

**CULLMAN CITY COUNCIL MEETING ON FEBRUARY 8, 2021  
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Pro Tem Johnny Cook called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, February 8, 2021.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, Council President Pro Tem Johnny Cook, Council Member David Moss, and Council Member Clint Hollingsworth. Also present were Attorney Roy Williams and City Clerk Wesley Moore. Absent: Council President Jenny Folsom due to the passing of her mother at the age of 104 years old.

Council President Pro Tem Johnny Cook asked the Council to consider the minutes from January 25, 2021. Council Member Page made a motion to suspend the rules to consider the minutes. Council Member Moss 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve the minutes from January 25, 2021 as written. Council Member Page 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 Moss: Aye. Council Member Hollingsworth: Aye.

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

**REPORTS OF STANDING COMMITTEES**

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – 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 - Tabatha Smothers from Hampton Inn spoke, thanking the mayor and council for working hard to bring a sports complex and civic center to Cullman as it will be a big help for the hotels.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

**REPORT FROM THE MAYOR**

Mayor Jacobs presented a Resolution of Commendation to Dr. Susan Patterson, in recognition and appreciation of her years of dedicated service as Cullman City School Superintendent. Mayor Jacobs also welcomes the incoming Superintendent, Dr. Kyle Kallhoff, and looks forward to working with him.

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

**PUBLIC HEARINGS**

Council President Pro Tem Cook called the public hearing to order at 7:10 p.m. for Ordinance No. 2021-19 to rezone property on Beech Ave SW from M-2 Manufacturing to B-2 Business. With no one wishing to speak regarding the ordinance, Council President Pro Tem Cook closed the public hearing at 7:11 p.m.

Council President Pro Tem Cook called the public hearing to order at 7:11 p.m. for Ordinance No. 2021-20 to amend the zoning ordinance for the City of Cullman, Alabama. With no one wishing to speak regarding the ordinance, Council President Pro Tem Cook closed the public hearing at 7:12 p.m.

Council President Pro Tem Cook called the public hearing to order at 7:12 p.m. for Ordinance No. 2021-21 to rezone property on Bolte Road from R-1 Residential to Planned Unit Development PR-1. Mr. Brent Owens, of 4683 Ridgewater Road, Birmingham, spoke in favor of the rezoning. Mr. Brian Messersmith of 1529 Hart Drive, SE, spoke regarding his concern for the increased traffic the new subdivisions will bring and the current condition of the roads to be receiving the majority of the traffic. Council President Pro Tem Cook closed the public hearing at 7:16 p.m.

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

Council Member Page made a motion to approve a special event request from Justin Lynch of Jesus in the World Ministry to hold a prayer gathering on the sidewalk in front of the Cullman County Courthouse on Saturday, February 20, 2021 beginning at noon. Police Chief Culpepper recommends the event be approved, but requiring the event to end by dark for safety purposes. Council Member Moss 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 request from Hank's Sports Grill located at 601 4<sup>th</sup> Street SW for a restaurant alcohol license which receive a favorable recommendation from the City of Cullman Alcohol Review Committee. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

**RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

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

**RESOLUTION NO. 2021 – 55**

**TO ENTER INTO AGREEMENT WITH THE STATE OF ALABAMA FOR THE INSTALLATION, OPERATION AND MAINTAINANCE OF THE TRAFFIC SIGNAL**

**AT AL-69 AT 24<sup>TH</sup> STREET IN THE CITY LIMITS OF CULLMAN, ALABAMA**

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

1. That the City of Cullman, Alabama, enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for the installation, operation and maintenance of traffic signal on AL-69 at 24<sup>th</sup> Street in the city limits of Cullman which agreement is before the Council.
2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
3. That the signature of the Mayor be attested by the City Clerk and that the seal of the City be affixed to the agreement.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on record by the City Clerk.

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL this the 8th day of February, 2021.

/s/ Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor

Council Member Page 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. 2021 – 56**

**TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT  
WITH CHEST MEDICINE OF CULLMAN, DR. SCOTT WARNER**

**WHEREAS**, the Cullman City Council recognizes that in the current global pandemic, it is currently in the best interest of the City and the public welfare to enter into a professional services contract with Chest Medicine of Cullman, Pulmonologist, Dr. Scott Warner in order to oversee and provide medical direction, case analysis, advice and clinical oversight regarding outbreaks of infectious and communicable disease issues and other services as required pertaining to the practice of medicine; and

**WHEREAS**, the services rendered under this Resolution will also include consultation and assistance with Fire Rescue Service, Emergency Medical Service, Emergency Communications Department, Police Department, Human Resources, Risk Management, Public Communications concerning the ongoing pandemic; and

**WHEREAS**, the essential functions of this professional service require that medical expert, on behalf of the City, provide medical leadership, guidance and consultation with City officials on prevention, diagnosis, care, and treatment of health problems; participate in public education programs through the City concerning health issues that may affect the safety and well-being of all citizens; attend city council meetings, and other meetings as requested, to deliver a report to the Mayor and Council giving a general account of the professional services performed by him, with such suggestions in relation thereto as he or she may deem proper; remain current on policies and procedures relative to the practice of medicine in based on a national standard; coordinate with other medical experts in the implementation and review of policies and procedures within the City; respond to inquiries regarding community medical emergencies, including, but not limited to, natural disasters and outbreaks of infectious and communicable diseases, and recommend treatment where applicable; conduct research and investigations of infectious and communicable disease outbreaks; develop City protocols such as, but not limited to, diagnosis-specific treatment guidelines, policies and procedures set forth by the Fire-EMS Medical Director as the normal standard of care for a given clinical condition; and

**WHEREAS**, persons to perform under this contract for professional services must possess the following: a valid license to practice as a doctor of medicine in the State of Alabama, FEMA Incident Command Certification at IS-100, 200, 700, 800, Alabama Office of EMS and Trauma Medical Director certification, a certification from the Alabama Peace Officers Standards and Training Commission, certification in Emergency Medical Services by the American Board of Emergency Medicine, certification in Disaster Medicine by the American Board of Disaster Medicine, and have knowledge of the principles and practices of public health care; and

**WHEREAS**, this professional services contract does NOT replace the City's human resources occupational health physician or the employee's personal physician; and

**BE IT RESOLVED** by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to enter into professional services contract with Dr. Scott Warner for services regarding municipal health decisions in the amount not to exceed \$1,000.00 per month.

