

**CULLMAN CITY COUNCIL MEETING  
MONDAY, AUGUST 21, 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, August 21, 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 August 14, 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 August 14, 2023, as written. Council Member Moss seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member 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 asked for a report from Parks Director Nathan Anderson. Nathan Anderson reported that the annual Oktoberfest will be a great event to attend, the water park will be hosting a Splash Bash during Labor Day weekend, a city crest has been created to commemorate the City's 150th anniversary, shared that CPRST won their second global award with the Dream Design award for the WildWater Water Park, and thanked international employees that represented seven countries through the J1 program for the summer.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reported that Cullman's unemployment rate is at 1.9% which is the third 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**

Marty Roberson, co-owner of Vintage West, 55 County Road 142, Crane Hill, regarding advertising signage requirements; and the need for the bridge at St. Bernard to be replaced.

**PUBLIC HEARINGS** - None.

**REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS**

Council Member Moss made a motion to approve a special event request from Christy Turner of CPRST to hold the September Splash Bash with fireworks at Wildwater on September 1, 2023. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to approve a special event request from Amanda Garrison of Sonic Drive-In for a cruise-in car show on Compass Way SW on September 8, 2023. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

**RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS**

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

**RESOLUTION NO. 2023 – 68  
AUTHORIZING THE MAYOR TO PURCHASE REAL PROPERTY**

WHEREAS, the City of Cullman has an opportunity to purchase property for public and/or municipal use;

WHEREAS, the Cullman City Council believes that it is in the best interest of the City to purchase this vacant undeveloped land consisting of two acres, more or less, which is adjacent to our property used for parks and recreation purposes;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Woody Jacobs is hereby authorized

to purchase property for its fair market value under the terms and conditions as he deems just.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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. 2023 – 69**  
**INTERNATIONAL AWARD FOR WILDWATER**

WHEREAS, the Aquatics International has chosen Wildwater to receive its 2023 International Award for Dream Designs;

WHEREAS, the City Council and Mayor would like to thank CPRST for their outstanding management of this great facility;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Woody Jacobs is hereby authorized to accept this prestigious award on behalf of the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 approve the following resolution:

**RESOLUTION NO. 2023-70**  
**TO AWARD BID FOR GRIT CLASSIFIER**

WHEREAS, Bids (CB2023-11) were received on August 17, 2023, at 2:00 p.m. for a grit classifier for the City of Cullman, Alabama;

WHEREAS, the following bids were opened:

Fluidyne Corp.	Cedar Falls, IA	No response
Jim House and Associates	Irondale, AL	No response
Spirac, Inc.	Newnan, GA	Did not meet specification requirements
<b>Schreiber, a Parkson Corporation</b>	<b>Trussville, AL</b>	<b>\$87,995.00</b>

WHEREAS, the low bidder was Schreiber, a Parkson Corporation located in Trussville, Alabama;

BE IT RESOLVED by the Cullman City Council has evaluated the bids received and has determined that Schreiber, a Parkson Corporation is the lowest responsible bidder; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Schreiber, a Parkson Corporation for a grit classifier for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 approve the following resolution:

**RESOLUTION NO. 2023-71  
TO AWARD BID FOR CONCRETE FINISHING**

**WHEREAS**, Bids (PW2023-03) were received on August 17, 2023, at 2:00 p.m. for concrete finishing on an “as needed” basis for the City of Cullman, Alabama;

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

Alabama Grading and Excavation	Gadsden, AL	No response
Hernandez Concrete	Hanceville, AL	No response
M & B Concrete, LLC	Birmingham, AL	No response
<b>Ortiz Concrete</b>	<b>Hanceville, AL</b>	<b>Various bid items</b>
Sundog Paving, Inc.	Dora, AL	No response
Vulcan Materials & Asphalt Construction, LLC	Gadsden, AL	No response

**WHEREAS**, the low bidder was Ortiz Concrete located in Hanceville, Alabama;

**BE IT RESOLVED** by the Cullman City Council has evaluated the bids received and has determined that Ortiz Concrete is the lowest responsible bidder; and

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Ortiz Concrete, Inc. to provide concrete finishing required by the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 Moss made a motion to approve the following resolution:

**RESOLUTION NO. 2023-72  
TO AWARD BID FOR ELECTRICAL SERVICES**

**WHEREAS**, bids (PW2023-04) were received on August 17, 2023, at 2:00 p.m. for electrical services on an “as needed” basis for the City of Cullman, Alabama;

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

Contractor Service & Fabrication	Decatur, AL	No response
Johnson Contractors, Inc.	Muscle Shoals, AL	No response
<b>K &amp; M Electrical Contractors, LLC</b>	<b>Cullman, AL</b>	<b>Various bid items</b>
Tritan Electric, LLC	Hanceville, AL	No response

