

**CULLMAN CITY COUNCIL MEETING
MONDAY, APRIL 22, 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 7:00 p.m. on Monday, April 22, 2024. Fire Chief Darren Peeples 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 Brad Smith, and Council Member Clint Hollingsworth. City Clerk Wesley Moore was also present. Council Member David Moss and City Attorney Roy Williams were absent.

Council President Jenny Folsom asked the Council to consider the minutes from April 8, 2024. Council President Pro Tem Cook made a motion to approve the minutes from April 8, 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 stated that the Spring Cleanup was very successful.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth shared that both the 1A-3A AHSAA State Track Meet at Cullman High School and the State of Alabama Strawberry Festival in Depot Park will be held the first weekend in May.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

Cullman City Schools Superintendent Kyle Kalhoff delivered a quarterly report for the city schools.

REPORT FROM THE MAYOR

Mayor Jacobs presented a proclamation to the Cullman City Schools Foundation in honor of Teacher Appreciation Week.

Mayor Jacobs presented a resolution to Pastor John Richter of St. John’s Evangelical Church celebrating their 150th anniversary.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Ricky Browning, of 1417 Bolte Road SE, thanked the Mayor and City Council for supporting the Good Samaritan and other not-for-profit organizations.

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

Council President Pro Tem Cook made a motion to approve a special event request from Katie Walker of the Chamber of Commerce to hold the annual 2nd Friday events. 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. 2024 – 53

TO APPROVE THE ANNUAL AUDIT FOR THE CITY OF CULLMAN

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Mayor to annually appoint an independent auditor to conduct an examination of all books and accounts of the City of Cullman in accordance with the generally accepted auditing standards and to make a full report to the Cullman City Council in writing and under oath;

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Cullman City Council to spread the full report from the independent auditor upon the minutes;

WHEREAS, the Mayor has appointed Warren Averett CPAs and Advisors to conduct the annual audit for fiscal year 2023;

WHEREAS, Warren Averett CPAs and Advisors has completed the annual audit for fiscal year 2023 and delivered the full report to the Cullman City Council;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the fiscal year 2023 annual audit is now spread upon the minutes.

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

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of April, 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:

**CITY OF CULLMAN
RESOLUTION NO. 2024 - 54**

WHEREAS, City of Cullman, acting by and through its City Council proposes to apply \$1,000,000.00 in Appalachian Regional Commission (ARC) funds to construct a new Hangar at the Cullman Regional Airport.

NOW, THEREFORE, be it resolved by the Cullman City Council as follows:

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting Fiscal Year 2024 ARC funds in the amount of \$1,000,000.00 to construct a new Hangar at the Cullman Regional Airport.

That, the Cullman City Council agrees and hereby commits to providing a cash match in the amount of **\$1,000,000.00** in support of this application.

READ AND APPROVED by the City of Council of Cullman, Alabama on this the 22nd day of April 2024.

SIGNED FOR THE CITY OF CULLMAN:

BY: /s/Mayor Woody Jacobs

Its: Mayor

ATTEST:

/s/ Wesley Moore, City Clerk

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:

**CITY OF CULLMAN
RESOLUTION NO. 2024 - 55**

WHEREAS, the City of Cullman, acting by and through its City Council proposes to apply to the U.S. Department of Transportation requesting grant funds from the Multimodal Project Discretionary Grant Opportunity (MPDG Grant).

NOW, THEREFORE, be it resolved by the City Council of the City of Cullman as follows:

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the United States Department of Transportation requesting Fiscal Year 2025-2026 Multimodal Project Discretionary Grant funds in the amount not to exceed \$25,000,000 to replace the St. Bernard Bridge and widen U.S. Highway 278/State Highway 69 from 4th Avenue to existing 3-lane section past St. Bernard Bridge; and

THAT, THE CITY OF CULLMAN will provide a local match of \$100,000 in support of this project and the Alabama Department of Transportation has committed the remainder of the project match.

READ AND ADOPTED this the 22nd day of April 2024.

Signed for the City of Cullman:

BY: /s/Mayor Woody Jacobs

Its: Mayor

ATTEST:

/s/ Wesley Moore, City Clerk

Council Member Smith 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. 2024 - 56
TO AWARD BID FOR MANN SUBBASIN SEWER REHABILITATION**

WHEREAS, bids were opened on March 28, 2024 for Mann Subbasin Sewer Rehabilitation in the City of Cullman;

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Pipeworks Plus, Inc., is the lowest responsible bidder, in the budgeted amount of \$6,128,426; and

BE IT RESOLVED by the Cullman City Council that the bid for Mann Subbasin Sewer Rehabilitation to that Pipeworks Plus, Inc.

