

**CULLMAN CITY COUNCIL MEETING
MONDAY, DECEMBER 4, 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 7:04 p.m. on Monday, December 4, 2023. Fire Chief Brian Bradberry 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 Member David Moss, Council Member Brad Smith, and Council Member Clint Hollingsworth. Also present were Mayor Woody Jacobs, and City Clerk Wesley Moore. Absent were Council President Pro Tem Johnny Cook, and City Attorney Roy Williams.

Council President Jenny Folsom asked the Council to consider the minutes from November 27, 2023. Council Member Moss 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 Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve the minutes from November 27, 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 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 Parks Director Nathan Anderson to report on the Christmas parade and tree lighting. He shared that the parade and tree lighting were well attended with 18,000 to 20,000 people attending, with visitors from 29 states having attended the market since opening day. Christkindlmarkt vendors are reporting successful sales numbers, and local businesses are seeing a boost in business.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

REPORT FROM THE MAYOR

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

COMMENTS FROM ANYONE NOT ON THE AGENDA

Patti Phillips, 2038 Peachtree Lane NW, spoke against the N31 rezoning request.

PUBLIC HEARINGS

Council President Folsom set a public hearing for Ordinance No. 2024-08 on January 08, 2024, to rezone Blue Hole, LLC property located at Highway 278 from AG-2 to AG-1.

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

Council Member Smith made a motion to approve a special event request from Father Patrick Eagen of Sacred Heart Church for the annual Our Lady of Guadalupe parade from St. Bernard Abbey to Sacred Heart School on December 9, 2023 at 5:00 p.m. 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. 2024 – 17

TO ENTER INTO AGREEMENT WITH THE STATE OF ALABAMA FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THE TRAFFIC SIGNAL AT US 278 AT I-65 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 US-278/SR-74 at the I-65 southbound ramp 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 4th day of December, 2023.

ATTEST:

/s/ Wesley Moore, City Clerk

/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. 2024 – 18

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EPR SYSTEMS USA, INC.

BE IT RESOLVED by the City Council for the City of Cullman, that Mayor Woody Jacobs is hereby authorized to enter into an agreement with EPR Systems USA, Inc. for software to provide an innovative, comprehensive, and integrated records management solution for the City of Cullman Fire Department.

ADOPTED BY THE CITY COUNCIL this the 4th day of December, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 4th day of December, 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. 2024-03 to rezone N31, LLC property located at Highway 31 and Highway 157 to rezone properties from B-3 and M-1 to R-4 which received a favorable recommendation from the Planning Commission. Council Member Smith made a motion to approve Ordinance No. 2024-03.

ORDINANCE NO. 2024 – 03

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, the petitioner, the following describe the tracts or parcels of land, to-wit:

Property Owner: N31, LLC.

Parcel 1: Lot 3A. Legal Description: A tract or parcel containing 141.81 acres of land, more or less, and being known as Lot 3A of the Resurvey of Lot 3 (Future Development) of the Plat of Lot 5, of the Re-subdivision of Lot 3, Noble Ridge Subdivision as recorded in the Plat Records of Cullman County, Alabama, and is hereby changed from B-3 Business District and M-1 Manufacturing District to R-4 Residential District.

Parcel 2: Lot 6. Legal Description: A tract or parcel containing 4.24 acres of land, more or less, and being known as Lot 6 of the Resurvey of Lot 3 (Future Development) of the Plat of Lot 5, of the Re-subdivision of Lot 3, Noble Ridge Subdivision as recorded in the Plat Records of Cullman County, Alabama, and is hereby changed from B-3 Business District to R-4 Residential District.

Parcel 3: Lot 7. Legal Description: A tract or parcel containing 15.16 acres of land, more or less, and being known as Lot 7 of the Resurvey of Lot 3 (Future Development) of the Plat of Lot 5, of the Re-subdivision of Lot 3, Noble Ridge Subdivision as recorded in the Plat Records of Cullman County, Alabama, and is hereby changed from B-3 Business District to R-4 Residential District.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as R-4 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 B-3 Business District and M-1 Manufacturing District to R-4 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 27th day of November, 2023 at 7:00 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 4th day of December, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 4th day of December, 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 Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the second reading of Ordinance 2024-05 to approve the Severe Weather Preparedness Sales Tax Holiday from February 23, 2024, until February 25, 2024, and on the last full weekend of February each year thereafter. Council Member Moss made a motion to approve Ordinance No. 2024-05.

ORDINANCE NO. 2024 – 05

AN ORDINANCE OF THE CITY OF CULLMAN, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE LAST FULL WEEKEND OF FEBRUARY, AS AUTHORIZED BY 40-23-230 THROUGH 40-23-233, CODE OF ALABAMA 1975, GENERALLY REFERRED TO AS THE STATE SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY LEGISLATION.

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

Section 1. In conformity with the provisions in 40-23-230 through 40-23-233, Code of Alabama 1975, providing for a State Sales Tax Holiday, the City of Cullman, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the last Friday in February 2024 (February 23, 2024) and ending at twelve midnight the following Sunday (February 25, 2024), **and on the last full weekend of February each year thereafter** until and unless annual participation is rescinded by further action of the council.

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by 40-23-230 through 40-23-233, Code of Alabama 1975.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Cullman, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on December 4, 2023.

ADOPTED AND APPROVED THIS 4th DAY OF DECEMBER, 2023.

/s/Mayor Woody Jacobs

ATTEST:

/s/ Wesley Moore, City Clerk

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 Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2024-06 to annex a vacant lot located on County Road 1188 as AG-1 Agriculture District, which received a favorable recommendation from the Planning Commission.

Council President Folsom held the first reading of Ordinance No. 2024-07 to annex two parcels located on County Road 468 as AG-1 Agricultural District, which received a favorable recommendation from the Planning Commission.

BOARD APPOINTMENTS - None.

Wallace State Community College political science students Ellanora Slusser, Vivian (Gracie) Moody, and Emily Gable attended the council meeting as part of the class requirements.

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 7:26 p.m. by a voice vote. Ayes: All. Nays: None.