

**CULLMAN CITY COUNCIL MEETING
MONDAY, AUGUST 22, 2022, AT 7:00 P.M.
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:02 o'clock p.m. on Monday, August 22, 2022. Assistant Police Chief Dave Nassetta led the Pledge of Allegiance and presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from August 8, 2022. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Hollingsworth seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook, 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 August 8, 2022, as written. Council Member Smith 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 Smith: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA

Council Member Smith made a motion to add Resolution No. 2022-108 to amend the position control detail as item no. 13 under Section XII. Resolutions, Ordinances, Orders, and Other Business. Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: 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 reported that Sanitation Superintendent, Sam Dillender, successfully applied for a \$154,000 ADEM recycling grant to construct a new cardboard recycling center.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth shared that Cullman had a successful weekend with Rock the South event. Through the generous donations from the Whitesell family, the Rotary Club and the Park Foundation with the fundraising goal of \$120,000 for the skatepark has been met. Also, the Oktoberfest event is coming up soon.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reports unemployment is 2.6%, which is the second lowest in the state.

REPORT FROM THE MAYOR

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

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council Member Hollingsworth made a motion to approve a special event request from Cullman Parks and Recreation to hold the Annual Oktoberfest on September 29, 2022 through October 1, 2022. 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 approve a special event request from Cullman Parks and Recreation to hold the Annual Oktoberfest 5k and 10k runs starting at the Festhalle on October 1, 2022. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Smith made a motion to approve a request from Blue Moon Bottles and Cans, LLC located at 1108 4th Street SW for a package store alcohol license which received 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, AND OTHER BUSINESS

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

**RESOLUTION NO. 2022 – 100
TO ENTER INTO AGREEMENT WITH ANDERSON, WILLIAMS, MCKINNIS & COMPANY, INC.**

WHEREAS, the Cullman City Council approved Resolution No. 2020-09 authorizing the Mayor to enter into an agreement with Benetech Administrators, Inc. to administer the City of Cullman's employee cafeteria plan, effective November 12, 2019;

BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the Mayor is hereby authorized and directed to terminate the agreement with Benetech Administrators, Inc. to administer the City of Cullman's employee cafeteria plan.

WHEREAS, Anderson, Williams, McKinnis & Company, Inc. has provided an agreement to administer the City of Cullman's employee cafeteria plan;

BE IT FURTHER RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the Mayor is hereby authorized and directed to enter into an agreement with Anderson, Williams, McKinnis & Company, Inc. to administer the City of Cullman's employee cafeteria plan.

ADOPTED BY THE CITY COUNCIL this the 22nd day of August, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of August, 2022.

/s/Mayor Woody Jacobs

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

Council Member Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2022 – 101

TO INCREASE THE THRESHOLD ON ACCOUNTING FOR THE CAPITAL ASSETS OF THE CITY OF CULLMAN

WHEREAS, the City Council finds and has determined that increasing the threshold on accounting for capital assets of the City of Cullman serves a public purpose to improve the efficiency and effectiveness of the accounting procedures of the City of Cullman;

BE IT RESOLVED by the City Council of the City of Cullman hereby increases the threshold on accounting for capital assets of the City of Cullman for depreciation purposes from \$5,000 to \$20,000.

ADOPTED BY THE CITY COUNCIL this the 22nd day of August, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of August, 2022.

/s/Mayor Woody Jacobs

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

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

RESOLUTION NO. 2022 - 102

TO ENTER INTO AGREEMENT WITH BYARS WRIGHT INSURANCE TO PROVIDE LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE, AND SUPPLEMENTAL VISION INSURANCE COVERAGE FOR CITY OF CULLMAN EMPLOYEES

WHEREAS, the Cullman City Council approved Resolution No. 2022-59 authorizing the Mayor to enter into an agreement with Byars Wright Insurance to provide life insurance, accidental death and dismemberment insurance, and supplemental vision insurance coverage for city employees;

WHEREAS, the Cullman City Council has determined that it would serve a municipal purpose to authorize Byars Wright Insurance to assist in providing short term disability insurance, long term disability insurance, and any other type of insurance coverage for city employees submit to the final approval by the Mayor;

BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to enter into agreements, as he deems necessary, with Byars Wright Insurance for short term disability insurance, long term disability insurance, and any other types of insurance coverage for city employees.