ADOPTED BY THE CITY COUNCIL, this the 8th day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

ADOPTED BY THE CITY COUNCIL, this the 8th day of February, 2021.

/s/Woody Jacobs, Mayor

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

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

**RESOLUTION NO. 2021 – 57**

**TO AWARD BID TO PIPEORKS PLUS, INC. FOR DERBY CREEK SEWER REHABILITATION**

**WHEREAS**, bids were received on January 29th, 2021 at 2:00 p.m. for Derby Creek Sewer Rehabilitation project;

**WHEREAS**, the following bids were received:

American Infrastructure Tech Corp.	\$ 5,591,100.00
Gulf Coast Underground, LLC	\$ 5,591,100.00
<b>Pipeworks Plus, Inc.</b>	<b>\$ 4,475,246.00</b>
Portland Utilities Construction Co., LLC	\$ 5,442,942.88
Suncoast Infrastructure, Inc.	\$ 5,103,500.00
Tren-Tay Incorporated	\$ 4,878,475.00

**BE IT RESOLVED** by the Cullman City Council has evaluated the bids received and has determined that Pipeworks Plus, Inc. is the lowest responsible bidder; and

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Pipeworks Plus, Inc. for Derby Creek Sewer Rehabilitation project.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

ADOPTED BY THE CITY COUNCIL, this the 8th day of February, 2021.

/s/Woody Jacobs, Mayor

Council Member Page 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. 2021 – 58**

**AUTHORIZING MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING  
WITH THE CULLMAN CITY SCHOOL BOARD  
TO ASSIST IN FUNDING THEIR CAPITAL IMPROVEMENT PLAN**

**WHEREAS**, the Cullman City Council has determined that entering into a memorandum of understanding with the Cullman City School Board to assist in funding their capital improvement plan would service a public purpose by providing exceptional education opportunities for the citizens of Cullman, Alabama;

**BE IT RESOLVED** by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to enter into a memorandum of understanding with the Cullman City School Board to assist in funding their capital improvement plan would service a public purpose by providing exceptional education opportunities for the citizens of Cullman, Alabama.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

ADOPTED BY THE CITY COUNCIL, this the 8th day of February, 2021.

/s/Woody Jacobs, Mayor

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

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

**CITY OF CULLMAN  
RESOLUTION NO. 2021 – 59**

**WHEREAS**, the City of Cullman has received a Land and Water Conservation Fund (LWCF) grant from the Alabama Department of Economic and Community Affairs in the amount of \$350,000.00, and

**WHEREAS**, the project is referred to as the City of Cullman Nesmith Park Improvement Project, also known as Project #: 18-LW-1053, and

**WHEREAS**, the scope and purpose of this project is to construct improvements to Nesmith Park, and

**THEREFORE**, in accordance with LWCF regulations the City of Cullman has advertised and received bids from qualified contractors to construct a multi-use baseball field at Nesmith Park.

**NOW, THEREFORE**, be it resolved that the City of Cullman and Renta Urban Land Design has evaluated the bids received and have determined that Coston General Contractors, Incorporated is the low bidder on this phase of the Nesmith Park Improvement Project.

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to award and enter a contract with Coston General Contractors, Incorporated in the amount of \$779,544.00 to construct a multi-use baseball field at Nesmith Park.

**READ AND ADOPTED** this the **8th** day of **February 2021**.

**SIGNED FOR THE CITY OF CULLMAN:**

/s/ Woody Jacobs, Mayor

**ATTEST:**

/s/Wesley M. Moore, City Clerk

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

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

**RESOLUTION NO. 2021 – 60  
TO ENTER INTO A SERVICE CONTRACT AGREEMENT**

**WHEREAS**, the Cullman City Council, in the State of Alabama, recognize the medical importance and taxpayer benefit in entering into a service contract with Millennium Risk Managers, LLC., (MRM) to provide medical bill repricing services as an independent contract to the City of Cullman Jail System; and

**WHEREAS**, the services provided under this contract shall exempt any existing agreement between the City of Cullman and Cullman Regional in connection to medical bill repricing and treatment services provided by Cullman Regional to the City of Cullman Police Department; and

**WHEREAS**, whenever the circumstances may arise that an inmate under the custody of the Cullman City Police Department needs to be sent for medical treatment of exigent circumstances in which Cullman Regional may not be able to provide such treatment, this service helps to negotiate down any and all medical bills regarding that treatment on behalf of MRM.

**BE IT RESOLVED** by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to enter into professional services contract with Millennium Risk Managers, LLC, for payment of 15% of the gross savings percent from the City approved medical bill.

