

City Hall
Fayette, Alabama
July 28, 2015

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on July 28, 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, Police Chief Danny Jenkins, Assistant Fire Chief Casey Black, City Engineer Dewayne Roby and City Attorney Dale Lawrence.

The opening prayer was given by Mr. Bobby Avant.

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

GUEST APPEARING BEFORE COUNCIL

A. 5 & 6 Year Old 2015 Baseball State Championship Runner up.

Councilmember Linda McCraw presented the following Resolution to the Fayette 5 & 6 Year Old All Star Baseball Team. The Resolution is as follows:

Office of the Mayor and Council
FAYETTE, ALABAMA
RESOLUTION

WHEREAS, the 2015 Fayette 5 & 6 Year Old All Stars, under the guidance of Head Coach Brandon Stocks and assistant coaches Shane Johnson, Ben Stevens and Chris Armstrong, had a tremendous season that ended in a trip to the 5 & 6 Year Old State Baseball Tournament; and,

WHEREAS, the Fayette 5 & 6 Year Old All Stars won the Sub-District Tournament in Gordo, Alabama and the District 3 Tournament in Fayette to earn a berth in the 5 & 6 Year Old State Baseball Tournament; and,

WHEREAS, because of the dedication and hard work of the Fayette 5 & 6 Year Old All Stars - Christian Armstrong, Kye Crimm, Wade Jackson, Tyler Johnson, Will Kreider, Andrew Lollar, Jake Rickman, James Robertson, Tucker Scott, Cooper Stevens, Brady Stocks and Sean White - they were able to accomplish the feat of being the first Fayette 5 & 6 Year Old All Star baseball team to reach the State Championship series; and,

WHEREAS, the Fayette 5 & 6 Year Old All Stars played a three game series against the South Bibb All Stars to determine the 2015 5 & 6 Year Old State Champion and after three exciting games finished with the State Championship Runner-up trophy.

NOW THEREFORE, BE IT RESOLVED by Mayor and the City Council of the City of Fayette, Alabama, that the

**2015 FAYETTE 5 & 6 YEAR OLD
ALL STAR BASEBALL TEAM**

be, and they are hereby commended for their hard work and dedication and for the acclaim they brought to the City of Fayette.

IN WITNESS WHEREOF, we have hereunto set our hands and caused this seal to be affixed this 28th day of July, 2015.

Ray Nelson, Mayor

Jason Cowart, Councilman

Linda McCraw, Councilwoman

Cedric Wilson, Mayor Pro Tem

Councilman

David Brand, Councilman

Mike Hardin,

B. Mrs. Faye Meherg – Fayette County Aging Program.

Mrs. Faye Meherg spoke to the Council concerning the Fayette County Aging Program. She updated the Council on the activities of the program and asked the Council to consider the program when making its budget. The Aging Program currently has five centers that provide meals to senior citizens. 106 senior citizens are served by the program. 42 homebound senior citizens have a meal delivered to them five days a week. She asked the Council to consider an appropriation of \$7,500.00 for the program. This is the same amount the Council has appropriated in the past.

APPROVAL OF MINUTES

Councilmember Cowart moved the minutes of the regular meeting and work session held on June 23, 2015 and the minutes of the special meeting held on June 25, 2015, be approved. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

PARADE PERMIT

Mayor Nelson presented to the Council a request for parade permit for the FCHS Reunion of the 1970's to be held on September 12, 2015, from 3:00 p.m. to 11:59 p.m. Councilmember Wilson moved the permit be granted. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

PARADE PERMIT

Mayor Nelson presented to the Council a request for parade permit for the annual Kiwanis Fishing Rodeo to be held on August 8, 2015, at the pond at the Airport. Councilmember Cowart moved the permit be granted. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of June 2015. The report was as follows: 24 incidents investigated; 7 accidents; 58 traffic citations; and 30 arrests.

FIRE DEPARTMENT REPORT

Assistant Fire Chief Casey Black presented the fire report for the month of June 2015. The Fire Department received 18 calls.

FAYETE AQUATIC PARK REPORT

Park & Recreation Director Lance Holliman reported on the Aquatic Center. He stated as of July 26, 2015, there had been 21,668 persons in paid attendance which is a little more than last year. The average attendance so far this year is 333, compared to last year's final average attendance of 313. The Aquatic Center has had to close six times so far this season but all the closings had occurred after 3:00 p.m. He reported over 100 parties had been scheduled and over 270 season passes sold.

