

City Hall  
Fayette, Alabama  
July 22, 2014

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on July 22, 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, 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 Mary Balfour Van Zandt, Minister at St. Michael's Episcopal Church.

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

#### GUEST APPEARING BEFORE COUNCIL

1. Jamall Whiteside – Manager of local Tractor Supply

Mr. Jamall Whiteside, manager of the local Tractor Supply store appeared before the Council to announce the local Tractor Supply will open on Saturday, August 23, 2014. He stated Tractor Supply is the largest farm and ranch store in the United States. Mr. Whiteside is a native of Fayette and a graduate of Fayette County High School. He said he looked forward to his store growing with Fayette. The local store will have a 17,000 square foot sales floor and will employ 13 to 18 individuals.

#### APPROVAL OF MINUTES

Councilmember Brand moved that the minutes of the regular meeting held on July 8, 2014, be approved. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

#### VACATION OF A SMALL PORTION OF TEMPLE AVENUE IN FRONT OF NORWOOD CHAPEL

Mayor Nelson reviewed with the Council the Petition to Vacate a small portion of Temple Avenue filed by Norwood Chapel, LLC.

#### RESOLUTION 2014-14

Mayor Nelson presented Resolution 2014-14 to the Council for their consideration. Resolution 2014-14 is as follows:

#### **RESOLUTION 2014-14 A RESOLUTION APPROVING THE VACATING OF A PORTION OF THE RIGHT OF WAY OF TEMPLE AVENUE**

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**WHEREAS**, Norwood Chapel, LLC, Wayne Meherg and Teresa Meherg, have presented to the Mayor and the City Council of the City of Fayette Alabama, their statement in writing, duly executed and acknowledged setting forth that they are the owners of all of the lands abutting upon the hereinafter described part or portion of the hereinafter right of way and that they desire to vacate said right of way and they do, by said Statement, vacate same.

**WHEREAS**, the Mayor and the City Council of the City of Fayette, Alabama, a Municipal Corporation, do assent to and approve the vacation thereof and the annulment of the dedication of the following described right of way to the use of the public.

***NOW THEREFORE, BE IT RESOLVED***, by the Mayor and the City Council of the City of Fayette, Alabama, a municipal corporation that the act of the aforementioned parties in vacating and annulling the following described right of way in the City of Fayette, Fayette County, Alabama, to wit:

Begin at a point where the Easterly projection of a block cinder wall, as described in Deed Book 191 at pages 827-830, intersects the West edge of sidewalk; thence Southerly along the West edge of sidewalk for a distance of 82.695 feet to the point of beginning; thence turn an angle to the left from a backside of 97 degrees 09 minutes 10 seconds and go a distance of 23.785 feet to a point; thence turn an angle to the right from a backside of 90 degrees 32 minutes 26 seconds and go along the face of existing building for a distance of 131.62 feet to a point; thence turn an angle to the right from a backside of 90 degrees 20 minutes 34 seconds and go a distance of 8.76 feet to a point on the West edge of sidewalk; thence turn an angle to the right from a backside of 96 degrees 09 minutes 20 seconds and go a distance of 132.75 feet to the point of beginning.

Said lands being located within the City of Fayette, Fayette County, Alabama.

Be and the same is hereby ratified, approved and confirmed and the assent of the Mayor and the City Council of the City of Fayette, Alabama, a municipal corporation, to such action is hereby given. It is hereby determined and declared that convenient means of ingress and egress to and from their property has been afforded to all property owners owning property who are entitled to such.

Adopted this the \_\_\_ day of July, 2014, by the City Council of the City of Fayette, Alabama.

\_\_\_\_\_  
Mayor

ATTEST:

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

Councilmember Hardin moved that the Council adopt Resolution 2014-14. Upon the motion being seconded by Councilmember Cowart, the following vote was taken:

AYES: Mayor Nelson and Council members McCraw, Cowart, Hardin and Brand

NAYS: None

ABSTAIN: Councilmember Wilson

**PUBLIC HEARING ON ABATEMENT OF NUISANCE  
LOCATED AT 427 4th AVENUE NW, FAYETTE, ALABAMA**

Mayor Ray Nelson announced that this was the day and time scheduled for the public hearing on the determination of the City of Fayette Municipal Housing Code Abatement Board that the structure located at 427 4<sup>th</sup> Avenue NW, Fayette, Alabama, assessed for ad valorem taxes to Yvonia P. Wallace Estate is unsafe to the extent that it creates a public nuisance. Ms. Katherine Nalls appeared and stated she was not opposed to the house being demolished.

After a general discussion, Councilmember Cowart moved that the Council find that the structure located at 427 4<sup>th</sup> Avenue NW, Fayette, Alabama, assessed for ad valorem taxes to the Yvonia P. Wallace Estate is unsafe to the extent that it creates a public nuisance and that the City order the structure to be demolished 30 days from this date. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

**PUBLIC HEARING ON ABATEMENT OF NUISANCE  
LOCATED AT 707 6<sup>th</sup> COURT SW, FAYETTE, ALABAMA**

Mayor Nelson announced that this was the day and time scheduled for the public hearing on the determination of the City of Fayette Municipal Housing Code Abatement Board that the structure located at 707 6<sup>th</sup> Court SW, Fayette, Alabama, assessed for ad valorem taxes to the Eddie James Wilson and Dorothy Wilson is unsafe to the extent that it creates a public nuisance.