**ADOPTED BY THE CITY COUNCIL** this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

**ATTEST:**

/s/Wesley Moore, City Clerk

**ADOPTED BY THE CITY COUNCIL**, this the 8th day of February, 2021.

/s/Woody Jacobs, Mayor

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. 2021 – 61  
TO ENTER INTO A SERVICE CONTRACT AGREEMENT**

**WHEREAS**, the Cullman City Council, in the State of Alabama, recognize the public need to enter into a service contract with Evan Terry Associates, (ETA) to provide and develop a Transition Plan, available to the public, outlining a city's compliance with the Americans with Disabilities Act (ADA); and

**WHEREAS**, ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life; and

**WHEREAS**, Title II of the ADA applies to State and local government entities, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government; and

**WHEREAS**, Title II of the ADA mandates that every public agency with more than fifty (50) employees have an ADA Transition Plan, which describes how the City will ensure its facilities, services, programs, and activities are accessible; and

**WHEREAS**, the City of Cullman, in compliance with Title II of the ADA is required to address the subject of ensuring that the City of Cullman's services, facilities, and public rights-of-way are accessible to people with disabilities; and

**WHEREAS**, it is in the City of Cullman's best interest, and the interest of public welfare that the Transition Plan be developed by an ADA professional group, ETA, and the Transition Plan process shall serve as the City's self-evaluation, assessment and evaluation of its current facilities, services, policies, and practices. Its purpose is to identify those that may not meet, or are inconsistent with, the requirements of the ADA.

**BE IT RESOLVED** by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to enter into professional services contract with Evan Terry Associates for the development and implementation of a Transition plan in compliance with ADA regulations.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

ADOPTED BY THE CITY COUNCIL, this the 8th day of February, 2021.

/s/Woody Jacobs, Mayor

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

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

**RESOLUTION NO. 2021 – 62**

WHEREAS, the City Attorney has requested the Council to allow him to get clarification as to levy of franchise taxes;

BE IT RESOLVED that the Cullman City Council does hereby grant to the City Attorney the authority to obtain clarification as to the levy of franchise tax.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

ADOPTED BY THE CITY COUNCIL, this the 8th day of February, 2021.

/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 held the first reading of Ordinance No. 2021-19 to rezone property on Beech Ave SW from M-2 Manufacturing to B-2 Business district. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-19. 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-19.

**ORDINANCE NO. 2021 – 19**

**AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

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

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, Minuteman Construction, the following describe the tract or parcel of land, to-wit:

Legal Description: Commence at the Northwest corner of Section 26, Township 10 South, Range 3 West, thence South 03 degrees 00 minutes East along the section line a distance of 15 feet; thence North 87 degrees 00 minutes East a distance of 15 feet to the point of beginning; thence continue North 87 degrees 00 minutes East a distance of 210 feet; thence South 03 degrees 00 minutes East a distance of 420 feet; thence West and parallel to the North line of said Section 26 a distance of 210 feet; thence North 420 feet to the point of beginning. Containing two (2) acres, more or less.

Also known as PPIN 21550 and Parcel No. 17-07-26-2-001-002.000 (vacant lot on Beech Avenue and Bolte Road SE).

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as M-2 Manufacturing District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from M-2 Manufacturing District to B-2 Business District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 8<sup>th</sup> day of February, 2021 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/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 Member Page: Aye. 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. 2021-20 to amend the zoning ordinance for the City of Cullman. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-20. Council Member Page 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-20.

#### **ORDINANCE NO. 2021 - 20**

#### **TO AMEND THE CITY OF CULLMAN ZONING ORDINANCE**

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

**SECTION II.** (1) of Section 62-8. – Transitional Rules of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

- (1) If development, for which a subdivision plat or building permit was approved prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, then the approval expires (unless a subdivision has received final plat approval and the final plat has been recorded prior to the passing of this Ordinance); and future development is subject to these Regulations.

**SECTION III.** The following definitions of Section 62-23. - Definitions of the Code of Ordinances City of Cullman, Alabama, are added as follows:

*Place of Worship* means a dedicated area for religious worship or meditation.

**SECTION IV.** The following definitions of Section 62-23. - Definitions of the Code of Ordinances City of Cullman, Alabama, are hereby deleted and replaced with as follows:

*Drive-In Restaurant* means an establishment where food and drink may be ordered from and delivered to an automobile for consumption primarily on-premises.

*Drive-Thru Restaurant* means an establishment where food and drink may be, both, ordered from and delivered to an automobile for consumption off-premises or ordered and consumed within the principal building.

**SECTION V.** (2)(b) Dumpsters of Section 62-40 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

(2) The dumpster must be placed on a concrete pad at least 12 feet wide, 12 feet long and six inches thick and must be screened in accordance with §9.03 Screening. Pad must also have appropriate backstop in place (minimum of 8” curb along back perimeter) to protect from damages. If fencing is installed, a minimum opening width of 12 feet is required.

**SECTION VI.** Table 4-1: Uses Permitted in Residential Districts (Article IV) of Section 62 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

<i>Table 4-1: Uses Permitted in Residential Districts</i>				
	R-1	R-2	R-3	R-4
Residential Uses				
Accessory dwelling, see section 62-94		SE	P	P
Caretaker dwelling	SE	SE	SE	SE
Duplex			P	P
Single-family dwelling, attached, see section 62-93			P	P
Single-family dwelling, detached	P	P	P	P
Multifamily dwelling, more than 4 units per building				P
Quadplex				P
Triplex				P
Day care facilities				
Child or adult day care center		C	C	C
Child day care group home (7—12 children)		C	C	C
Child day care home (up to 6 children)	C	P	P	P
Residential care facilities				
Assisted living facility				C
Emergency care home (see section Code of Ala. 1975, § 11-52-75.1)				P
Family care home (see section Code of Ala. 1975, § 11-52-75.1)			C	P
Independent living facility (up to 6 residents)			C	P
Independent living facility (more than 6 residents)				P
Nursing care facility				C
Transitional care home				C
Other nonresidential uses				
Amateur radio tower	P	P	P	P
Bed and breakfast, see section 62-95	C	C	C	C
Boarding house, see section 62-96			C	P
Cemetery	C	C	C	C
Golf course	C	C	C	C
Home occupation, see section 62-99	SE	SE	SE	SE
Institutional use, low intensity	C	C	C	C
Institutional use, medium intensity	C	C	C	C
Place Worship, Low Intensity	C	C	C	C

