

City Hall  
Fayette, Alabama  
March 24, 2015

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on March 24, 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, Mike Hardin, Jason Cowart, Cedric Wilson and David Brand. Also present were City Clerk Dawn Clapp, City Attorney Dale Lawrence and City Engineer Dewayne Roby.

The opening prayer was given by Councilmember Mike Hardin.

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

#### APPROVAL OF MINUTES

Councilmember Wilson moved that the minutes of the meeting held on March 10, 2015, be approved. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

#### PUBLIC HEARING FOR ALCOHOL LICENSE

Mayor Ray Nelson announced this was the day and time scheduled for the public hearing on the alcohol license request of Lucia Soto Bahena, owner of the Fiesta Acapulco Grill. Lucia Soto Bahena appeared in support of her request for the alcohol license. No one spoke in opposition to the license.

#### RESOLUTION 2015-05

Mayor Nelson presented Resolution 2015-05 to the Council for their consideration. Resolution 2015-05 is as follows:

#### **RESOLUTION 2015-05 A RESOLUTION GRANTING AN ALCOHOL LICENSE TO LUCIA SOTO BAHENA**

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***BE IT RESOLVED,*** by the City Council of the City of Fayette, Alabama, as follows:

That the application by Lucia Soto Bahena, doing business as Fiesta Acapulco Grill, located at 2242 Temple Avenue N, Fayette, AL 35555 for the following type of alcohol license :

#### **020 – Restaurant Retail Liquor**

be and is hereby approved.

***ADOPTED AND APPROVED*** by the City Council of the City of Fayette, Alabama, on this 24th day of March, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

Councilmember Cowart moved that the Council adopt Resolution 2015-05. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

#### PARADE PERMIT

Mayor Nelson stated Relay for Life had applied for a Parade Permit for the Glow Run to be held on May 1, 2015. After a general discussion, Councilmember Wilson moved that the parade permit be granted. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

SIPSEY ARTS ALLIANCE PROJECT

Mr. Danny White spoke concerning the Sipsey Art Alliance’s search for a place to locate. He said that another location in the former Delta Building now looks like a viable option for them. The space they were originally to occupy is now being used by the Alabama Department of Transportation.

Mr. White stated the original plan was for artist to rent space from the Alliance. There will also be a retail shop that includes art work and Alabama made products.

Mr. Ron Morris stated they will also have workshops for adults and children. He stated the Sipsey Art Alliance was basing their business model on Lowe Mill in Huntsville.

Mayor Nelson stated he was looking for grants to help with remodeling the area the Alliance is now desiring to occupy.

Councilmember Hardin stated the Sipsey Art Alliance worked very hard to renovate the rooms at Delta Building but when asked, graciously agreed for ALDOT to occupy the space.

NOMINATIONS FOR FAYETTE COUNTY BOARD OF EQUALIZATION

Mayor Nelson reported to the Council that the City can nominate three individuals to be considered to serve on the local Board of Equalization. He asked the Council to begin thinking about who they would like to nominate.

FINANCIAL UPDATE

Mayor Nelson gave a financial update to the Council. He said because of the City’s solid financial base, it is able to do things to recruit industry and improve the quality of life that the City would not otherwise be able to do. Mayor Nelson stated the annual payment on the new garbage truck and the financing on the two new police cars were not reflected in the report.

The Financial report was as follows:

**Reserves and Cash Balances As of February 28, 2015**

**Reserves**

\$795,697.00	Citizens Bank CD	Unrestricted
\$438,028.00	WW Operating Account	Restricted (\$9,175 WW Upgrades/Bond payment)
\$326,763.00	Citizens Bank CD	Unrestricted
\$389,926.00	Alabama Power CD	General Fund backup – Unrestricted
\$123,004.00	Alcohol Tax	Restricted to Paving projects
\$236,414.00	Capital Improvement	Restricted for Capital needs
\$77,036.00	Cigarette Tax	Unrestricted
\$16,676.00	State Gas Tax/ W AL Bank	Restricted
\$65,690.00	Gasoline Tax/ W AL Bank	Restricted/\$3,800 per month DT paving/added to bond
\$58,326.00	Airport funds	
\$39,200.00	Capital Equipment Fund	Restricted to Capital Equipment
\$73,203.00	Rental Property tax	Unrestricted
\$163,579.00	Savings – AL Credit Union	Unrestricted
\$121,854.00	Park & Recreation	Restricted
\$21,234.00	Municipal Court	Restricted
\$91,436.00	Aquatic Park	Restricted
\$24,296.00	Christmas in the Park	Restricted
<b>\$3,062,362.00</b>	<b>– subtotal</b>	

**Cash balances**

\$292,392.00	General Fund	Unrestricted
\$110,722.00	Other General Funds	Unrestricted
\$135,964.00	Grants, Bonds, Notes	Restricted
<b>\$541,078.00</b>	<b>– subtotal</b>	

