

**CULLMAN CITY COUNCIL MEETING
MONDAY, APRIL 17, 2023, AT 7:00 P.M.
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 p.m. on Monday, April 17, 2023. 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 - Council President Jenny Folsom, Council President Pro Tem Johnny Cook, Council Member David Moss, Council Member Brad Smith, and Council Member Clint Hollingsworth. Also present were Mayor Woody Jacobs, City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from April 10, 2023. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. 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 Cook, Council President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from April 10, 2023, 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 Moss: Aye. Council Member Brad 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 - No report.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth - No report.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reported on the General Fund's second quarter financials for FY2023 show a 15% increase in revenue and an 11% decrease in expenses. The unemployment rate in Cullman county is the fourth lowest in the state at 2%.

REPORT FROM THE MAYOR - None.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS

Council President Folsom opened the public hearing at 7:07 p.m. for Ordinance No. 2023-19 to amend the uses permitted in non-residential districts of the zoning ordinance, which received a favorable recommendation from the Planning Commission. With no one wishing to speak regarding this proposed zoning amendment, the public hearing was closed at 7:08 p.m.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS - None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS:

Council President Jenny Folsom held the second reading Ordinance No. 2023-21 to adopt the 2023 Back-to-School Sales Tax Holiday. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2023-21.

ORDINANCE NO. 2023 – 21

TO PROVIDE FOR THE EXEMPTION OF THE COVERED ITEMS IN ACT 2006-574 FROM CITY SALES TAX

WHEREAS, the Legislature of the State of Alabama through Act 2006-574 has allowed cities and counties to exempt certain items mainly for the purchase of supplies, course studies, and clothing for children at the beginning of each school year, from sales and use taxes, the items allowed to be exempt specifically outlined in Act 2006-574;

WHEREAS, Act 2017-120 also limits the exemption to items purchased during a specific period of time being 12:01 a.m. on the third full weekend in July;

WHEREAS, the City of Cullman, Alabama, receives directly or indirectly through ordinance or legislative act, certain sales and use taxes which may be exempted under the provisions of Act 2006-574;

WHEREAS, the Cullman City Council finds and determines that it concurs with the exemption enacted by the Legislature in order to encourage and assist families in the purchase of necessary and essential items to properly clothe and provide their children with quality equipment and sufficient supplies to enhance their learning, comfort, and enjoyment of the school year ahead.

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

Section 1. The City of Cullman, Alabama, hereby abates or suspends and exempts only those items listed in Act 2006-574 from sales and use taxes levied or received by the City of Cullman for sales completed (being purchased and delivered to the customer) during the period commencing on Friday, July 21, 2023 at 12:01 a.m. and ending on the following Sunday, July 23, 2023 at 12:00 midnight. The items listed in Act 2006-574 shall not be exempt from sales or use tax during any time period other than the above stated third full weekend in July.

Section 2. The Cullman City Council may amend this ordinance or adopt a separate ordinance to extend this exemption of sales and use tax for the third full weekend in July for future years.

Section 3. Nothing in this Ordinance shall be construed to grant, exempt, amend, abate, or void any sales or use tax ordinance, law or legislation in any manner other than described in Alabama Legislative Act 2006-574.

ADOPTED BY THE CITY COUNCIL this the 17th day of April, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 17th day of April, 2023.

/s/Mayor Woody Jacobs

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

Council President Jenny Folsom held the first reading of Ordinance No. 2023-19 to amend the uses permitted in non-residential districts of the zoning ordinance, which received a favorable recommendation from the Planning Commission. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2023-19 to amend the uses permitted in non-residential districts of the zoning ordinance, which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook 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. 2023-21.

**ORDINANCE NO. 2023 – 19
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. The Planning Commission of the City of Cullman entered a motion for a favorable recommendation of this Ordinance on March 6th, 2023, to submit to the City Council, amending zoning district car wash.

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

Table 5-1: Uses Permitted in Nonresidential Districts								
P —The use is permitted by right.								
E —The use is permitted by right, if existing as of the effective date of the ordinance from which this chapter is derived. New construction of the use is prohibited.								
SE —Special exception, requires approval by the ZBA per section 62-184.								
C —Conditional use, requires approval by the commission per section 62-172.								
A blank cell indicates the use is prohibited in the district.								
Uses	B-1	B-2	B-3	CBD	INST	M-1	M-1P	M-2
Commercial Uses								
Ambulance service	P	P	P	C				
Alternative financial service (with no outdoor storage), see section 62-91	P	P	P	P				
Alternative financial service (with outdoor storage), see section 62-91		P	P					
Automobile repair, major	C	P	P					
Automobile repair, minor	P	P	P	P				
Business or professional office	P	P	P	P				
Business support service	P	P	P	P				
Car wash			C					

Construction service, major		P	P			C	C	C
Construction service, minor		P	P			C	C	C
Dispensing Site		C	C	C				
Event Venue	C	P	P	P				
Farm support business	C	P	P					
Funeral home	C	P	P	C	C			
Gym	C	P	P	P				
Home occupation	P	P	P	P				
Kennel	C	C	C					
Maintenance service	C	P	P					
Medical clinic	P	P	P	P	C			
Mini-warehouse		C	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	C	C	C	C				
Duplex	E	E	E	E		E		E
Multifamily dwellings (more than 4 units per bldg.)	C	C	C	C				
Quadplex	E	E	E	E		E		E
Single-family attached, subject to section 62-93	E	E	E	E		E		E
Single-family detached	E	E	E	E		E		E
Triplex	E	E	E	E		E		E
Upper-story dwellings, subject to section 62-106	P	P	P	P				
Restaurant								
Brew pub, see chapter 4, City Code, Alcoholic Beverages				P				
Fast food restaurant	P	P	P	C				
Pick-up and delivery only restaurant	P	P	P	P				
Standard restaurant	P	P	P	P				
Standard restaurant with accessory alcohol sales, see chapter 4, City Code, Alcoholic Beverages	C	P	P	P				
Retail								
General, up to 10,000 s.f.	P	P	P	P				
General, larger than 10,000 s.f.	E	P	P	P				
Bakery, minor	P	P	P	P				
Bank	P	P	P	P				
Building supply	C	P	P	C				
Gas station	C	P	P	C				
Heavy equipment and vehicle sales, rental and service						C	C	C
Liquor sales for off-premises consumption, see chapter 4, City Code, Alcoholic Beverages	C	P	C	C				
Specialty beverage store, see chapter 4, City Code, Alcoholic Beverages	P	P	P	P				
Specialty wine and beer establishment, see chapter 4, City Code, Alcoholic Beverages	P	P	P	P				
Tobacco, vape 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		C						
Public utility facility	P	P	P	P	P	P		P
Small cell facilities	P	P	P	P	P	P		P
Telecommunication tower, see section 62-105	C	C	C	C	C	P		P

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

ADOPTED BY THE CITY COUNCIL this the 17th day of April, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 17th day of April, 2023.

/s/Mayor Woody Jacobs

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

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 7:09 p.m. by a voice vote. Ayes: All. Nays: None.