

**CULLMAN CITY COUNCIL MEETING ON JUNE 27, 2022
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, June 27, 2022. Police Chief Kenny Culpepper led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council President Pro Tem Johnny Cook, and Council President Jenny Folsom, Council Member David Moss, Council Member Brad Smith, Council Member Clint Hollingsworth. Also present were Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from June 6, 2022. Council President Pro Tem Cook 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 President Pro Tem Cook, Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from June 6, 2022, as written. Council Member Hollingsworth seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook, Council President Folsom: Aye. Council Member David Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) – Chairman Brad Smith – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook reports the Sanitation Department has been awarded an Alabama Recycling Grant for \$154,000 to begin recycling cardboard.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Flags were presented by Mayor Jacobs to William Carter and Brian Monk, representing Cullman's VFW Post 2214. Mayor Jacobs appointed Michael Sullins to the Planning Commission, replacing Barrett Richard. Mayor Jacobs appointed Blake Bright to the Planning Commission, replacing Brad Smith.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS – None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

Council President Folsom introduced Resolution No. 2022-75 moving the July 11th council meeting to July 7th, 2022; noting the meeting date change will also change the public hearings on Ordinance No. 2022-20 to rezone lots on Third Avenue SE to CBD; and Ordinance No. 2022-21 to rezone lots on 8th Street NE to B2 district. Council President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2022 – 75

TO AMEND CERTAIN CULLMAN CITY COUNCIL MEETING DATES FOR 2022

WHEREAS, the Cullman City Council encourages the public to attend all Cullman City Council Meetings and has determined that the following dates and times listed below would be the most appropriate:

WHEREAS, the Cullman City Council has determined that there will be no quorum present for the regularly scheduled City Council Meeting on Monday, July 11th, 2022 at 7:00 p.m.;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the date and time of the Council Meeting on Monday, July 11th, 2022 at 7:00 p.m. is hereby moved to Thursday, July 7th, 2022 at 7:00 p.m. and;

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 27th day of June, 2022.

/s/Mayor Woody Jacobs

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

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

RESOLUTION NO. 2022 – 76

TO AWARD BID FOR CULLMAN PRIMARY SCHOOL ACCESS DRIVEWAY

WHEREAS, bids were opened on June 7th, 2022, at 2:00 p.m. for the Cullman Primary School access driveway project; and

WHEREAS, the lowest responsible bidder for Cullman Primary School access driveway project was Site Masters Construction, Inc.;

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Site Masters Construction, Inc., is the lowest responsible bidder in the base bid amount of \$946,075.34;

BE IT RESOLVED by the Cullman City Council that the bid for Cullman Primary School access driveway project is hereby awarded to Site Masters Construction, Inc. in the amount of \$946,075.34.

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 27th day of June, 2022.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook 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. 2022 - 77

TO ENTER INTO A SERVICE CONTRACT AGREEMENT

WHEREAS, the City Council of the City of Cullman, in the State of Alabama, recognizes that the services provided to the City of Cullman by Cullman Area Chamber of Commerce serve a public purpose in improving the quality of life in Cullman by promoting tourism in the City of Cullman, Alabama; and

BE IT RESOLVED that the Mayor is hereby authorized and directed to execute the following contract with Cullman Area Chamber of Commerce, hereinafter referred to as the “Contractor”, for services as described therein, and the City Clerk is authorized to affix the City seal thereto: and

BE IT FURTHER RESOLVED that, prior to the release of any funds in connection with this contract for Fiscal Year 2022, the following documentation must be submitted annually to the City of Cullman:

Resolution of the Board of Directors (or other governing body) authorizing the Contractor to enter into this contract;

Copy of the current by-laws of the Contractor;

Copy of the determination letter from the IRS, or Alabama Legislative Act creating the Contractor which states the tax status of the Contractor;

Copy of the Contractor’s most recent audited financial statements;

Copy of the Contractor’s most recent budgeted-to-actual reports including revenues and expenditures;

Copy of the Contractor’s most recent balance sheet detailing cash, cash equivalents, certificates of deposits, investments, cash reserves, and other like assets;

Copy of the Contractor’s most recent budgets to actual reports (detailed by line item);

Copy of the Contractor’s most current certificate of insurance indicating General Liability and Worker’s Compensation insurance.

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 27th day of June, 2022.

/s/Mayor Woody Jacobs

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 adopt the following resolution:

RESOLUTION NO. 2022 – 78

TO AWARD THE BID FOR SURFACE TREATMENTS

WHEREAS, bids (R-01887) were opened on June 24, 2022 at 2:00 p.m. for various types of surface treatments for the City of Cullman,

WHEREAS, the low bidder for surface treatments was Wiregrass Construction Co., Inc, located in Huntsville, Alabama; and

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid to Wiregrass Construction Co., Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for surface treatments be awarded to Wiregrass Construction Co., Inc.

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 27th day of June, 2022.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook 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. 2022 – 79

WHEREAS the City of Cullman desires to rehabilitate and construct new handicapped accessible sidewalks south along 4th Avenue SW from US Highway 278 to 4th Street SW and will extend west along 4th Street SW to the intersection of 5th Avenue SW.

WHEREAS the City of Cullman proposes to submit an application to the Alabama Department of Transportation for grant assistance available through the FY2023 Transportation Alternatives Program (TAP); and

WHEREAS, the estimated total project cost is \$1,080,602.39, the TAP Grant Ceiling is \$800,000.00 for construction and \$100,000.00 for design, and the program requires a cash match of at least 20% of eligible project cost.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Cullman will provide the required local cash match of \$280,602.39, as well all cost associated with engineering design and administrative services; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to file an application for these funds, and in the event a grant is awarded, the Cullman City Council understands that the Mayor will be required to sign certifications and assurances to comply with applicable Federal and State laws, rules and regulations.