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

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of April, 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 President Folsom held the second reading of Ordinance No. 2024-17 to modify, amend or delete portions of the City of Cullman Zoning Ordinance, which received a favorable recommendation from the Planning Commission. Council Member Smith made a motion to suspend the rules to consider the ordinance. 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 Brad Smith: Aye. Council Member Hollingsworth: Aye. Council Member Smith made a motion to approve Ordinance 2024-17.

ORDINANCE NO. 2024 – 17

TO AMEND THE CITY OF CULLMAN ZONING ORDINANCE

SECTION I. PURPOSE. The purpose of this is to modify, amend, or delete portions of the current Zoning Ordinance.

SECTION II. The following definitions are hereby added to Chapter 62, “Zoning,” Section 23, “Definitions,” of the *Code of Ordinances City of Cullman, Alabama*, as follows:

Tobacco, Vape, CBD, THC Shop/Store; means any retail premises whose primary purpose is dedicated to the display, sale, storage of tobacco products, electronic cigarettes (a product containing or delivering nicotine, or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product including, but not limited to, “vapes”), CBD products (products made from CBD containing less than 0.2% THC), and/or THC products (including Delta-8 and Delta-9 products that come from the cannabis sativa plant which are subject to Federal, State and local guidelines and laws). Provided that, however, any grocery store, pharmacy, or supermarket, shall not be defined as such and shall not be subject to the restrictions in this article.

SECTION III. Table 5-1: Uses Permitted in Nonresidential Districts (Article V) of Section 62 of the *Code of Ordinances City of Cullman, Alabama*, is hereby deleted in its entirety and replaced with the following:

Table 5-1: Uses Permitted in Nonresidential Districts

P—The use is permitted by right.

E—The use is permitted by right, if existing as of the effective date of the ordinance from which this chapter is derived. New construction of the use is prohibited.

SE—Special exception, requires approval by the ZBA per section 62-184.

C—Conditional use, requires approval by the commission per section 62-172.

A blank cell indicates the use is prohibited in the district.

Uses	B-1	B-2	B-3	CBD	INST	M-1	M-1P	M-2
Commercial Uses								
Ambulance service	P	P	P	C				
Alternative financial service (with no outdoor storage), see section 62-91	P	P	P	P				
Alternative financial service (with outdoor storage), see section 62-91		P	P					
Automobile repair, major	C	P	P					
Automobile repair, minor	P	P	P	P				
Business or professional office	P	P	P	P				
Business support service	P	P	P	P				
Car wash			C					
Construction service, major		P	P			C	C	C
Construction service, minor		P	P			C	C	C
Dispensing Site		C	C	C				
Event Venue	C	P	P	P				
Farm support business	C	P	P					
Funeral home	C	P	P	C	C			
Gym	C	P	P	P				
Home occupation	P	P	P	P				
Kennel	C	C	C	C				

Maintenance service	C	P	P					
Medical clinic	P	P	P	P	C			
Mini-storage facility		C	C					
Outdoor storage			C			P	P	P
Parking, commercial	P	P	P	P	C	P		P
Pawn shop	P	P	P	P				
Printing service	P	P	P	P				
Repair service		P	P	P				
Research laboratory	C	P	P	P		P	P	P
School, commercial		P	P	P	C			
Studio	P	P	P	P				
Truck stop			C					
Wholesaling, beer or wine			P			P	P	P
Wholesaling establishment		P	P	P				
Day Care Facilities								
Child or adult day care center	P	P	P	P	P			
Child day care center accessory to a permitted business	P	P	P	P	P	P	P	P
Adult day care home	P							
Child day care group home	P							
Child day care home	P							
Institutional Use								
Low intensity	P	P	C	P	P	C	C	C
Medium intensity	P	C	C	C	P	C	C	C
High intensity	C	C	C	C	P	C	C	C
Place of Worship	P	P	P	P	C	C	C	C
Animal shelter			C		C			
Cemetery		C	C		C			
Hospital		C	C	C	C			
Lodging Uses								
Bed and breakfast, subject to section 62-95	P			P				
Hotel		P	P	P				
Motel		P	P					
Short-term rental, subject to section 62-103	P	P	P	P				
Manufacturing and Industrial Uses								
Bakery, major						P	P	P
Heavy industry						C	C	C
Industrial training center						C	C	C
Junkyard, subject to section 62-100		C	C					
Laundering plant						C	C	C
Manufacturing, general						C	C	C
Manufacturer; Alcoholic Beverages				C		P	P	P
Manufacturing, light						P	P	P
Recycling center		C	C					
Recycling plant						C	C	C
Warehousing and distribution center						P	P	P
Personal Services								
Laundry services	P	P	P	P				
Personal services	P	P	P	P				
Tattoo facilities, subject to section 62-104			P					
Veterinary hospital, with no outside boarding	C	P	P	C				
Recreation and Entertainment								
Entertainment, indoor	P	P	P	P				
Entertainment, outdoor	C	C	C	C				
Golf course	P	P	P					
Parks, playgrounds and nature preserves	P	P	P	P	P			