Place of Worship, Medium Intensity	C	C	C	C
Parks, playgrounds and nature preserves	C	C	C	C
Public buildings	C	C	C	C
Public utility facility	P	P	P	P
Recreation facility, public	C	C	C	C
Residential (country) club	C	C	C	C
Short-term rentals, subject to section 62-103		P	P	P
Small cell facilities	SE	SE	SE	SE
Telecommunications tower, see section 62-105	C	C	C	C

P — The use is permitted by right.

SE — Special exception, requires approval by the zoning board of adjustments per section 62-184.

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

A blank cell indicates the use is not permitted.

**SECTION VII.** 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	P	P	P					
Construction service, major		P	P			C	C	C
Construction service, minor		P	P			C	C	C
Farm support business	C	P	P					
Funeral home	C	P	P	C	C			
Home occupation	P	P	P	P				
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
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	P	P	P	P				
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 store	P	P	P	P				
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 VIII.** Table 6-1: Uses Permitted in Agricultural Districts of Section 62-82 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

<i>Table 6-1: Uses Permitted in Agricultural Districts</i>		
	AG-1	AG-2
<b>Residential Uses</b>		
Accessory dwelling units, subject to section 62-94	P	P
Caretaker dwelling	P	P
Manufactured home park	C	C
Single-family, detached	P	P
<b>Day Care Facilities</b>		
Child day care group home	P	P
Child day care home	P	P
<b>Residential Care Facilities</b>		
Emergency care home	P	P
Family care home	P	P
Transitional care home	C	C
<b>Agricultural and Other Nonresidential Uses</b>		
Amateur radio tower	P	P
Bed and breakfast, subject to section 62-95	C	C
Boarding house, subject to section 62-96	C	C

Campgrounds	C	C
Cemetery	C	C
Golf course	C	C
Home occupation, subject to section 62-99	P	P
Farm support business	C	C
Fish hatcheries	P	P
Kennel	C	C
Institutional use, low intensity	C	C
Institutional use, medium intensity	C	C
Place of Worship	C	C
Livestock farm	P	P
Parks, playgrounds and nature preserves	C	C
Public buildings	C	C
Public utility facility	P	P
Recreation facility, public	C	C
Residential (country) club	C	C
Short-term rentals, subject to section 62-103	C	C
Slaughterhouse	C	C
Stockyard	C	C
Small cell facilities	P	P
Telecommunications towers, subject to section 62-105	P	P
Veterinary hospital, with inside or outside boarding	C	C

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 zoning board of adjustments per section 62-184.

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

A blank cell indicates the use is not permitted.

**SECTION IX.** (f) (1) c. Additional Provisions of Section 62-85 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

c. A reduction in the amount of open space or land designated for commercial use by more than five percent but less than 10% but in no case shall be less than the minimum amount defined in Table 6-5 of PUD Development Standards.

**SECTION X.** Table 6-5: PUD Development Standards of Section 62-85 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

Table 6-5: PUD Development Standards

Min. Setback from PUD Boundary	PR-1	PR-2	PM-1	PM-2
			15 ft	
Max. Residential Density	6 du/acre	9 du/acre	12 du/acre	16 du/acre
Min. Common Open Space	10%	15%	20%	15%
Min. Land Area Designated for Commercial Uses	n/a	n/a	40%	50%
Min. front yard setback	25 ft	25 ft	25 ft	25 ft
Along arterial	15 ft	15 ft	10 ft	10 ft
Along collector	15 ft	10 ft	0 ft	0 ft
Along local street				
Minimum Building Separation for Attached and Multifamily Dwellings				
Front to front; Front to back; back to back			40 ft	
Front to end, Back to end			20 ft if end wall is unpierced	

End to end	30 ft if end wall is pierced 15 ft if end wall is unpierced
Any other situation	25 ft if end wall is pierced 15 ft

**SECTION XI.** (j) Open Space Standards of Section 62-85 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

(j) *Open space standards.* Common open space must be provided in each PUD land use district in the amounts shown in Table 6-5. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than those permitted as listed above unless approved through an amendment to the MDP.

- (1) The following are excluded from calculation of common open space:
  - a. Land within individual lots.
  - b. Land encumbered by any substantial structure, enclosure or parking facility.
  - c. Land within eight feet of any building.
  - d. Land within a roadway, except a median that is at least 50 feet wide at its narrowest point and is designed for use as a recreational space.
  - e. Land to be used as or be in any required drainage area or easement.
- (2) Maintenance provisions must be included in the PUD’s Declaration of Covenants, Conditions and Restrictions, consistent with §3.07 Common Open Spaces and Facilities, for all common open spaces not left in a natural state. This includes, but is not limited to, circumstances where the developer no longer has ownership or an association of homeowners has disbanded. Common open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the PUD.
- (3) The area of common open spaces in each development phase must meet the requirements in Table 6-5 unless otherwise expressly approved as part of the MDP.