**WHEREAS**, the low bidder was K & M Electrical Contractors, LLC, located in Cullman, Alabama.

**BE IT RESOLVED** by the Cullman City Council has evaluated the bids received and has determined that K & M Electrical Contractors, LLC of Cullman is the lowest responsible bidder; and

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with K & M Electrical Contractors, LLC to provide all electrical services required by the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 approve the following resolution:

**RESOLUTION NO. 2023-73  
TO AWARD BID FOR VARIOUS TYPES OF ROCK**

**WHEREAS**, bids (PW2023-05) were received on August 17, 2023, at 2:00 p.m. for various types of rock material for the City of Cullman;

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

C. A. Langford Company	Guntersville, AL	Various bid items
Vulcan Materials Company	Trinity, AL	Incomplete bid
Vulcan Materials & Asphalt Construction, LLC	Gadsden, AL	No response
Whitaker Contracting Corp.	Guntersville, AL	Incomplete bid
<b>Wiregrass Construction, Inc.</b>	<b>Cullman, AL</b>	<b>Various bid items (low bidder)</b>

**WHEREAS**, the low bidder was Wiregrass Construction Company located in Cullman, Alabama;

**BE IT RESOLVED** by the Cullman City Council has evaluated the bids received and has determined that Wiregrass Construction Company is the lowest responsible bidder; and

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Wiregrass Construction Company to provide various types of rock for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 Hollingsworth made a motion to approve the following resolution:

**RESOLUTION NO. 2023-74  
TO AWARD BID TO FURNISH AND LAY HOT MIX**

**WHEREAS**, bids (PW2023-07) were received on August 17, 2023, at 2:00 p.m. to furnish and lay hot mix for the City of Cullman, Alabama;

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

C. A. Langford Company	Guntersville, AL	No bid
<b>The Rogers Group, Inc.</b>	<b>Trinity, AL</b>	<b>Various bid items (low bidder)</b>
Vulcan Materials & Asphalt Construction, LLC	Gadsden, AL	No response
Whitaker Contracting Corp.	Guntersville, AL	Incomplete bid
Wiregrass Construction, Inc.	Cullman, AL	Various bid items

**WHEREAS**, the low bidder was The Rogers Group, Inc. located in Hanceville, Alabama;

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

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with The Rogers Group, Inc. to lay hot mix for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 Smith made a motion to approve the following resolution:

**RESOLUTION NO. 2023-75  
TO AWARD BID FOR HOT AND COLD MIX**

WHEREAS, bids (PW2023-08) were received on August 17, 2023, at 2:00 p.m. for hot and cold mix for the City of Cullman, Alabama;

WHEREAS, the following bids were opened:

C. A. Langford Company	Guntersville, AL	No bid
<b>The Rogers Group, Inc.</b>	<b>Trinity, AL</b>	<b>Various bid items (low bidder)</b>
Vulcan Materials & Asphalt Construction, LLC	Gadsden, AL	No response
Wiregrass Construction, Inc.	Cullman, AL	Incomplete bid

WHEREAS, the low bidder was The Rogers Group, Inc. located in Hanceville, Alabama;

BE IT RESOLVED by the Cullman City Council has evaluated the bids received and has determined that The Rogers Group, Inc. is the lowest responsible bidder; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with The Rogers Group, Inc. for hot and cold mix for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/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 second reading of Ordinance No. 2023-29 to amend, modify or delete portions of the City of Cullman Zoning ordinance, which received a favorable recommendation from the City of Cullman Alcohol Review Committee and the Planning Commission. Council Member Smith made a motion to approve Ordinance No. 2023-29.

**ORDINANCE NO. 2023 - 29  
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.** The following definitions are hereby added to Chapter 62, "Zoning," Section 23, "Definitions," of the *Code of Ordinances City of Cullman, Alabama*, as follows:

Manufacturer; Alcoholic Beverages-- means any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state for the sale or distribution in this state or other states according to its laws and regulations, to the ABC board or a licensee of the ABC board.

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

Table 5-1: Uses Permitted in Nonresidential Districts

P —The use is permitted by right.





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 IV.** Article X, Signs, of Section 62-147, Signs prohibited of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to add the following:

(a)(8) Animated or Motion Signs. Signs and billboards with animated, blinking, chasing, flashing, moving, revolving or rotating effects by either natural or artificial means, used to depict action or to create a special effect or scene are prohibited, with the exception of (i) signs and billboards that alternate the display of time (including moving hands of a clock) or temperature; and, (ii) signs and billboards that change characters, letters, or illustrations either manually or electronically (including barber poles), without altering the sign or billboard.