**\$3,603,440.00 – TOTAL OF RESERVES ANAD CASH BALANCES AS OF 2/28/2015**

**2014-2015 General Fund Note Payments Each Month**

\$1,299.00	Brush Truck Payment
\$8,465.00	Aquatic Park Bond Payment
<u>\$4,455.00</u>	AmFund Bond/IP Property & Renovate PO
<b>\$14,219.00</b>	<b>Total General Fund Notes per Month</b>

**2014-2015 Reserve Fund Note Payments Each Month**

\$7,814.00	WW Facility Upgrades/Bond Payment from Wastewater
\$10,756.00	Lazy River addition
\$3,800.00	Refinance DT Paving Project/ added to Bond/ paid from Gas Tax
<u>\$8,717.00</u>	Street paving / paid from Alcohol tax
<b>\$31,087.00</b>	<b>Total Reserve Fund Notes per Month</b>

**Average Monthly Note Payments (General Fund & Reserve Fund) Total - \$45,307.00**

**Sales Tax 2014- 2015**

October	\$193,150.09
November	\$202,424.83
December	\$217,521.72
January	\$242,509.40
February	\$185,986.10

**Alcohol Taxes 2014-2015**

October	\$8,349.43
November	\$7,463.43
December	\$7,244.28
January	\$9,491.47
February	\$10,200.99

**DRAFT BEER RESOLUTION REVISION**

Councilmember Cowart stated the Council had previously passed a resolution requesting the local state legislative delegation to introduce a bill to authorize the sale of draft beer in the City. Councilmember Hardin said the local legislative delegation had now requested that the City submit the verbiage for the proposed bill. In order to include the proposed language for the bill in the City's previous resolution, Resolution 2015-04 would have to be amended.

**MOTION TO AMEND RESOLUTION 2015-04**

Councilmember Cowart moved that the Council amend Resolution 2015-04 to include the proposed language for the bill. Amended Resolution 2015-04 is as follows:

**RESOLUTION 2015-04**

**A RESOLUTION AUTHORIZING LOCAL STATE LEGISLATORS TO INTRODUCE AND PASS LEGISLATION DURING THE 2015 REGULAR SESSION THAT ALLOWS FOR THE SALE OF DRAFT BEER IN THE CITY OF FAYETTE**

**WHEREAS**, the City of Fayette held a municipal option election on June 22, 2010, and based upon the results of the municipal option election the sentiment of the people of the City was to allow alcoholic beverages to be legally sold and distributed within the City of Fayette; however, this municipal option election could not and did not authorize the sale of draft or keg beer; and;

**WHEREAS**, the sale of draft beer can only be authorized through local legislation passed by the Alabama Legislature; and,

**WHEREAS**, the City Council wishes to have the Legislature enact a local law providing for the sale of draft beer in the City of Fayette;

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Fayette, requests that Representative Kyle South and Senator Greg Reed introduce and pass legislation during the 2015 regular session that allows for the sale of draft beer in the City of Fayette and further the City Council requests that the legislation be in similar form to the following:

*"Relating to the City of Fayette in Fayette County; authorizing the sale of draft or keg beer or malt beverages by properly licensed retail licensees of the Alcoholic Beverage Control Board upon the adoption of an ordinance of the Fayette City Council.*

*BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:*

*Section 1. This act shall only apply to the City of Fayette in Fayette County.*

*Section 2 The sale of draft or keg beer or malt beverages by retail licensees of the Alcoholic Beverage Control is authorized in the City of Fayette. All*

resolutions and ordinances relating to the sale, consumption, and possession of bottled or canned beer in such city shall apply to draft of keg beer or malt beverages. The Fayette City Council may adopt an ordinance regulating the sale of draft or keg beer or malt beverages pursuant to this act.

Section 3. All laws or parts of laws which conflict with this act are repealed. However, the provisions of this act are cumulative and supplementary and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law."

Done this the 24th day of March, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

Upon the motion being seconded by Councilmember Hardin, the following vote was taken:

AYES: Councilmembers Hardin, Cowart, Wilson and Brand  
NAYS: Mayor Nelson and Councilmember McCraw

Mayor Nelson stated the motion passed.

#### 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 COUNCILMEMBER HARDIN

Councilmember Hardin reported that the Street Department is almost caught up on picking up the tree limbs that fell during the winter storm.

City Engineer Dewayne reported that one of the brush trucks was involved in an accident on Columbus Street.

#### REPORT OF COUNCILMEMBER COWART

Councilmember Cowart stated the City had received a bid for the garbage truck that had burned. He said the City Engineer is working on this.

Councilmember Cowart asked that the Police Department conduct a speed study on 13<sup>th</sup> Street NW near its intersection with Highway 18 West.

#### ADJOURNMENT

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

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Mayor

Attest:

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