullman. Council Member Smith made a motion to approve Ordinance No. 2024-15.

ORDINANCE NO. 2024 - 15

THE PENALTIES AND INTEREST FOR DELINQUENT LICENSES AND TAXES

IN THE CITY OF CULLMAN, ALABAMA

BE IT ORDAINED by the City Council of the City of Cullman, Alabama as follows:

SECTION 1. To add the following section to the Cullman Municipal Code of Ordinances:

Sec. 4-39. - Penalties and interest.

A) All taxes not paid on or before the date they fall due shall be assessed with a penalty of fifteen (15) percent. There shall be assessed a penalty of thirty (30) percent if the license and assessed penalties are not paid within thirty (30) days of the due date.

B) Interest shall be added to any license or other tax levied which is not paid by the due date, subject to Code of Ala. 1975, § 40-23-2.1. The interest shall be computed based on the underpayment rate established in Code of Ala. 1975, § 40-1-44(a).

SECTION 2. 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 is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

SECTION 3. This Ordinance shall become effective upon its adoption and approval.

ADOPTED BY THE COUNCIL this the 19th day of February, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 19th day of February, 2024.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the first reading of Ordinance No. 2024-16 to add the appointed officer position of Public Safety Director. Council Member Smith made a motion to suspend the rules to consider Ordinance 2024-16. Council Member Hollingsworth seconded the motion to suspend the rules to consider Ordinance No. 2024-16, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve Ordinance No. 2024-16.

ORDINANCE NO. 2024 - 16

TO AMEND ORDINANCE NO. 2022 – 32 DESIGNATING OFFICERS OF THE CITY OF CULLMAN, ALABAMA

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

1. That SECTION IV is deleted in its entirety and replaced with the following:

SECTION IV. The following officers of the City, all of which have some level of authority over employees of the City, exercise some discretionary policy making authority, or a portion of their duties is the ability to discharge some portion of the sovereign power of the City, shall be appointed by the majority of the City Council:

- A. Police Chief.
- B. Fire Chief.
- C. Director of Economic Development.
- D. Sanitation Superintendent.
- E. Street Superintendent.
- F. Wastewater Treatment Plant Superintendent.
- G. Water and Sewer Superintendent.
- H. Garage Superintendent.
- I. Chief Building Official.
- J. Director of Risk Management.
- K. Director of Information Technology.
- L. ROW Maintenance Superintendent.
- M. City Engineer.
- N. Director (Operations) of Parks and Recreation.
- O. Director (Executive) of Parks and Recreation.
- P. Director of Human Resources.
- Q. Court Clerk.
- R. Public Safety Director.

All officers set out in this Section shall serve for one year or until their successors are appointed. All officers set out in this Section shall be directed by the Mayor and shall report to the Mayor and the designated Committee Chair to keep the Council informed of the operations of their departments. In addition to the normal duties of their respective departments, these officers shall set formal procedures for personal conduct of the employees within their departments not inconsistent with the policies set by the Council and Mayor. All officers set out in this Section are exempt employees (employees at will) and may be removed prior to their term of service without cause by the Council. The Mayor may temporarily suspend or remove any officer, superintendent, chief, or department head in this Section; the suspension or removal of any of the above officials, if sustained by a majority of the Council, shall be final. The Mayor may temporarily fill the vacancy of any office in this Section until a permanent replacement is appointed by a majority of the Council.

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

ADOPTED BY THE CITY COUNCIL this the 19th day of February 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 19th day of February, 2024.

/s/Mayor Woody Jacobs

Council Member Moss 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

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

RESOLUTION NO. 2024 – 36

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 19th day of February, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 19th day of February 2024.

/s/Mayor Woody Jacobs

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 adopt the following resolution:

RESOLUTION NO. 2024 - 37

TO APPOINT OFFICERS OF THE CITY OF CULLMAN

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

SECTION 1. The City Council of the City of Cullman designates the following officer to be appointed; said officer will serve until his successor is appointed:

Brian Bradberry

Public Safety Director.

ADOPTED BY THE CITY COUNCIL this the 19th day of February 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 19th day of February, 2024.

/s/Mayor Woody Jacobs

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

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

RESOLUTION NO. 2024 - 38

TO APPOINT AN OFFICER OF THE CITY OF CULLMAN

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

SECTION 1. The City Council of the City of Cullman designates the following officer to be appointed; said officer will serve until his successor is appointed:

Darren Peeples (Interim)

Chief, Fire Department.

ADOPTED BY THE CITY COUNCIL this the 19th day of February 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 19th day of February, 2024.

/s/Mayor Woody Jacobs

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

BOARD APPOINTMENTS – None.

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 7:16 p.m. by a voice vote. Ayes: All. Nays: None.