**SECTION XII.** (b) (4) of Section 62-112. – Off-Street Parking of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

*Shared and Joint Parking.* A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. If the combined uses will use the same spaces at different times, the spaces may be credited to each separate use. The applicant must present a joint parking agreement; and, if sharing the same spaces, a time schedule for allocation of the spaces.

**SECTION XIII.** Table 8-1: Required Off-Street Parking Spaces by Use of Section 62-112 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

Table 8-1: Required Off-Street Parking Spaces by Use	
Agricultural Uses	
Farm	1 per 1.5 employees
Farm Stand	1 per 350 sf of retail floor area
Farm Support Business	1 per 1.5 employees, plus 1 per company vehicle
Stable	1 per 4 persons of occupancy load plus 1 per 1.5 employees
Residential Uses	
Accessory Dwelling	1 per DU
Assisted Living Facility	1 per 4 residents plus 1 per employee
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	1 per 2 DUs plus 1 space per employee
Manufactured Home	2 per manufactured home in a manufactured home park
Multifamily Dwellings	1 per studio or 1-BR unit; 1.5 per 2-BR unit; 2.0 per 3+ BR unit
Single-family Dwelling	2 per DU
Institutional Uses	
Club, Private	1 per 200 sf of non-storage and non-service floor area
Community Center	1 per 400 sf of GLA
Country Club	1 per 4 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 4 seats in the main assembly space
Public Facility	1 per 400 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	as determined by the Commission

School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
Commercial Uses	
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 350 sf of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	1.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	2 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station / Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	1 per 300 sf of GLA
Home Improvement or Appliance Store	1 per 500 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Mini-warehouse	5 spaces (adjacent to leasing office, if any)
Office, business or professional	1 per 400 sf of GLA
Movie Theater	1 per 3 seats
Outdoor Recreation	3 per hole
Golf Course:	1 per hole
Miniature Golf:	1 per tee
Golf Driving Range:	1 per 4 persons of occupancy load
Other:	
Pool Hall	2 per 3 tables
Restaurant, Pick-up and delivery only	1 per employee plus 1 per 350 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 2 seats of occupancy load plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 2 seats of occupancy load
Shopping Center Complex	6 for each 1,000 sf of total floor area of all buildings in the complex, excluding mechanical and storage areas
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital	1 per 300 sf of GLA
Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA
Any use otherwise not specified	1 per 200 sf of floor area

**SECTION XIV.** Table 8-2: Typical Shared Parking Demand by Use and Time of Day of Section 62-112 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety.

**SECTION XV.** Table 9-1: Buffer Requirements by Use of Section 62-122 of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

Table 9-1: Buffer Requirements By Use									
Developing Land Use	Existing Abutting Use								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & greenways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	n/a	n/a	A	A	A			A	n/a
Attached, single-family	A	n/a	A	A	A			A	n/a
Multifamily	B	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	B	A	n/a	n/a			n/a	n/a
Manufactured home parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									
Buffer Class	Width						Required trees per 120 lf (without fence)		
	With fence/wall			Without fence/wall					
A	10 ft			15 ft			6		
B	10 ft			15 ft			8		
C	25 ft			30 ft			10		

**SECTION XVI.** Section 62-124. – Landscaping for Vehicular Areas of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

Section 62-124. – Landscaping for Vehicular Areas.

Landscaping must be provided in vehicular areas of nonresidential, multifamily and mixed-use developments that are used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic and provide valuable shade for pedestrians and/or vehicles.

(1) Requirements.

- a. Required trees must be a species that reaches a mature height of at least 20 feet.
- b. Interior Landscaping. Five percent of the area of any surface parking lot that has over twenty spaces must be interior landscaping, such as islands and peninsulas. Trees must be included within interior landscaped areas and evenly distributed in combination with other landscaping.
- c. Perimeter Landscaping, including street frontage. Vehicular areas must be separated from lot lines by a landscaping strip at least five feet wide planted with shrubs and one tree per 100 ft. of lot line.
  1. Where this conflicts with buffer or other landscaping requirements, the greater requirement governs.
  2. Driveway connections between adjacent businesses and other compatible uses are encouraged and are not included in calculation of perimeter tree requirements.
  3. Shrubs used must be detailed on site plan submittal.

- (2) City and state rights-of-way. All landscaping within city or state rights-of-way, other than that performed by the city or state, is the sole responsibility of the adjoining property owner to maintain. The property owner should secure a written agreement with the proper authority prior to landscaping any portion of a right-of-way. The city or state will not be responsible for damages to landscaping materials in rights-of-way, during street or utility repairs or maintenance activities.

**SECTION XVII.** Section 62-125. – Design Standards for Fences of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

Section 62-125. – Design Standards for Fences.

Fences must be masonry, durable wood, or a combination thereof. Chain-link can be used to meet landscaping requirements but has to have prior approval from the building official as it should only be used for particular instances. Untreated wood, plastic or wire fencing cannot be used to meet landscaping requirements. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.