City Engineer Dewayne Roby stated Mrs. Dorothy Wilson had called him and told him that she did not own the property. Mrs. Wilson stated the property was owned by a neighbor. Mr. Roby recommended the Council table this matter until the questions concerning ownership could be addressed.

After a general discussion, Councilmember Wilson moved that the Council table action on the property located at 707 6<sup>th</sup> Court SW, Fayette, Alabama, assessed for ad valorem taxes to Eddie James Wilson and Dorothy Wilson, until the questions concerning ownership of the property could be addressed. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

#### TEMPLE AVENUE STREETSCAPE PROJECT - TAP GRANT

Mayor Nelson reviewed with the Council the plans for the Temple Avenue Streetscape project. The next step is to meet with the owners of the properties.

#### LEASE OF OLD CITY HALL

Mayor Nelson presented to the Council the proposed third amendment to the lease of old City Hall to Fayette Medical Center HomeCare. Under the prior amendment, the City was paid \$1,100.00 per month. Fayette Medical Center HomeCare agreed to increase their monthly rental to \$1,200.00. After a general discussion, Councilmember Brand moved that the Council authorize the Mayor on behalf of the City to execute the third amendment of the lease of old City Hall to Fayette Medical Center HomeCare. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

#### ORDINANCE 2014-06

Mayor Nelson presented Ordinance 2014-06 to the Council for their consideration. Ordinance 2014-06 is as follows:

#### ORDINANCE NO. 2014-06

#### **AN ORDINANCE RELATING TO THE LEASING OF CERTAIN PROPERTY OWNED BY THE CITY OF FAYETTE, ALABAMA.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, ALABAMA,** as follows:

**Section 1:** The City Council of the City of Fayette, Alabama (City), does hereby ascertain and declare the following facts are true:

1. That the City of Fayette, Alabama owns real property located on 5<sup>th</sup> Avenue NE (Ayers Road) near Ox Bodies, Inc.
2. That Ox Bodies, Inc., now desires to lease a portion of this property because of an increase in its business.
3. That the property that Ox Bodies, Inc., seeks to lease is more particularly described as follows viz:

#### **All of the following described property located within the chain linked fence:**

Begin at the NW corner of Lot No. 7 of the Wages Subdivision as recorded in Book No. 1 on page 176 of the Probate Records of Fayette County; thence go North along the East right-of-way line of 5th Avenue NE (Ayers Road) for a distance of 25 feet to the center of a public street that has been vacated, thence go East along the center of said street for a distance of 10 feet to a point, which is the point of beginning; thence go North and parallel with the East right-of-way line of 5th Avenue NE (Ayers Road) for a distance of 290.4 feet go a point; thence go North 85 degrees and 50 minutes East for a distance of 312.0 feet to a point; thence go Southerly along a straight line for a distance of 340.0 feet to a point in the center of said vacated street, said point being located 25 feet North of the NE corner of Lot No. 9 of the Wages Subdivision; thence go Westerly along the center of said vacated subdivision for a distance of 300 feet to the point of beginning.

**Section 2:** The City Council of the City of Fayette, Alabama, does hereby affirm, ascertain and declare that the above-described lands are not needed for public or municipal purposes and that it will be in the best interest of the City of Fayette, Alabama, and its inhabitants that its interest in such lands be leased.

**Section 3:** That the Mayor is hereby authorized to execute the lease of such property and any other necessary documents to Ox Bodies, Inc.

**Section 4:** This Ordinance shall become effective from and after the date of its adoption.

*ADOPTED AND APPROVED* on this the \_\_\_\_ of July 2014.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

Councilmember Cowart moved that the Council give unanimous consent to consider Ordinance 2014-06. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

Councilmember McCraw moved that the Council adopt Ordinance 2014-06. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

Mayor Nelson stated that State Senator Greg Reed helped push through the grant that will pay for fencing, culvert and slag.

#### FAYETTE HISTORICAL PRESERVATION COMMISSION

Mayor Nelson announced that he was appointing Theron Nolen to the Fayette Historical Preservation Commission to replace Ann Phillips who had resigned.

#### WRATT FOUNDATION ENERGY GRANT

Mayor Nelson stated the WRATT Foundation energy grant provided for 35 LED lights to be placed in the decorative lighting downtown and in ten lights at Guthrie Smith Park. The grant was in the amount of \$8,945.00 grant and required no city matching funds.

[Councilmember Brand was excused from the meeting at this point.]

#### HAZARD MITIGATION PLAN

Mr. James Sanders, Director of the Fayette County EMA, appeared before the Council. He stated they were updating the local hazard mitigation plan. It is updated every five years. It is a federal requirement that a hazard mitigation plan be in place.

#### PAVING PROJECT

City Engineer Dewayne Roby stated the paving project should begin within a week. He stated the paving contract called for the City paying \$94.00 per ton for asphalt.

#### APPROVAL OF FINANCIAL STATEMENT

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

AQUATIC CENTER REPORT

Mayor Nelson stated the Council needed to consider adjusting the rate for pool parties that are going to have a large number of people.

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 Cowart, the same was unanimously approved.

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Mayor

Attest:

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City Clerk