

City Hall  
Fayette, Alabama  
December 10, 2013

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on December 10, 2013, in the Council Chambers of the City Hall.

Upon roll call the following were found to be present: Mayor Ray Nelson, Council members Linda McCraw, Mike Hardin, Jason Cowart, Cedric Wilson and David Brand. Also present were City Clerk Dawn Clapp, Police Chief Danny Jenkins, Fire Chief Tony Ellis, City Attorney Dale Lawrence and City Engineer Dewayne Roby.

The opening prayer was given by Councilmember Jason Cowart.

Mayor Nelson announced that a quorum was present and that the meeting was open for the transaction of business.

#### GUEST APPEARING BEFORE COUNCIL

A. Greg Rainey and Edgar Calloway - Northstar Ambulance

Mr. Greg Rainey of Northstar Ambulance spoke to the Council concerning the ambulance response time. He stated that if the Fayette ambulances are on a call they will deploy ambulances from Marion County, Pickens County or Tuscaloosa County to Fayette. He said that one of the issues affecting response time was that the ambulances were conducting transfers from Fayette Medical Center to DCH. He said that because of a recent change, the number of transfers should go down.

Mr. Rainey stated that Northstar Ambulance provided good ambulance service to the City. He stated that there had been three incidents with ambulances not being able to respond in a timely manner. These incidents were caused by the ambulances being involved with a transfer. He said 95% of the time, the transfers don't cause a problem.

#### APPROVAL OF MINUTES

Councilmember Cowart moved that the minutes of the regular meeting held on November 26, 2013, be approved. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

#### PROSPECT UPDATE

Mr. Terry Acuff reported on the grant for the prospect who is interested in operating in a portion of the Delta Building. He stated that ADECA has moved away from step-loans and are now using incubator grants. Mr. Acuff reported that when the City applied for the step-loan, ADECA encouraged the City to do an incubator grant instead. The incubator grant will be in the amount of \$250,000.00 with \$200,000.00 going toward improvements in the portion of the building that the prospect will use and \$50,000.00 going toward improvements in other parts of the building. This will be a \$250,000.00 grant with a \$50,000.00 match. The prospect had previously agreed to pay the match

Mr. David Thornell, Director of C3, addressed the Council concerning the manufacturing prospect for the Delta Building. He reported that the prospect has committed to creating 50 jobs. He also spoke to the Council about the tax abatements for the project.

#### RESOLUTION 2013-17

Mayor Nelson presented Resolution 2013-17 to the Council for their consideration. Resolution 2013-17 is as follows:

**RESOLUTION 2013-17**  
**A RESOLUTION AUTHORIZING THE CITY OF FAYETTE TO APPLY FOR A CDBG**  
**ECONOMIC DEVELOPMENT INCUBATOR GRANT TO CONSTRUCT**  
**IMPROVEMENTS TO THE FORMER DELTA APPAREL BUILDING**

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**WHEREAS**, City of Fayette, acting by and through its City Council proposes to apply for a CDBG Economic Development Incubator Grant to construct improvements to the former Delta Apparel Building which is owned by the City of Fayette.

**THEREFORE**, be it resolved by the City Council of Fayette, Alabama, as follows:

**THAT, RAY NELSON, MAYOR**, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting a Fiscal Year 2013 CDBG Economic Incubator Grant funds in the amount of \$250,000.00 to construct improvements to the Delta Apparel Building; and

**THAT, THE CITY OF FAYETTE** will provide a local match of \$50,000.00 in support of this project.

**READ AND ADOPTED** this the 10th day of December 2013.

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Mayor

ATTEST:

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City Clerk

Councilmember Wilson moved that the Council adopt Resolution 2013-17. Upon the motion being seconded by Councilmember Brand, the same was unanimously approved.

#### RESOLUTION 2013-18

Mayor Nelson presented Resolution 2013-18 to the Council for their consideration. Resolution 2013-18 is as follows:

#### **RESOLUTION 2013-18**

This Resolution is made this 10th day of December, 2013, (the Effective Date) by **The City of Fayette** (the Granting Authority), to grant a tax abatement for **Fayette Fabrication, LLP** (the Company.)