**SECTION V.** Article X, Signs, of Section 62-149, Temporary, of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to add the following:

(g) Temporary Commercial Sponsorship.- A banner or sign rented by a business, entity or person for off premises commercial sponsorship and advertisement rights, which are temporary in nature, as a means of funding and supporting one of the following: (i) education associated projects, teams, activities and groups; (ii) not-for-profit entities and activities; and (iii) governmental agencies within the jurisdictional boundaries of the City for the general public may be displayed at a location owned or leased by schools, school system or governmental agencies. Temporary Commercial Sponsorships shall be removed after their usefulness has been fulfilled. They may remain, or be put back into place, upon their seasonal renewal by the business, entity or person providing the commercial sponsorship as a benefit to one of the above-listed groups.

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

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 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 second reading of Ordinance No. 2023-30 to amend, modify or delete the definitions City of Cullman Alcohol Ordinance, which received a favorable recommendation from the City of Cullman Alcohol Review Committee and the Planning Commission. Council President Pro Tem Cook made a motion to approve Ordinance No. 2023-30.

**ORDINANCE NO. 2023 - 30**

**TO AMEND THE CITY OF CULLMAN ALCOHOL ORDINANCE**

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

**SECTION II.** The following definitions are hereby added or amended to Chapter 4, "Alcohol," Section 33, "Definitions," of the *Code of Ordinances City of Cullman, Alabama*, as follows:

The definition Manufacturer, in Chapter 4, "Alcohol," Section 33, "Definitions," of the *Code of Ordinances City of Cullman, Alabama*, is hereby deleted in its entirety and replaced with the following:



*Manufacturer:* Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying, or compounding of alcoholic beverages, liquor, beer, or wine in this state for the sale or distribution in this state or other states according to its laws and regulations, to the ABC board or a licensee of the ABC board.

1. Upon applicant's compliance with the provisions of the Alabama State Code and the regulations of the state beverage control board, the city shall issue to applicant a manufacturer license which shall authorize the licensee to manufacture or otherwise distill, produce, ferment, brew, bottle, rectify, or compound alcoholic beverages within this state or for sale or distribution within this state. No person shall manufacture, distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this city for sale or distribution within this state or other states unless such person or the authorized representative of the person shall be granted a manufacturer license issued by the city.
2. No manufacturer licensee shall sell any alcoholic beverages direct to any retailer or for consumption on the premises where sold except as specified under subsection (7)(a)-(c), nor sell or deliver any such alcoholic beverages other than original containers approved as to the capacity of by the board and in accordance with standards of fill prescribed by the U.S. Treasury Department, nor maintain or operate within the state any place or places, other than the place or places covered by the manufacturer license, where alcoholic beverages are sold or where orders are taken.
3. Each manufacturer licensee shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in Alabama and shall file with the board its federal certificate of label approvals or its certificates of exemption as required by the U.S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officer of the state without a warrant and the goods shall be delivered to the board and disposed of as provided by law.
4. All such manufacturer licensees shall be required to mail or hand deliver to the board or designated representative of the board prior to the renewal of their city alcohol license an annual report which includes but is not limited to the annual gross receipts from retail sales, the annual gross receipts from manufacturing, the total gallons sold during the calendar year, the total number of barrels produced during the calendar year, the total square footage of the facility, the total square footage of the tap room, and the number of days in production during the calendar year. Such a report shall be in such form and containing such information as the board may prescribe.
5. Every manufacturer shall keep at its principal place of business within the state, daily permanent records which shall show the quantities of raw materials received and used in the manufacture of alcoholic beverages, and the quantities of alcoholic beverages manufactured and stored, the sale of alcoholic beverages, the quantities of alcoholic beverages stored for hire or transported for hire by or for the licensee and the names and addresses of the purchasers or other recipients thereof.
6. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary for the detection of violations of this chapter, or any law, or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by the licensees. The books and records of such licensees shall, at all times, be open to inspection by members of the board, or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.
7. Licenses issued under this section shall, unless revoked in the manner provided in this article, be valid for the license year commencing January 1 of each year.
  - a. A manufacturer licensee actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises in the state may conduct tastings or samplings on the licensed premises, as regulated by the ABC board except as to quantity and hours of operation, or as otherwise provided by statute, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only one premises where manufactured.
  - b. All alcoholic beverages manufactured and retained on the manufacturer's licensed premises for tasting or sampling shall remain on the premises and be dispensed from a barrel or keg or other original containers.
  - c. Beer may be transferred directly between qualifying manufacturers of the same ownership in accordance with all applicable state and federal laws, rules, and regulations. A licensed manufacturer shall have no more than one affiliate, ancillary and subsidiary manufacturing location under the same ownership located within the Central Business District ("CBD"). Where a licensed manufacturer has no more than one qualifying manufacturing place of business located within the CBD, the combined total amount of beverage produced on all the premises of qualifying manufacturers of the same ownership shall not exceed 10,000 barrels per year. All beer

sold, served and consumed on-premises must be brewed by the qualifying manufacturer at one of its licensed facilities.

