

City Hall
Fayette, Alabama
January 14, 2014

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on January 14, 2014, 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 and Cedric Wilson. Councilmember David Brand was absent. 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 Mr. Bobby Avant.

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

APPROVAL OF MINUTES

Councilmember Cowart moved that the minutes of the regular meeting and work session held on December 10, 2013, and the special meeting held on December 13, 2013, be approved. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the months of November and December 2013. The report for November was as follows: 30 incidents investigated; 21 accidents; 48 traffic citations; and 20 arrests. The report for December was as follows: 20 incidents investigated; 15 accidents; 69 traffic citations; and 14 arrests.

Chief Jenkins reported there were now only four pit bulls registered within the City.

FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of December 2013. The Fire Department received 15 fire calls. There were no structural fires.

Chief Ellis explained about the rise in the City's ISO rating from four to five. Councilmember Hardin said that he spoke to some local insurance agents and they said that the increase in insurance premiums was not solely attributable to the rise in the ISO rating. Other factors causing the premiums to rise are the increase in home values due to an improving economy and the claims history in Alabama.

AUDIT REPORT

Mr. Rick McCabe reported on the audit to the Council and said that overall it was a great year for the City. He stated the City's total assets, net worth and monies were at an all time high with the City ending the fiscal year with \$443,000.00 more cash than last year. He stated that \$537,000.00 in debts had been paid off and the City had a surplus of approximately \$750,000.00 for 2013.

gallon of #1 and #2 diesel delivered; and, (2) Moore Petroleum Company – \$0.189 mark up per gallon of gasoline delivered and \$0.219 mark up per gallon of #1 diesel delivered and \$0.199 mark up per gallon of #2 diesel delivered. Fowler Oil Company and Dodson Oil Company did not bid. Mr. Roby recommended that the Council accept the low bid of MidStates Petroleum Company. After a general discussion, Councilmember Cowart moved that the Council adopt the following resolution:

RESOLUTION

BE IT RESOLVED, by the City Council of the City of Fayette that it hereby awards the bid for fuel for the 2014 calendar year to the lowest responsible bidder, MidStates Petroleum Company in the amount of \$0.09 mark up per gallon of gasoline delivered and \$0.095 mark up per gallon of #1 and #2 diesel delivered.

Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

RESOLUTION 2014-01

Mayor Nelson presented Resolution 2014-01 to the Council for their consideration. Resolution 2014-01 is as follows:

**RESOLUTION 2014-01
RESOLUTION PROVIDING FOR THE PARTICIPATION OF THE CITY OF
FAYETTE IN THE “SALES TAX HOLIDAY”**

WHEREAS, during its 2012 Regular Session, the Alabama Legislature enacted Act No. 2012-256, effective April 26, 2012, which provides an exemption of the state sales and use tax for certain severe weather preparedness supplies during the first full weekend in July of 2012 and the last full weekend of February in subsequent years; and

WHEREAS, Act No. 2012-256 authorizes the City Council to provide for an exemption of city sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect; and

WHEREAS, the Fayette City Council has affirmatively voted to grant the exemption of City sales and use taxes on purchases covered by Act No. 2012-256 during the last full weekend of February 2014 beginning at 12:01 a.m. on Friday, February 21, 2014 and ending at twelve midnight on Sunday, February 23, 2014, the first full weekend of February in 2014; and

WHEREFORE BE IT RESOLVED BY THE FAYETTE CITY COUNCIL that it does hereby provide for an exemption of the City sales and use tax on purchases of items covered by Act No. 2012-256 beginning at 12:01 a.m. on Friday, February 21, 2014 and ending at twelve midnight on Sunday, February 23, 2014.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 14, 2014, meeting of the Fayette City Council, and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama, § 11-51-210 (e).

IN WITNESS WHEREOF, the Fayette City Council has caused this Resolution to be executed in its name and on its behalf by its Mayor on this the 14th day of January, 2014.

RESOLUTION 2014-02
A RESOLUTION AUTHORIZING THE CITY OF FAYETTE TO ENTER INTO A
CONSTRUCTION CONTRACT WITH REV CONSTRUCTION FOR SEWERLINE
REHABILITATION AND GOLDMAN CONTRACTORS FOR WASTEWATER
TREATMENT IMPROVEMENT

WHEREAS, the City of Fayette has received a Community Development Block Grant and a EPA SPAPS Grant to implement a sewer system improvement project; and

THEREFORE, in accordance with CDBG and EPA regulations the City of Fayette has solicited and received bids from qualified construction companies to construct the above referenced sewer system improvement activities in accordance with the approved plans and specifications;

NOW, THEREFORE, be it resolved that the City of Fayette and Goodwyn Mills and Cawood has evaluated the bids received and has determined that REV Construction is the low bidder on the sewer line rehabilitation portion of this project and Goldman Contractors is the low bidder on the wastewater treatment improvement portion of the project; and

THAT, Ray Nelson, Mayor, be and is hereby authorized to award a construction contract upon receipt of the approval of United States Environmental Protection Agency to award and enter into a contract with REV Construction in the amount of \$1,169,272.00 for the sewer line rehabilitation portion of this project and enter into a contract with Goldman Contractors in the amount of \$1,670,000.00 for the wastewater treatment improvement portion of the project.

READ AND ADOPTED this the 13th day of January 2014.

Mayor Ray Nelson

ATTEST:

City Clerk Dawn Clapp

Councilmember Cowart moved that the Council adopt Resolution 2014-02. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

CIVIC CENTER BOARD REAPPOINTMENTS

Mayor Nelson reported that he had received a request from the Civic Center Board that Mrs. Libby Kimbrell and Mr. Chuck Gates be reappointed to the Board. Councilmember McCraw moved that the seven-day notice period for nominations be waived. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

Councilmember Cowart moved that the Council reappoint Mrs. Libby Kimbrell and Mr. Chuck Gates to the Civic Center Board. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

LAZY RIVER/CONCESSION BUILDING FINANCE PLAN

Mr. Rick McCabe reviewed with the Council the financing plan for the Lazy River and Concession Building. The City Clerk had received interest rate bids from the local banks. The lowest rate was 2.85% from West Alabama Bank & Trust.

After a general discussion, Councilmember Wilson moved that the City borrow funds from West Alabama Bank & Trust at 2.85% to finance a portion of this project. After being seconded by Councilmember McCraw, the following vote was taken:

AYES: Mayor Nelson, Council members McCraw, Hardin and Wilson.

NAYS: Councilmember Cowart

Mayor Nelson announced the motion passed.

Councilmember Cowart stated that he was not opposed to building the lazy river, but did not want to put the City in any more financial risk than it is.

APPROVAL OF FINANCIAL STATEMENT

Councilmember Cowart 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 Cowart, the same was unanimously approved.

EMPLOYEE PERFORMANCE BASED PAY COMMITTEE

Councilmember Cowart reported on the meeting of the Employee Performance Based Pay committee. He stated that the Mayor had requested that the department heads come up with job descriptions for each job classification within their department.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported that for the month of November, the City received \$215,500.00 in sales tax and \$8,900.00 in alcohol taxes. The sales tax collected in November last year was \$206,000.00.

Mrs. Clapp also reported that the City's workman's compensation premium was \$51,472.00 which was \$4,000.00 less than last year.

CHRISTMAS AT THE PARK

Mayor Nelson reported that the total donations received for the "Christmas at the Park" was \$15,328.00. Mrs. Doris Brasher estimated the attendance was 55,000 and that ninety percent of the people were from out of town.

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.