ADOPTED BY THE CITY COUNCIL this the 22nd day of August, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 22nd day of August, 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 President Pro Tem Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2022 – 103
TO EXTEND THE BID FOR HOT AND COLD MIX**

WHEREAS, the recommendation from the City Clerk Wesley Moore is to extend the current bid (R-01847) for the hot and cold mix with Wiregrass Construction Co., Inc for the period of one year;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for hot and cold mix with Wiregrass Construction Co., Inc until August 24, 2023;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for hot and cold mix, previously awarded to Wiregrass Construction Co., Inc, is hereby extended until August 24, 2023.

ADOPTED BY THE CITY COUNCIL this the 22nd day of August, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 22nd day of August, 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 Smith made a motion to adopt the following resolution:

**RESOLUTION NO. 2022 – 104
TO EXTEND THE BID FOR THE LAYING OF HOT MIX**

WHEREAS, the recommendation from the City Clerk Wesley Moore is to extend the current bid (R-01848) for the laying of hot mix with Wiregrass Construction Co., Inc for the period of one year;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for the laying of hot mix with Wiregrass Construction Co., Inc until August 24, 2023;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for the laying of hot mix, previously awarded to Wiregrass Construction Co., Inc, is hereby extended until August 24, 2023.

ADOPTED BY THE CITY COUNCIL this the 22nd day of August, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of August, 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 – 105
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 the regularly scheduled City Council Meeting on Monday, September 26, 2022 at 7:00 p.m. needs to be rescheduled;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the date and time of the Council Meeting on Monday, September 26, 2022 at 7:00 p.m. is hereby moved to Friday, September 30, 2022 at 12:00 noon and;

ADOPTED BY THE CITY COUNCIL this the 22nd day of August, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of August, 2022.

/s/Mayor Woody Jacobs

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

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

CITY OF CULLMAN
RESOLUTION NO. 2022 – 106

WHEREAS, the City of Cullman, acting by and through its City Council proposes to apply the US Department of Transportation Department requesting grant funds from the Bridge Investment Grant Program.

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

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit a application with appropriate assurances to the United States Department of Transportation requesting Fiscal Year 2022 Bridge Investment Program Grant funds in the amount of **\$15,323,719** to replace the St. Bernard Bridge and widen US Highway 278/State Highway 69 from 4th Avenue to existing 3-lane section past St. Bernard Bridge; and

THAT, THE CITY OF CULLMAN will provide a local match of **\$100,000** of the total project cost in support of this project and the Alabama Department of Transportation has committed **\$6,510,165** in support of this project.

READ AND ADOPTED this the **22nd** day of **August 2022**.

Signed for the City of Cullman:

/s/ Mayor Woody Jacobs

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 Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2022 – 107

WHEREAS, “Complete Streets” standards are defined as “ensuring the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles;”

WHEREAS, a “Complete Streets” program includes, but is not limited to, sidewalks, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts;

WHEREAS, “Complete Streets” standards promote walking and bicycling by providing safer places to achieve physical activity through transportation;

WHEREAS, the concept of “Complete Streets” encompasses many approaches to planning, designing, and operating roadways and rights of way with all users in mind to make the transportation network safer and more efficient;

WHEREAS, “Complete Streets” principles should be considered in future street and transportation plans for both new and retrofit projects in the City of Cullman;

WHEREAS, the application of “Complete Streets” standards will vary depending on the surrounding land uses and densities and its general context, however street and transportation plans should be guided by the principle that streets should promote transportation options for all people; specifically, to include individuals with disabilities and persons with mobility problems;

WHEREAS, “Complete Streets” can spark economic and community development by helping create walkable, vibrant communities where businesses can thrive and be strong, livable neighborhoods for residents of the City of Cullman and the surrounding area;

WHEREAS, “Complete Streets” can play a role by reducing pedestrian and bicyclist injuries and deaths, reducing traffic congestion, improving air quality both by promoting alternative forms of transportation and by helping improve traffic flow;

WHEREAS, the people of the City of Cullman have expressed a strong desire for increased transportation options, including walking and cycling;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Cullman supports a “Complete Streets” approach for the City of Cullman to enhance transportation options and to improve the quality of life for the residents of the Cullman community. The City Council urges the departments of the City of Cullman, Cullman County, and the State of Alabama, to implement “Complete Streets” practices that:

- Serve as guiding principles to design, construct, operate, and maintain the roadways to promote safe and convenient access and travel for all users and people of all abilities;
- Create a comprehensive and integrated transportation network;
- Are given consideration in planning for both new and retrofit projects;
- Recognize the need for flexibility and identify “Complete Streets” solutions that fit the context of the community.