8. In addition to the licenses provided for by the state and/or municipal license, there is levied on the manufacturer of the alcoholic beverages dispensed on the premises the privilege or excise tax imposed on beer by *Code of Ala.* 1975, §§ 28-3-184 and 28-3-190; and imposed on table wine by *Code of Ala.* 1975, § 28-7-18 and imposed on liquor by *Code of Ala.* 1975, §§ 28-3-200 to 28-3-205, inclusive. Every manufacturer licensee shall file the tax returns, pay the taxes, and perform all obligations imposed on wholesalers at the times and places set forth herein. It shall be unlawful for any manufacturer licensee who is required to pay the taxes so imposed in the first instance to fail or refuse to add to the sale price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that each of the taxes levied is in fact a tax on the consumer, with the manufacturer licensee who pays the tax in the first instance acting merely as an agent of the state for the collection and payment of the tax levied by *Code of Ala.* 1975, § 28-3-184; as an agent for the county or municipality for the collection and payment of the tax levied by *Code of Ala.* 1975, § 28-3-190; as an agent for the county or municipality for collection and payment of the tax levied by *Code of Ala.* 1975, § 28-7-18; and as an agent for the state for collection and payment of the tax levied by *Code of Ala.* 1975, §§ 28-3-200 to 28-3-205, inclusive.
9. The combined total amount of beverage produced on the premises of qualifying manufacturers of the same ownership cannot be less than 240 barrels per year and each facility must operate a minimum of 220 days per calendar year except the year manufacturer commences operation. In no case shall the minimum amount of beverage produced on any ancillary and subsidiary premises be less than thirty-six (36) barrels per year.
10. The establishment may operate a tap room (tasting room) in conforming with state law, however, the tap room shall not exceed an occupant load of 300 persons as determined by the Building and Fire Codes. Tap room shall operate in accordance with Sec. 4-55. – “Authorized hours,” of this Chapter.
11. Retail sales through the tap room shall not exceed fifty (50%) percent of the total gross revenues or total gallons sold by the business during any calendar year.
12. A loading and unloading area on site must be provided for.
13. No manufacturer shall provide for the public any type of recreational facilities, including but not limited to darts, billiards, pool, shuffleboard, or any other type [of] recreation[al] activity, except in a designated recreation area approved by the police chief or other designated City of Cullman representative.
14. Failure to comply with this article or state law shall be grounds for the city to refuse to renew the license for subsequent years.

**SECTION III.** Table 4-34: “Zoning,” the “Zone” column of “CBD (Central Business District)” of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to add the following within the business column for licensing purposes; subject to all City of Cullman Zoning Ordinance requirements:

1. Manufacturer.
2. Retail liquor sales for off-premises consumption

**SECTION IV.** Section 4-6, “Prohibited Use of drive-through or walk-up window for the purchase of beer and wine,” is hereby added to read as follows: “*No retailer licensed to sell beer, wine or any alcoholic beverages for off-premises consumption by the Alcoholic Beverage Control Board shall contain facilities for the sale of beer or table wine, or both any alcoholic beverages, by means of a "drive-up," "walk-up," or "drive-thru" window or other type of exterior access.*”

**SECTION V. SEVERABILITY CLAUSE.** Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

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

ADOPTED BY THE CITY COUNCIL this the 21st day of August, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 21st day of August, 2023.

/s/Mayor Woody Jacobs

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 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 second reading of Ordinance No. 2023-32 to annex the Cullman Regional Medical Center located at 5788 Alabama Highway 157 as B-2 Business District, which received a favorable recommendation from the Planning Commission. Council Member Moss made a motion to approve Ordinance No. 2023-32.

**ORDINANCE NO. 2023 – 32**

**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, Cullman Regional Medical Center, have 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:

PPIN: 5867. Parcel No. 09-09-32-0-001-015.000. Property Address: 5788 AL Highway 157, Cullman, Alabama.  
Legal Description: Lot 1 of the JMBL, Inc. Subdivision, as the same appears of record in Plat Book 2022, page 42 in the Probate Office of Cullman County, Alabama.

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 owner 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 B-2 General Business 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 14th day of August, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 14th day of August, 2023.

/s/Mayor Woody Jacobs

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 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 Member Moss made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:31 p.m. by a voice vote. Ayes: All. Nays: None.