

City Hall
Fayette, Alabama
October 14, 2014

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on October 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, Cedric Wilson and David Brand. Also present were City Clerk Dawn Clapp, City Attorney Dale Lawrence, Fire Chief Tony Ellis and City Engineer Dewayne Roby.

The opening prayer was given by Councilmember Cedric Wilson.

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

STATEMENT OF MAYOR

Mayor Nelson stated he was questioned about the notice given about the work session held on Thursday, October 9, 2014. The Mayor said he notified the Council within the required time but failed to notify The Times-Record and post the notice within the required time. He said it was an oversight but he apologized to The Times-Record for his violation of the Open Meetings Act.

GUEST APPEARING BEFORE COUNCIL

1. Hubert Norris - Candidate for Sheriff

Mr. Hubert Norris appeared before the Council and shared with the Council his goals and ideas for the Sheriff's Department if he is elected in the upcoming election.

RESOLUTION 2014-15

Mayor Nelson presented Resolution 2014-15 to the Council for their consideration. Resolution 2014-15 is as follows:

RESOLUTION 2014-15 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 2015 beginning at 12:01 a.m. on Friday, February 20, 2015 and ending at twelve midnight on Sunday, February 22, 2015, the last full weekend of February in 2015; 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 20, 2015 and ending at twelve midnight on Sunday, February 22, 2015.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the October 28, 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 28th day of October, 2014.

Mayor Ray Nelson

ATTEST:

City Clerk Dawn Clapp

After a general discussion, Councilmember Brand moved that the Council adopt Resolution 2014-15. Upon the motion being seconded by Councilmember Cowart the same was unanimously approved.

RESOLUTION 2014-17

Mayor Nelson presented Resolution 2014-17 to the Council for their consideration. Resolution 2014-17 is as follows:

**RESOLUTION 2014-17
RESOLUTION AUTHORIZING THE CITY OF FAYETTE TO ENTER INTO A
CONTRACT WITH R.E. MICHAEL COMPANY TO CONSTRUCT IMPROVEMENTS
TO THE FORMER DELTA APPAREL BUILDING**

WHEREAS, the City of Fayette has applied 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, in accordance with CDBG regulations the City of Fayette has solicited and received bids from qualified companies to provide heaters to be installed in the former Delta Apparel Building in accordance with the specifications provided by the City of Fayette;

NOW, THEREFORE, be it resolved that the City of Fayette and the City's Engineer has evaluated the bids received and has determined that R.E. Michael Company is low bidder on this portion of the project; and

THAT, Ray Nelson, Mayor, is hereby authorized to enter into a contract with R.E. Michael Company in the amount of \$5,701.10.

READ AND ADOPTED this the **14th** day of **October 2014**.

Mayor Ray Nelson

ATTEST:

City Clerk Dawn Clapp

After a general discussion, Councilmember Hardin moved that the Council adopt Resolution 2014-17. Upon the motion being seconded by Councilmember McCraw the same was unanimously approved.

RESOLUTION 2014-16

Mayor Nelson presented Resolution 2014-16 to the Council for their consideration. Resolution 2014-16 is as follows:

**RESOLUTION 2014-16
RESOLUTION AUTHORIZING THE CITY OF FAYETTE TO ENTER INTO A
CONTRACT WITH GUYTON CONSTRUCTION TO CONSTRUCT IMPROVEMENTS
TO THE FORMER DELTA APPAREL BUILDING**

WHEREAS, the City of Fayette has applied 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, in accordance with CDBG regulations the City of Fayette has solicited and received bids from qualified construction companies to construct partitions in the former Delta Apparel Building in accordance with approved plans and specifications provided by the City of Fayette;

NOW, THEREFORE, be it resolved that the City of Fayette and the City's Engineer has evaluated the bids received and has determined that Guyton Construction is low bidder on this portion of the project; and

THAT, Ray Nelson, Mayor, is hereby authorized to enter into a contract with Guyton Construction in the amount of \$27,932.00.

READ AND ADOPTED this the **14th** day of **October 2014**.

Mayor Ray Nelson

ATTEST:

City Clerk Dawn Clapp

After a general discussion, Councilmember Hardin moved that the Council adopt Resolution 2014-16. Upon the motion being seconded by Councilmember Cowart the same was unanimously approved.

APPROPRIATION FOR FAYETTE COUNTY HOSPITAL BOARD

Mayor Nelson asked the Council to consider appropriating \$100,000.00 to the Fayette County Hospital Board for this fiscal year. Councilmember Hardin moved that the Council appropriate \$100,000.00 to the Fayette County Hospital Board for this fiscal year. Upon the motion being seconded by Councilmember McCraw the following vote was taken:

AYES: Mayor Nelson; Council members McCraw, Hardin, Wilson and Brand.
NAYS: None
ABSTAIN: Councilmember Cowart

Mayor Nelson stated the motion passed.