READ AND ADOPTED this the **22nd** day of **August 2022**.

Signed for the City of Cullman:

/s/ Mayor Woody Jacobs

ATTEST:

/s/ Wesley M. Moore, City Clerk

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

Council Member Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2022-108

TO AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended accordingly, and is incorporated into the Fiscal Year 2022 City Budget.

ADOPTED BY THE CITY COUNCIL, this the 22nd day of August, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of August, 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 President Jenny Folsom held the first reading of Ordinance No. 2022-28 to vacate and surplus property located at 1015 Sheraton Road SW. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-28. Council Member

Hollingsworth seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2022-28.

ORDINANCE NO. 2022 – 28

TO VACATE AND SURPLUS PROPERTY NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSE

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

SECTION 1. The City Council hereby established and declared that the following described real property of the City of Cullman, Alabama, is no longer needed for public or municipal purposes, to-wit:

Lot 4 of the A.J. Livingston Subdivision in the City of Cullman, Alabama.

PROPERTY IS BEING PURCHASED IN "AS IS" CONDITION.

SECTION 2. The Cullman City Council hereby declares the above described property to be surplus and not needed by the City of Cullman for public or municipal purposes.

SECTION 3. The City Council hereby authorizes the Mayor and City Clerk to sell this property for its fair market value.

SECTION 4. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL, this the 22nd day of August, 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 22nd day of August, 2022.

/s/ Mayor Woody Jacobs

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

Council President Jenny Folsom held the first reading of Ordinance No. 2022-29 to authorize the operation of medical cannabis dispensing sites within the City of Cullman. Council Member Hollingsworth made a motion to suspend the rules to consider Ordinance No. 2022-29. Council Member Smith 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 Smith: Aye. Council Member Hollingsworth: Aye. Council Member Hollingsworth made a motion to adopt Ordinance No. 2022-29.

ORDINANCE NO. 2022 – 29

TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS DISPENSING SITES WITHIN THE CORPORATE LIMITS OF THE CITY OF CULLMAN

WHEREAS, during the 2021 Regular Session of the Alabama legislature, Act 2021-450 was enacted and codified in Title 20, 2A, *Code of Alabama* 1975, to create within Alabama a wholly interstate system of the cultivation, processing, and distribution of medical cannabis; and

WHEREAS, Act 2021-450 defines a "dispensary" as an entity licensed by the Alabama Medical Cannabis Commission to dispense and sell medical cannabis at the dispensing sites to registered, qualified patients and registered caregivers; and

WHEREAS, Act 2021-450 defines an "integrated facility" as an entity licensed to perform the functions of a cultivator, processor, secure transporter, and dispensary; and

WHEREAS, Act 2021-450 defines a "dispensing site" as a site operated by a dispensary licensee or an integrated facility licensee; and

WHEREAS, Act 2021-450 states that a dispensary licensee or integrated facility licensee may not operate a dispensing site within a municipality unless the governing body of that municipality has authorized, by ordinance, the operation of dispensing sites within its jurisdictional boundaries; and

WHEREAS, Act 2021-450 states that a program providing for the administration of cannabis derivatives for medical use in this state will not only benefit patients by providing relief from pain and other debilitating symptoms but will also provide opportunities for

patients with debilitating conditions to function and have a better quality of life and provide employment and business opportunities for farmers; and

WHEREAS, the City Council believes it is in the public's interest to authorize the operation of dispensing sites within the corporate limits of the City of Cullman.

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

1. The Cullman City Council does hereby authorize the operation of medical cannabis dispensing sites by dispensary licensees and integrated facility licensees within the corporate limits of the City of Cullman.
2. The City Clerk or designee is hereby directed to forward a copy of this ordinance to the Alabama Medical Cannabis Commission within seven calendar days its adoption.
3. 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.
4. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL, this the 22nd day of August, 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 22nd day of August, 2022.

/s/ Mayor Woody Jacobs

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

Council President Jenny Folsom introduced Ordinance No. 2022-30 to amend the definitions of the Cullman zoning ordinance and referred the ordinance to the Planning Commission

BOARD APPOINTMENTS – None.

Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:22 p.m. by a voice vote. Ayes: All. Nays: None.