**SECTION XVIII.** Section 62-144. Signs and advertising structure permits of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

*Section 62-144. Signs and Advertising Structure Permits.*

*A. Except where this ordinance explicitly exempts a sign, all signs erected shall require a sign permit issued by the Building Inspections Department.*

*B. Permit exceptions: The repairing, cleaning, touch-up painting, or bulb replacement and other normal maintenance to prolong the life of a sign shall not require a sign permit. Any maintenance to improve the structural integrity of the sign must be permitted. Changing the logo or name of any sign face shall not require a permit.*

*C. Any sign or advertising structure shall be subject to a building permit being issued. The fee for said permit shall be governed by the permit fee schedule adopted by the City of Cullman. Each permit application shall be accompanied by plans which show the following:*

*D. Application; contents. Each permit application shall be accompanied by plans which show the:*

*1) Indicate the proposed site by identifying the property owner, location, present use, and zoning district.*

*2) Show location of the sign on the lot in relation to the property lines, existing signs and structures.*

*3) Show complete structural specifications for all signs including footings, anchoring, and support for projecting signs and outdoor advertising structures. Such structural specifications must comply with the latest building related codes adopted by the City of Cullman. Signs exceeding 60 sf or any sign in excess of 20 ft in height shall be designed by an engineer registered in the State of Alabama, and said engineer shall place his official seal and signature to said structural specifications.*

*4) No permit shall be required for signs measuring seven square feet or less in area.*

*5) Additional information needed to determine if such sign is to be erected in conformance with this ordinance.*

*E. Sign area shall be the total of all signs on site (including wall signs, ground/monument signs, pole/pylon sign, etc.) If double-sided sign, only one face is calculated in the sign area.*

*F. Individual Businesses. signs shall be limited to an area equal to 2 square feet of sign for every 1 linear foot of building face OR 1 square foot of sign for every 1 linear foot of lot frontage, whichever is greater. If a corner lot, the building face and lot frontage may be measured along all facing streets.*

*G. Shopping Centers. allowed to have an additional locator sign at entrance(s) to development. These signs shall be limited to an area equal to 2 square feet of sign for every 1 linear foot of building face.*

*H. Residential developments. Includes single-family dwellings, duplexes, apartments, etc. Signs are permitted at each side of main entrance(s) Individual signs shall be limited to 120 square feet of area and shall be of ground or monument type only.*

*I. Projecting signs with two or more faces extending perpendicular from the building wall shall not project more than six feet from the wall.*

*J. Projecting signs shall not exceed 24 square feet in area and shall provide at least nine feet clearance underneath the sign.*

*K. Canopy or marquee signs may be attached to roof-like structures extending from a building wall or covering a fuel service island provided such signs are made a part of the canopy or marquee and do not extend beyond its face.*

*L. Attached signs shall not be placed upon any roof surface unless such roof has a pitch or 45 degrees or more.*

*M. The height of any attached sign shall not extend above the highest point of the roof line.*

*N. Wall signs with a single face mounted parallel to a building face shall not project more than 12 inches from the building wall and shall not extend beyond the limits of the building face.*

**SECTION XIX.** Chapter 44, Signs and Billboards, of the Code of Ordinances City of Cullman, Alabama, is hereby deleted in its entirety.

**SECTION XX. 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 XXI. EFFECTIVE DATE.** This ordinance shall be effective following its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor

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 Member Page: Aye. 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. 2021-21 to rezone property on Bolte Road SE from R-1 Residential to PR-1 Planned Unit Development district. Council Member Page made a motion to suspend the rules to consider Ordinance No. 2021-21. Council Member Moss 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve Ordinance No. 2021-21.

**ORDINANCE NO. 2021 – 21**

**AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

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

Section 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, Apel Enterprises, LLLP, the following describe the tract or parcel of land, to-wit:

PPIN: 1012 PARCEL: 17-07-26-1-001-001.000

Legal Description: The Northeast Quarter of the Northeast Quarter of Section 26, Township 10 South, Range 3 West, Cullman County, Alabama, containing 40 acres more or less

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as PUD for PR-1 Planned Unit Development for Limited Residential District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from R-1 Residential District to PR-1 Planned Unit Development for Limited Residential District.

Section 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

Section 3. That a public hearing be held relative to the passage of this ordinance on the 8<sup>th</sup> day of February, 2021 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

Section 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

Section 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

Section 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

Section 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor



Council Member Page 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 Member Page: Aye. 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. 2021-22 to annex property on Welti Road SE as AG-1 Agriculture and R-1 Residential Districts. Council Member Page made a motion to suspend the rules to consider Ordinance No. 2021-22. Council Member Moss 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-22.

**ORDINANCE NO. 2021-22**

**TO ANNEX CERTAIN PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA**

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

SECTION 1. The City Council of the City of Cullman finds that the following property owner, Minuteman Construction, has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, owned by the petitioner, be annexed into the City of Cullman:

TRACT 1: Legal Description: A tract or parcel of land containing 10.6 acres of land, more or less and being a part of the Southwest quarter of the Southeast quarter of Section 13 and part of the Northwest quarter of the Northeast quarter of Section 24, all in Township 10 South, Range 3 West, Cullman County Alabama and being more particularly described as follows: Begin at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 13 and run thence North 00 degrees 09 minutes 27 seconds East, a distance of 15.90 feet; thence North 34 degrees 14 minutes 54 seconds West, a distance of 387.50 feet; thence South 67 degree 22 minutes 28 seconds West, a distance of 114.96 feet; thence South 29 degrees 02 minutes 31 seconds West, a distance of 177.89 feet; thence North 37 degrees 21 minutes 49 seconds West, a distance of 177.72 feet to the point of curvature of a curve to the left, having a central angle of 136 degrees 34 minutes 34 seconds, a radius of 50.00 feet, a chord bearing of South 74 degrees 20 minutes 54 seconds west and a chord length of 92.91 feet; thence run along the arc of said curve an arc distance of 119.19 feet; thence North 83 degrees 56 minutes 22 seconds West, a distance of 26.27 feet to a point on an old fence line; thence South 06 degrees 03 minutes 38 seconds West, a distance of 35.67 feet; thence South 05 degrees 14 minutes 52 seconds West, a distance of 178.06 feet; thence South 04 degrees 59 minutes 14 seconds West, a distance of 168.47 feet; thence South 05 degrees 13 minutes 12 seconds West, a distance of 181.94 feet; thence South 00 degrees 02 minutes 52 seconds east, a distance of 196.56 feet to a point on the North right-of-way line of Cullman County Road No. 703; thence North 84 degrees 26 minutes 17 seconds east and run along said North right-of-way line, a distance of 684.30 feet; thence North 00 degrees 31 minutes 03 seconds East, a distance of 436.64 feet to the point of beginning.

