

City Hall
Fayette, Alabama
February 10, 2015

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on February 10, 2015, 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, 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. Councilmember Mike Hardin was absent.

The opening prayer was given by Mayor Ray Nelson.

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

GUEST APPEARING BEFORE COUNCIL

1. Mr. Jim Moore – H & R Block

Mr. Jim Moore of the local H & R Block franchise in Fayette spoke to the Council. He said most people know that they prepare tax returns but few people know that they offer education scholarships. He explained how this process worked and said the top 22 students nationwide receive a \$10,000.00 scholarship.

APPROVAL OF MINUTES

Councilmember Cowart moved that the minutes of the meeting held on January 27, 2015, be approved. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

DONATION TO LOCAL SCHOOLS

The Council presented Fayette County High School, Fayette Middle School and Fayette Elementary School with checks in the amount of \$5,000.00 each. Dr. Jeremy Madden (FCHS), Mrs. Judy Bartholomew (FMS) and Mr. Matthew Lindsey (FES) accepted the donation on behalf of their respective school. Dr. Madden thanked the Council for their support of the local schools.

FAYETTE AQUATIC CENTER PAYROLL BUDGET

Mayor Nelson reported that Park and Recreation Director Lance Holliman was investigating the possibility of hiring a full-time director for the Aquatic Center. Mayor Nelson stated that because this was underway, there was nothing to act on at this time.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of January 2015. The report for January was as follows: 27 incidents investigated; 17 accidents; 84 traffic citations; and 20 arrests.

Chief Jenkins reported that Officer Brad McDonald had resigned from the Department to take a position with the Hamilton Police Department.

Chief Jenkins also reported the two new police cars had been delivered.

RESOLUTION 2015-03

Mayor Nelson presented Resolution 2015-03 to the Council for their consideration. Resolution 2015-03 is as follows:

RESOLUTION 2015-03
A RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF A CONTRACT
WITH BANCORPSOUTH EQUIPMENT FINANCE, A DIVISION OF BANCORPSOUTH
BANK

WHEREAS, Mayor and City Council, the Governing Body (the "Governing Body") of City of Fayette, Alabama (the "Buyer"), acting for and on the behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into an Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank ("Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").

2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to an in accordance with the terms of the Contract; and

3. It is necessary for Buyer to approve and authorize the contract.

4. The Buyer desires to designate the Contract as qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved, and Mayor Ray Nelson (the "Authorized Officer") is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2015.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2015, Buyer has designated \$4,600,000.00 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated. Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2015 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Buyer during calendar year 2015 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the Code.

Section 10. The Authorized Officer is further authorized for an on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

DONE this the _____ day of February, 2015.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved that the Council adopt Resolution 2015-03. Upon the motion being seconded by Councilmember Brand, the same was unanimously approved.

FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of January 2015. The Fire Department received 30 calls. There were seven fires.

STREET LIGHT REQUEST

City Engineer Dewayne Roby reported that Mr. Jerry O'Dell had recently purchased the Shadow Oak Apartments and had requested that the City assume responsibility for the power bill for the two street lights on the right-of-way at the apartment complex. Mr. Roby stated the street lights would have to be reconfigured if the City assumed responsibility. Mayor Nelson asked for the Council to visit the area where the street lights were located so they would be prepared to respond to the request at the next meeting.

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.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of December, the City received \$242,509.00 in sales tax, which was an increase of \$4,300.00 compared to last year. Also, the City received \$9,491.00 in alcohol taxes for December.

Mrs. Clapp stated that business license fees collected so far were \$27,264.00.

Mrs. Clapp said that because S. T. Bunn keyed in a number wrong, it paid \$23,000.00 in sales tax instead of the correct amount of \$2,300.00; therefore, it was due a refund for the overpayment. She is discussing with S.T. Bunn about refunding the amount over a twelve month period. This overpayment occurred in August 2014.

REPORT OF COUNCILMEMBER MCCRAW

Councilmember McCraw stated the last day for baseball signup is February 13, 2015. She also stated reported the fence at the Aquatic Center had been completed.

REPORT OF COUNCILMEMBER BRAND

Councilmember Brand asked Mr. Bo Black of the Times-Record to be sure and use the correct names when he writes an article. A recent article had referred to Councilman David Brand as William Brand.

REPORT OF MAYOR

Mayor Nelson stated the appropriation the Council made in October for the Fayette Medical Center was now being reflected in the budget reports.

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