**WHEREAS**, the Company has announced plans for a new project located within the jurisdiction of the Granting Authority; and

**WHEREAS**, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of:

- (1) all state and local non-educational ad valorem taxes,
- (2) construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education.

**WHEREAS**, the Company has requested that the abatement of state and local non-educational ad valorem taxes (if applicable) be extended for a period of ten (10) years, in accordance with the Act; and

**WHEREAS**, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

**WHEREAS**, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

**WHEREAS**, the construction of the project will involve a capital investment of \$760,000.00; and

**WHEREAS**, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

**WHEREAS**, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

***NOW THEREFORE, BE IT RESOLVED*** by the City Council of the City of Fayette, the Granting Authority as follows:

**Section 1.** Approval is hereby given to the application of the Company and abatement is hereby granted of

- a. all state and local non-education ad valorem taxes,
- b. all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education.

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational ad valorem taxes (if applicable) shall extend for a period of ten (10) years measured as provided in Section 40-9B-3(a)(12) of the Act.

**Section 2.** The Mayor and City Clerk of the City of Fayette, the Granting Authority, are hereby authorized to execute on behalf of the City an abatement agreement with the Company to provide for the abatements granted in Section 1.

**Section 3.** A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

**Section 4.** The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

Adopted this the 10th day of December, 2013.

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Mayor

Attest:

\_\_\_\_\_  
City Clerk

Councilmember Cowart moved that the Council adopt Resolution 2013-18. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

#### NEW PROJECT AT THE FAYETTE AQUATIC CENTER

Mr. Kurt Hankins of Goodwyn, Mills and Cawood reported on the bids on the lazy river and concession building project at the Aquatic Center.

Dymac Contracting was the low bidder with a base bid in the amount of \$1,013,000.00. This is approximately \$200,000.00 over the estimated cost. Mr. Hankins stated that if the two bathrooms are removed from the project and the lazy river is reduced by 80 feet, the bid can be reduced by \$140,000.00 to \$845,000.00.

Mayor Nelson reported that donations to the project from other organizations in the community total \$45,000.00 per year for five years being a total of \$225,000.00.

Councilmember McCraw stated the Council should go forward with the project as bid and not try to cut anything.

Mr. Scotty Moore stated he concurred with Councilmember McCraw and thought the Council should go forward with the project as it was bid and not reduce it.

Councilmember Hardin said he also agreed with Councilmember McCraw.

Mayor Nelson announced that a special Council meeting will be held on December 13, 2013, at 9:30 a.m. to award the bid on the project.

#### FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of November 2013. The Fire Department received 13 fire calls. There were no structural fires.

Chief Ellis stated that Fred's Dollar Store had given a donation to the Fire Department.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins reported on the ongoing process to fill the two vacant positions in the Police Department.

EXECUTIVE SESSION

Councilmember Brand moved that the Council go into executive session for the purpose of discussing the general reputation and character of an individual. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

Councilmember Cowart moved that the Council come out of executive session. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

HIRING OF TWO POLICE OFFICERS

Chief Jenkins stated that by hiring two officers instead of just one, it would bring the Police Department back to its 2009 level. He also said that it would help reduce overtime. Chief Jenkins reported that the second position had been in the budget since 2009, but had not been filled.

Chief Jenkins recommended the Mayor hire Brad McDonald and Aaron Harris as police officers. Mayor Nelson stated that he supported the Chief's recommendation and would hire Brad McDonald and Aaron Harris as police officers upon obtaining the consent of the Council. Councilmember Cowart moved that the Council consent to the Mayor hiring Brad McDonald and Aaron Harris as police officers. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

APPROVAL OF FINANCIAL STATEMENT

Councilmember McCraw moved that the City's financial statement be approved. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

Councilmember McCraw moved that the Park & Recreation financial statement be approved. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported that for the month of November, the City received \$185,763.00 in sales tax and \$9,150.00 in alcohol taxes.

ADJOURNMENT

There being no further business to come before the Council, upon the motion to adjourn being made by Councilmember Wilson and seconded by Councilmember McCraw, the same was unanimously approved.

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Mayor

Attest:

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City Clerk