

**CULLMAN CITY COUNCIL MEETING
THURSDAY, JANUARY 4, 2024 AT 12:00 NOON
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 12:04 p.m. on Thursday, January 4, 2024. Police Chief David 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 Jenny Folsom, Council President Pro Tem Johnny Cook, Council Member David Moss, Council Member Brad Smith, and Council Member Clint Hollingsworth. City Clerk Wesley Moore was also present. City Attorney Roy Williams was absent.

Council President Jenny Folsom asked the Council to consider the minutes from December 11, 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: Aye. 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 December 11, 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 thanked everyone who worked at the Christkindlmarkt, they did a fantastic job.
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 – No report.

PUBLIC HEARINGS

Council President Folsom rescheduled the public hearing for Ordinance No. 2024-08 to rezone Blue Hole, LLC property located on US Highway 278 West from AG-2 to AG-1, to January 22, 2024, at 7:00 p.m.

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

Council Member Hollingsworth made a motion to approve a special event request from Kari Driver of Cullman Christian School for a 5k run at Depot Park on March 30, 2024. 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 a request from Lin Garden Buffet, Inc, 1848 Patriot Way SW, for a restaurant alcohol license which received a favorable recommendation from the 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:

**CITY OF CULLMAN
RESOLUTION NO. 2024 - 29**

WHEREAS, City of Cullman have been awarded a \$500,000.00 Appalachian Region Commission (ARC) grant to implement an Alabama Department of Economic and Community Affairs (ADECA) project to expand and renovate Depot Park to increase capacity for events and tourism.

WHEREAS, the City Council of Cullman recognizes that it is in the City's best interest to accept the above referenced grant funds.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Cullman City Council authorizes Woody Jacobs, Mayor to sign the ARC Grant Agreement, certifications, assurances, and any other necessary documents associated with implementation of this grant project.

READ AND ADOPTED this the 4th day of January, 2024.

Signed for the Cullman City Council:

By: /s/ Woody Jacobs, Mayor

Attest: /s/ Wesley M. Moore, City Clerk

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:

RESOLUTION NO. 2024 - 30

TO DECLARE CERTAIN PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN

WHEREAS, the Cullman City Council hereby finds and determines that the City of Cullman is owner of various capital assets and inventory that is no longer needed by the City of Cullman for public or municipal purposes and that the best interests of the City will be served by the sale or disposal of said property;

BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to designate a City employee to sell or disposal of said property that is no longer needed by the City of Cullman for public or municipal purposes for its present fair market value.

ADOPTED BY THE CITY COUNCIL this the 4th day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 4th day of January, 2024.

/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 adopt the following resolution:

RESOLUTION NO. 2024 – 31

TO AMEND THE SHIFT DIFFERENTIAL POLICY FOR THE POLICE DEPARTMENT

WHEREAS, the City of Cullman has added additional positions to the Cullman Police Department;

WHEREAS, the Police Chief has requested that the Mayor and Cullman City Council add four additional positions for a total of seventeen positions in the Police Department that qualify for the shift differential pay;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that the Shift Differential Policy for the Cullman Police Department is hereby amended and approved for seventeen positions in the Police Department that qualify for the shift differential pay.

ADOPTED BY THE CITY COUNCIL, this the 4th day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 4th day of January, 2024.

/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. 2024-04 to rezone Copper Horse Properties, LLC from R-3 to R-4 which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook made a motion to approve Ordinance No. 2024-04.

ORDINANCE NO. 2024 – 04

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, Copper Horse Properties, LLC, the following describe the tracts or parcels of land, to-wit:

Legal Description: Lots 1 and 2 of Block 34, Musgrove's Addition to the Town of Cullman, Alabama, as recorded in Deed Book 10, Pages 582 and 583 in the Office of the Judge of Probate of Cullman County, Alabama, and is hereby changed from R-3 Residential 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 synopsized, 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 11th day of December, 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 January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 4th day of January, 2024.

/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. 2024-09 to vacate a storm sewer easement located at 1502 Warnke Road NW. Council Member Moss made a motion to approve Ordinance No. 2024-09.

ORDINANCE NO. 2024 – 09

TO VACATE A STORM SEWER EASEMENT NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSE

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

1. The City of Cullman has a drainage easement running under the residence on BEG 25' S-W 220' S OF NE COR NW TH S152.5'W161.1'N-152.5'E16 1.1 TO POB of the City of Cullman also known as 1502 WARNKE ROAD NORTHWEST (Shown Exhibit "A").

2. The City of Cullman was granted a new Permanent Storm Sewer Easement on November 20th, 2023, (shown in Exhibit "B") on this property by the property owner.

3. The new utility and drainage easement is recorded in Deed Book 451, Page 172 in the Office of the Judge of Probate in Cullman County, Alabama.