TO BE ZONED AS R-1 RESIDENTIAL DISTRICT.

TRACT 2: Legal Description: A tract or parcel of land containing 25.39 acres of land, more or less and being a part of the Southwest quarter of the Southeast quarter of section 13 and a part of the Northwest quarter of the Northeast quarter of Section 24, all in Township 10 South, Range 3 west, Cullman County, Alabama and being more particularly described as follows: Commence at the Southeast corner of the Southwest Quarter of the Southeast quarter of said Section 13 and run North 00 degrees 09 minutes 27 seconds East and run along the East line, a distance of 15.90 feet to the point of beginning; thence North 00 degrees 09 minutes 27 seconds East, a distance of 1,967.47 feet to a point on the South bank of Eight Mile Creek; thence run in a westerly direction following said creek bank the following 7 courses: Thence South 78 degrees 36 minutes 13 seconds West, a distance of 109.01 feet; thence South 68 degrees 13 minutes 22 seconds West, a distance of 71.70 feet; thence South 86 degrees 55 minutes 52 seconds West, a distance of 102.84 feet; thence North 85 degrees 26 minutes 36 seconds West, a distance of 150.78 feet; thence South 88 degrees 59 minutes 07 seconds West, a distance of 126.27 feet; thence South 81 degrees 53 minutes 09 seconds West, a distance of 97.57 feet; thence South 85 degrees 03 minutes 48 seconds West, a distance of 24.44 feet to a point on the accepted West line of the East half of the Southwest quarter of the Southeast quarter; thence run in a Southerly line along an old fence line the following 12 courses: Thence South 02 degrees 54 minutes 50 seconds West, a distance of 165.97 feet; thence South 00 degrees 03 minutes 21 seconds West, a distance of 145.64 feet; thence South 01 degrees 09 minutes 57 seconds West, a distance of 125.31 feet; thence South 18 degrees 44 minutes 30 seconds East, a distance of 161.64 feet; thence South 04 degrees 02 minutes 19 seconds West, a distance of 252.98 feet; thence South 03 degrees 51 minutes 25 seconds East, a distance of 273.75 feet; thence South 06 degrees 16 minutes 30 seconds East, a distance of 101.38 feet; thence South 01 degrees 46 minutes 02 seconds East, a distance of 135.80 feet; thence South 00 degrees 21 minutes 14 seconds West, a distance of 76.73 feet; thence South 06 degrees 44 minutes 44 seconds West, a distance of 100.91 feet; thence South 02 degrees 37 minutes 28 seconds West, a distance of 78.45 feet; thence South 06 degrees 03 minutes 38 seconds West, a distance of 61.45 feet; thence South 83 degrees 56 minutes 22 seconds East, a distance of 26.27 feet to a point of curvature of a non-tangent curve to the right, having a central angle of 136 degrees 34 minutes 34 seconds, a radius of 50.00 feet, a chord bearing of North 74 degrees 20 minutes 54 seconds East and a chord length of 92.91 feet; thence run along the arc of said curve an arc distance of 119.19 feet; thence South 37 degrees 21 minutes 49 seconds east, a distance of 177.72 feet; thence North 29 degrees 02 minutes

31seconds east, a distance of 177.89 feet; thence North 67 degrees 22 minutes 28 seconds East, a distance of 114.96 feet; thence South 34 degrees 14 minutes 54 seconds east, a distance of 387.50 feet to the point of beginning.

TO BE ZONED AS AG-1 AGRICULTURAL DISTRICT.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as AG-1 Agricultural District and R-1 Residential District.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor

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 Member Page: Aye. 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. 2021-23 to improve and update the inspection process for street construction. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-23. 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-23.

#### **ORDINANCE NO. 2021 – 23**

#### **AMENDING SECTION 48-107 OF THE CODE OF ORDINANCES RELATING TO STREET INSPECTION**

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

Section 1. That Section 48-107 of the Code of Ordinances of the City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

##### **Sec. 48-107. - Inspections.**

- a) *Required.* After completion of each phase of street construction, an inspection must be made and approval in writing received from the inspector before the next phase may be commenced.
- b) *Preliminary inspection; corrections.* After all work has been completed, a preliminary inspection shall be made before any official acceptance. If the preliminary inspection reveals any deviation from the requirements of this article, it must be corrected before final approval through a Letter of Satisfactory Completion of the street may be given.
- c) *Bond;* Following a satisfactory preliminary inspection by the City, the Owner/Developer shall then post with the City Clerk a Maintenance Bond in an amount equal to ten percent of the total street and utility improvement cost for the street for a period of not less than one year.
- d) *Final Inspection and Letter of Satisfactory Completion.* The Developer/Owner shall thereafter a period of not less than one year from the issuance of the bond, request a final inspection by the City. If the City finds the work to be in satisfactory condition, the City shall issue a Letter of Satisfactory Completion to the Owner/Developer and Building Department for the records of the City.
- e) *Made by street superintendent or engineering department.* All inspections shall be made by either the city street superintendent, or the engineering department or such other person as may be designated and authorized by the city council.