Recreation, commercial	C	C	C	C				
Recreation facility, public	C	C	C	C	C			
Residential Care Facilities								
Assisted living facility	P	P	P		C			
Independent living facility	P	P	P					
Nursing care facility	P	P	P		P			
Residential Uses								
Caretaker dwelling	C	C	C	C				
Duplex	E	E	E	E		E		E
Multifamily dwellings (more than 4 units per bldg.)	C	C	C	C				
Quadplex	E	E	E	E		E		E
Single-family attached, subject to section 62-93	E	E	E	E		E		E
Single-family detached	E	E	E	E		E		E
Triplex	E	E	E	E		E		E
Upper-story dwellings, subject to section 62-106	P	P	P	P				
Restaurant								
Brew pub, see chapter 4, City Code, Alcoholic Beverages				P				
Fast food restaurant	P	P	P	C				
Pick-up and delivery only restaurant	P	P	P	P				
Standard restaurant	P	P	P	P				
Standard restaurant with accessory alcohol sales, see chapter 4, City Code, Alcoholic Beverages	C	P	P	P				
Retail								
General, up to 10,000 s.f.	P	P	P	P				
General, larger than 10,000 s.f.	E	P	P	P				
Bakery, minor	P	P	P	P				
Bank	P	P	P	P				
Building supply	C	P	P	C				
Gas station	C	P	P	C				
Heavy equipment and vehicle sales, rental and service						C	C	C
Liquor sales for off-premises consumption, see chapter 4, City Code, Alcoholic Beverages	C	P	C	C				
Specialty beverage store, see chapter 4, City Code, Alcoholic Beverages	P	P	P	P				
Specialty wine and beer establishment, see chapter 4, City Code, Alcoholic Beverages	P	P	P	P				
Tobacco, Vape, CBD, THC Shop/Store			C					
Unenclosed retail		C	C					
Vehicle and equipment sales, rental and service		C	P	C				
Vehicle sales, rental and service	C	C	P	C				
Telecommunications and Utilities								
Public utility facility	P	P	P	P	P	P		P
Small cell facilities	P	P	P	P	P	P		P
Telecommunication tower, see section 62-105	C	C	C	C	C	P		P

SECTION IV. Article X, Signs, of Section 62-145, “Signs and advertising related to alcoholic beverages” of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to read as Signs and advertising related to alcoholic beverages, vaping, tobacco, e-cigarettes, CBD, THC and medical cannabis” add to add the following:

(d) It shall be unlawful for any person who owns or operates a place where vape products, tobacco, e-cigarettes, CBD, THC (including but not limited to CBD products, Delta-8 and Delta-9) or medical cannabis are sold to display any feather flags, banners, signs or electronic signage (including, but not limited to neon signs, LED signs, digital displays, interactive displays, mobile displays, etc.) containing the English name, brand name, illustration/image or any phonetic spelling or misspelling of an English name for vape products, tobacco, e-cigarettes, CBD, THC or medical cannabis outside any place of business or in any window or door visible from the outside of the business. For the purposes of this chapter, any sign attached directly to any part of a window or its surroundings (including windows integrated into doors) or any sign placed within 36 inches of the window with its content visible from the outside shall be considered to be in the window. No LED or electronic lighting affixed to the building, door(s) or window(s) shall be permitted if it is deemed by the Building Official to create a danger to or interfere/impeded the flow of traffic; or if it is deemed to be a nuisance.

SECTION V. SEVERABILITY CLAUSE. Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and 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 provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

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 April, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

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

/s/Mayor Woody Jacobs

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

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 7:25 p.m. by a voice vote. Ayes: All. Nays: None.