READ AND APPROVED by the City of Council of Cullman, Alabama on this the 27th day of June 2022.

SIGNED FOR THE CITY OF CULLMAN:

/s/Mayor Woody Jacobs

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 Member Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2022 – 80

TO AMEND THE BY-LAWS OF THE CULLMAN REGIONAL AIRPORT

WHEREAS, the Cullman Regional Airport Board requested the City of Cullman and Cullman County amend the Airport By-Laws to stagger the terms of the Airport Board Members;

BE IT RESOLVED by the Cullman City Council that the Airport By-Laws are hereby amended to stagger the terms of the Airport Board Members as requested by the Cullman Regional Airport Board.

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 27th day of June, 2022.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Jenny Folsom held the first reading of Ordinance No. 2022-20 to amend the requirements of streets in subdivisions in the City of Cullman. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-20 to amend the requirements of streets in subdivisions in the City of Cullman. 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 President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council Member Smith made a motion to adopt Ordinance No. 2022-20.

ORDINANCE NO. 2022-20
TO AMEND THE REQUIREMENTS OF STREETS IN SUBDIVISIONS
IN THE CITY OF CULLMAN, ALABAMA,

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

SECTION I. Purpose.

The purpose of this Ordinance is to modify, amend or delete portions of Ordinance No. 2021-24, of and concerning the requirements of public street dedication and acceptance by the City of Cullman into the City's public street and thoroughfare system.

SECTION II. Section IX, Dedication of Streets, of Ordinance No. 2021-24 of the City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

The Owner/Developer seeking to dedicate a road(s) 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 as amended hereinafter.

- A. Following the completion of the road work, roads 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 road(s). The bond will guarantee the City (or County, if applicable) that the road(s) has been installed free from defects caused by faulty material or workmanship, and that the road(s) will remain in acceptable condition for a period of at least one year. If at the end of the one-year period, the road(s) is found to have settled or be otherwise unacceptable because of faulty workmanship or material, the defective road(s) must be repaired at the cost of the Owner/Developer considering the amount of the Maintenance Bond and any and all costs in excess thereof, and upon failure or refusal to do so within ninety (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 costs 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 and the 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. If a road is a part of a multiple phase development, the maintenance bond must remain on file with the City Clerk, and said bond shall be kept renewed as needed and in good-standing by the Owner/Developer, until completion of all subsequent phases of the subdivision are built and when the entire road system is constructed to the standards of the City.
- 5. The Owner/Developer, upon receipt of the Letter of Satisfactory Completion, shall then issue a Letter of Dedication to the City, dedicating the road(s) 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(s), describing each road in a multiple phase development individually, being dedicated to the City.
 - ii. All roads from a multiple phase development must be submitted once, as a collective whole, upon completion for dedication to the City, unless the City finds it in the interest of the public welfare to accept any road(s) of a multiple phase development separately.
- 6. The City Council may then accept the road writing through a Resolution.

SECTION III. Severability Clause.

Each and every provision of this Ordinance are 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 IV. Effective Date.

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

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this on the 27th day of June, 2022.

/s/Mayor Woody Jacobs

Council Member Moss seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the first reading of Ordinance No. 2022-21 to amend the pyrotechnics definition in the Code of Ordinances. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-21 to amend the pyrotechnics definition in the Code of Ordinances. 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 President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to adopt Ordinance No. 2022-21.

**ORDINANCE NO. 2022 – 21
TO AMEND CHAPTER 22, ARTICLE V, SECTION 22-109
OF THE CODE OF ORDINANCES OF THE CITY OF CULLMAN, ALABAMA**

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

SECTION I. Purpose. The purpose of this Ordinance is to modify, amend or delete portions of Chapter 22 (Fire Prevention and Protection), Article V (Fireworks), Section 22-109 (Definitions) of the Code of Ordinances of the City of Cullman of and concerning the terms and definitions regarding pyrotechnics and their prohibition within the city limits.

SECTION II. Chapter 22 (Fire Prevention and Protection), Article V (Fireworks), Section 22-109 (Definitions) of the Code of Ordinances of the City of Cullman, is hereby deleted in its entirety and replaced with the following:

Section 22-109. As used in this Chapter, the term "pyrotechnics" means any:

- 1. Aerial devices – Any type of Department of Transportation Class C Consumer Fireworks listed in the *American Pyrotechnics Association*, (“APA”) 87-1, Sections 3.1.2 and 3.5;
- 2. Audible ground devices – Any type of Department Class C Consumer Fireworks listed in the APA 87-1, Sections 3.1.3;

3. Novelties – Any device listed in APA 87-1, Section 3.2, including without limitation, “Party poppers,” “Snappers,” “Toy smoke devices,” “Snake, glow worms,” and “Wire sparklers/dipped sticks;”
4. Sparkling devices – Handheld or ground based sparkling devices that are non-explosive and non-aerial and contain 75 grams or less of chemical compound per tube, or a total of 500 grams or less for multiple tubes and other sparkling devices which emit showers of sparks and sometimes a whistling, spinning or crackling effect when burning, but does not include aerial devices, audible ground devices, or anything that will detonate or explode;
5. Squib;
6. Rocket;
7. Firecracker;
8. Roman Candle;
9. Fire Balloon;
10. Signal Light;
11. Fireworks; or
12. Other device or composition used to obtain a visible or audible pyrotechnic display.

SECTION III. Severability Clause. Each and every provision of this Ordinance are 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 IV. Effective Date. This Ordinance shall be effective on July 5th, 2022 following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 27th day of June, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 27th day of June, 2022.

/s/ Mayor Woody Jacobs

Council President Pro Tem Cook seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS – None.

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