Section 2. Severability. 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 and invalid shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

Section 3. Effective Date. This Ordinance shall become effective after its adoption and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor

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 Member Page: Aye. 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. 2021-24 to improve and update the requirements for installation and bonding of streets, street lighting, and natural gas service in subdivisions located in the City of Cullman. Council Member Page made a motion to suspend the rules to consider Ordinance No. 2021-24. Council Member Moss 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve Ordinance No. 2021-24.

**ORDINANCE NO. 2021 – 24**  
**TO AMEND ORDINANCE NO. 2018 – 34 SECTION IX - DEDICATION OF STREETS**

**SECTION 1. PURPOSE.** The purpose of this Ordinance is to amend Section IX of Ordinance No. 2018 – 34.

**SECTION 2. AMENDMENT.** Section IX. Dedication of Streets in Ordinance No. 2018 – 34 is hereby deleted in its entirety and replaced with the following:

**Section IX. Dedication of Streets.**

The Owner/Developer seeking to dedicate a road for the benefit of the public to the City of Cullman streets and thoroughfares system shall follow this Section of the Ordinance, in accordance with Chapter 48 “Streets, Sidewalks, and other Public Places” Section 48-107 of the City of Cullman Code of Ordinances, and the Subdivision Regulations Section 6.03, or otherwise as directed by the City.

- A. Following the completion of the road work, streets shall be inspected to show that the improvements are free from defective workmanship or material and free from sinkholes or other settling in the following order.
1. Owner/Developer shall first request a preliminary inspection of the fully completed work, which shall be done by either the Street Department or Engineering Department, who shall make the determination, in writing, if the work may be deemed as satisfactory work as described above in order to proceed.
  2. The Owner/Developer shall then post with the City Clerk a Maintenance Bond in an amount equal to ten percent of the total street and utility improvement cost for the street. The bond will guarantee the City (or County, if applicable) that the street has been installed free from defects caused by faulty material or workmanship, and that the street will remain in acceptable condition for a period of at least one year. If at the end of the one-year period, the street is found to have settled or be otherwise unacceptable because of faulty workmanship or material, the defective street must be repaired at the cost of the Owner/Developer up to the amount of the Maintenance Bond, and upon failure or refusal to do so within 90 days after demand is made by the City Council, then the City (or County, if applicable) may make repairs as reasonably necessary and recover the cost thereof.
  3. At the end of the one-year period, the Owner/Developer shall thereafter request a primary final inspection to be done by the street department or engineering department.
    - i. If the City finds the work to be in satisfactory condition, the City shall issue a Letter of Satisfactory Completion to the Owner/Developer and Building Department for the records of the City.
    - ii. If the Owner/Developer fails to request the inspection for a Letter of Satisfactory Completion, then the City may require the Owner/Developer to renew the bond, begin the process of dedication anew or proceed with this ordinance.
  4. The Owner/Developer, upon receipt of the Letter of Satisfactory Completion, shall then issue a Letter of Dedication to the City, dedicating the road as a part of the City’s street and thoroughfare system.
    - i. The Owner/Developer shall be responsible to provide a legal description of the entire road being dedicated to the City.
  5. The City Council may then accept the road writing through a Resolution.

**SECTION III. 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 8<sup>th</sup> day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor

Council Member Page 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 Member Page: Aye. 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. 2021-25 to levy a lodging tax and room fee on renting accommodations in the city of Cullman. Council Member Page made a motion to suspend the rules to consider Ordinance No. 2021-25. Council Member Moss 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 Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-25.

**ORDINANCE NO. 2021 – 25**

**AMENDING SECTION 12-243 OF THE CODE OF ORDINANCES RELATING TO A PRIVILEGE OR LICENSE TAX**

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

Section 1. That Section 12-243 of the Code of Ordinances of the City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

**Sec. 12-243. - Levied.**

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person engaging in:

- 1) The business of renting or furnishing any room or rooms, lodging, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, RV park, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of four (4) percent of the charge for the rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such rooms, plus three dollars (\$3.00) per room per night, provided for property sold or services furnished which are required to be included in the computation of the tax levied in Code of Alabama 1975, Title 40, Chapter 23, Article 1, Division1, such article being commonly referred to as the state sales tax statutes, shall not be included in computing the tax herein levied; or

Section 2. Severability. 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 and invalid shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

Section 3. Effective Date. This Ordinance, after its adoption and publication as provided by law, shall become effective on April 1, 2021.

ADOPTED BY THE CITY COUNCIL this the 8th day of February, 2021.

/s/Johnny Cook, City Council President Pro-Tem

ATTEST:

/s/Wesley Moore, City Clerk

/s/Woody Jacobs, Mayor

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

**BOARD APPOINTMENTS**

Council Member Page made a motion to reappoint Herbert Arnold to the Parks and Recreation Board. Council Member Moss seconded the motion and the motion was approved by a voice vote.

Council Member Hollingsworth made a motion to reappoint Will Harding to the Parks and Recreation Board. Council Member Moss seconded the motion and the motion was approved by a voice vote.

Council Member Moss made a motion to appoint Richard Orr to the Parks and Recreation Board. Council Member Page seconded the motion and the motion was approved by a voice vote.

Council Member Hollingsworth made a motion to appoint Josh Canaday to the Industrial Development Board. Council Member Moss seconded the motion and the motion was approved by a voice vote.

Council President Pro Tem Cook asked for a motion to adjourn. Council Member Page made the motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:36 p.m. by a voice vote. Ayes: All. Nays: None.