4. The Cullman City Council finds and determines that the former drainage easement located on this property running under the dwelling is no longer needed by the City of Cullman for public or municipal purposes and hereby vacates the said drainage easement since obtaining the new utility and drainage easement.

5. The City Council hereby authorizes the Mayor to do as necessary to vacate the said former storm sewer easement.

6. This Ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL, this the 4th day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 4th day of January, 2024.

/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. 2024-10 to adopt and amend the building permit fee schedule. Council Member Smith made a motion to approve Ordinance No. 2024-10.

ORDINANCE NO. 2024 – 10

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

SECTION 1. This ordinance is to adopt and amend the permit fee schedule for the building department of the City of Cullman.

SECTION 2. The permit fee schedule for the building department of the City of Cullman is as follows:

SECTION 10-167. – Permit Fees.

Residential Permit Fee Schedule (applicable to all types and trades of construction)

<u>Total Valuation</u>	<u>Fees</u>
\$1,000 and less	\$20
\$1,001 to \$50,000	\$20 for the first \$1,000 plus \$6.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,001 to \$200,000	\$314 for the first \$50,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$200,000.
\$200,001 and up	\$1,064 for the first \$200,000 plus \$4.00 for each additional thousand or fraction thereof.

For all non-residential permits, add a \$1 per \$1,000 state fee.

All residential and non-residential permits have a \$10 issuance fee in addition to the permit fee schedule.

Fence Permit Fee

All fences require a minimum permit fee of \$20 plus a \$10 issuance fee.

Moving Permit Fee

For the moving of any building or structure, the moving permit fee shall be \$250 plus a \$10 issuance fee.

Demolition Permit Fee

For the demolition of any building or structure with 500 square feet or more, the demolition permit fee shall be \$100 plus a \$10 issuance fee.

For the demolition of any building or structure with less than 500 square feet, the demolition permit fee shall be \$25 plus a \$10 issuance fee.

Sitework Permit Fee

For sitework for major residential subdivisions, defined as 6 lots or more, the sitework permit fee shall be \$150 per lot plus a \$10 issuance fee.

Penalties

If work is started prior to obtaining any permit, all permit fees specified above shall be doubled, but the payment of the double fee will not relieve any person or persons from fully complying with the requirements of the city nor any other penalties, fine, violations, or other issue that may arise from not obtaining a permit prior to start work.

Reinspection Fee

The Reinspection fee for commercial and residential buildings is \$50 per reinspection.

Plan Review Fee

The plan review fee for commercial are as follows:

- a. Plans for new construction, major building alterations, and additions to buildings, the fee shall be \$150 plus \$1 per 1,000 square feet over 5,000 square feet or fraction thereof;
- b. Plans for any minor building alterations of 2 sheets or more, the fee shall be \$50.

SECTION 3. This ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL, this the 4th day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 4th day of January, 2024.

/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 Folsom held the first reading of Ordinance No. 2024-11 to abolish and re-create the Downtown Review Board, which received a favorable recommendation from the Planning Commission.

Council President Folsom held the first reading of Ordinance No. 2024-12 for the preserving downtown aesthetics of the City of Cullman within the CBD District, which received a favorable recommendation from the Planning Commission

Council President Folsom held the first reading of Ordinance No. 2024-13 to enter into a franchise agreement with Crown Castle Fiber, LLC. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2024-13. 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: Aye. 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 Ordinance No. 2024-13.

ORDINANCE NO. 2024 – 13

AN ORDINANCE GRANTING A FRANCHISE TO CROWN CASTLE FIBER, LLC TO CONSTRUCT, OPERATE, AND MAINTAIN A FIBER INTERNET SYSTEM IN THE CITY OF CULLMAN, ALABAMA SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREIN
The City Council of the City of Cullman Alabama ordains:

STATEMENT OF INTENT AND PURPOSE

City intends, by the adoption of this Franchise, to bring about the further development of a Fiber Internet System, and the continued operation of it. Such development can contribute significantly to the communication needs and desires of the residents and citizens of City and the public generally. Further, City may achieve better utilization and improvement of public services and enhanced economic development with the development and operation of a Fiber Internet System. Adoption of this Franchise is, in the judgment of the City Council, in the best interests of City and its residents.

FINDINGS

In the review of the request by the Grantee and negotiations related thereto the City Council makes the following findings:

1. Grantee has substantially complied with the material terms of the current Franchise under applicable laws;
2. Grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;
3. Grantee's plans for operating the Fiber Internet System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard;

4. The Franchise granted to Grantee by City complies with the existing applicable state statutes, federal laws and regulations;
and
5. The Franchise granted to Grantee is nonexclusive.
6. The terms and conditions of the Franchise Agreement are attached as Exhibit A.

ADOPTED BY THE CITY COUNCIL, this the 4th day of January, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 4th day of January, 2024.

/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 President Pro Tem Cook made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 12:17 p.m. by a voice vote. Ayes: All. Nays: None.