Councilmember Cowart stated he abstained because his wife had recently become employed at the Fayette Medical Center.

Mayor Nelson stated the appropriation would come from the Alabama Power Company utility tax the City receives in January.

Councilmember Cowart stated he was a big supporter of the Fayette Medical Center for a number of reasons. The hospital plays a major role in the community and he sees it as a quality of life issue. He said it was unfortunate the City and hospital had been put in this position. He said the federal government had helped put the community in this position because of the Affordable Care Act. He said the State had also helped create this situation because the State did not accept the additional funds from the federal government for Medicaid.

Councilmember Hardin said individuals had told him the hospital is "crying wolf." He does not believe this. He said this appropriation is a short term fix but a long term resolution would have to be found.

HOTEL FEASIBILITY STUDY

Mayor Nelson recommended the City enter into a contract with Cowart Hospitality Service, LLC, to develop a feasibility study for a proposed hotel in Fayette. The cost of the study would be \$7,500.00. Councilmember Wilson moved that the City enter into a contract with Cowart Hospitality Service, LLC, to develop a feasibility study for a proposed hotel in Fayette. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

Councilmember Jason Cowart stated he was not related to Mr. Adam Russell Cowart of Cowart Hospitality Service, LLC, and has no connection to the company.

WASTE WATER TRUCK

City Engineer Dewayne Roby reported on the request for a new truck for the Waste Water Department. The current truck is a 1996 Ford with 97,041 miles on it. He checked the used trucks on the ALDOT website and found most of them to be 2008 models with approximately 50,000 miles at a cost of \$14,000.00.

Mr. Roby stated Waste Water Superintendent John Dill had reported the truck pulls to one side and has other mechanical problems. Councilmember Wilson moved the Council table this matter until Mr. Dill could come and explain his request to the Council. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

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

PERSONNEL MATTER

Mayor Nelson informed the Council he was hiring Blake Black to fill the vacancy created in the Street Department by the retirement of Mr. Greg Brent. He said Mr. Black had been a temporary worker and had demonstrated an excellent work ethic and had an excellent attendance record while serving as a temporary worker. He will be an hourly worker with a starting salary of \$10.00 per hour. Mayor Nelson stated Street and Sanitation Superintendent Dewayne Roby had recommended Blake Black be hired as a full time employee.

ADDITIONAL STREET DEPARTMENT WORKER

Mayor Nelson stated that based on the recommendation of the Street Department Superintendent Dewayne Roby and in concurrence with Street Department Liaison Mike Hardin, he would propose the City hire an additional Street Department worker.

Mayor Nelson stated if the Council approved this additional worker, he would hire Tom Frazer to fill this position. He stated the additional position was much needed and would help balance workloads and duties in the Street Department. Mayor Nelson reported Mr. Frazer has been working as a temporary worker for the Street Department for the past two years. He will be an hourly worker and his starting pay would be \$10.00 per hour.

Councilmember Hardin moved the Council approve the additional Street Department position. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

APPROVAL OF MINUTES

Councilmember Brand moved that the minutes of the meeting held on September 23, 2014, be approved. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

PARADE PERMIT

Mayor Nelson presented to the Council a request for parade permit by Fayette First Baptist Church for the Fall Festival being held on Friday, October 31, 2014, from 5:00 p.m. to 9:00 p.m. Councilmember Wilson moved that the parade permit for the Fall Festival be granted. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

FIRE DEPARTMENT

Fire Chief Tony Ellis presented the fire report for the month of September. The Fire Department received 24 fire calls. The Fire Department has received 179 calls year to date.

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

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported the City had received the annual franchise tax fee from West Alabama T V Cable. The amount received was \$12,898.62.

Mrs. Clapp reported she had received the paving project invoice from S.T. Bunn in the amount of \$405,893.00. She said the City had previously borrowed \$300,000.00 for the project. Mrs. Clapp stated the remaining amount would be paid by taking \$95,000.00 from the City's state gasoline tax fund and \$10,000.00 from the City's regular gasoline tax fund.

Mrs. Clapp reported the City received \$207,886.00 in sales tax in September which was an increase from last year of over \$13,000.00. The City collected \$10,224.00 in alcohol taxes in September.

REPORT OF COUNCILMEMBER COWART

Councilmember Cowart said the nuts and bolts of serving in a governmental position had been very educational. He said there are countless rules to be followed.

He said he hopes the partisan politics of Washington, D.C. and Montgomery do not trickle down to the local level. He said he might disagree with other members of the Council but he has great respect for them. He said that it was unfortunate that people won't run for public office because of the attacks on their character that occur when they hold themselves out for political office. His desire is to make Fayette the best rural community in the State.

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.

Mayor

Attest:

City Clerk