PARK & RECREATION REPORT

Park & Recreation Director Lance Holliman reported on the 11 & 12 Year Old Sub-District All-Star baseball tournament. During the tournament, \$1,900.00 was collected for admissions and \$1,000.00 for concessions. He also reported on the 5 & 6 Year Old District All-Star baseball tournament. During this tournament, \$6,600.00 was collected for admissions and \$2,500.00 for concessions. The total expenses for the two tournaments combined was \$5,000.00.

ORDINANCE 2015-02

Mayor Nelson presented Ordinance 2015-02 to the Council for their consideration. Ordinance 2015-02 is as follows:

ORDINANCE NO. 2015-02

AN ORDINANCE AMENDING §10-36, PRIVILEGE TAX – RETAIL SALES OF TANGIBLE PERSONAL PROPERTY, RATES, EXCLUSIONS WITHIN CITY AND §10-43, EXCISE TAX ON TANGIBLE PERSONAL PROPERTY OF ARTICLE IV. PRIVILEGE AND EXCISE TAXES OF CHAPTER 10. LICENSES AND TAXATION

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

SECTION 1. That Section 10-36, *Privilege tax – Retail sales of tangible personal property, rates, exclusions, within city* of ARTICLE IV. Privilege and Excise Taxes of CHAPTER 10. LICENSES AND TAXATION of the CODE OF ORDINANCES OF THE CITY OF FAYETTE, ALABAMA is hereby amended by striking such section in its entirety and substituting the following therefor:

§ 10-36. Privilege tax – Retail sales of tangible personal property, rates, exclusions, within city.

A tax is levied upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions and any association or other agency or instrumentality of such institutions) engaged, or continuing within the City of Fayette in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds, or other evidences or debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercrafts of over fifty (50) tons burden), and amount equal to three and one-half (3½) percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept, he shall pay the tax as retailer on the gross sales of the business.

SECTION 2. That Section 10-43, *Excise tax on tangible personal property* of ARTICLE IV. Privilege and Excise Taxes of CHAPTER 10 LICENSES AND TAXATION of the CODE OF ORDINANCES OF THE CITY OF FAYETTE, ALABAMA is hereby amended by striking such section in its entirety and substituting the following therefor:

§ 10-43. Excise tax on tangible personal property.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft of more than fifty (50) tons burden) purchased at retail on or after the effective date of this article, for storage, use or other consumption in the city, except as provided in the subsections hereinafter, at the rate of three and one-half (3½) percent of the sales price of such property within the corporate limits of said city.

SECTION 3. The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall be allocated as follows:

1. Three percent (3%) shall be allocated to the City's general fund;
2. One-half percent (½%) shall be allocated to aid the Fayette Medical Center. These funds shall be restricted and used only for capital improvements at the Fayette Medical Center.

SECTION 4. The Chairman of the Fayette County Hospital Board and the Fayette Medical Center Administrator or their designees shall appear at the Council's first regular meeting in September of each year to inform the Council of the capital improvement project(s) they desire to use the restricted funds for at the Fayette Medical Center. The Council shall then approve or reject the use of the restricted funds for the requested capital improvement project. If approved the Council will authorize the appropriation of the restricted funds for the said capital improvement project. If rejected, another capital improvement project shall be submitted to the Council for consideration.

Once the capital improvement project is completed, the Fayette County Hospital Board or the Fayette Medical Center shall provide a report detailing how the said restricted capital improvement funds were expended.

SECTION 5. Sunset provision. The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall revert to three (3%) percent **on October 1, 2018** unless the said three and one-half (3½) percent rate is renewed by the Council through adoption of an ordinance providing for the three and one-half (3½) percent rate to continue and remain in effect.

SECTION 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. This ordinance shall be effective as of October 1, 2015.

Adopted this the 28th day of July, 2015.

Mayor

ATTEST:

City Clerk

Councilmember Hardin moved the Council give unanimous consent to consider Ordinance 2015-02. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

Councilmember Hardin moved the Council adopt Ordinance 2015-02. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

Councilmember Cowart said this was not a decision the Council wanted to do but it was the result of how decisions made in Washington D.C. have impacted rural hospitals. He stated one of the other problems was the state government's refusal to expand Medicaid so Alabama could receive additional federal funds for the expansion of Medicaid. The expansion of Medicaid was to provide the hospital with additional insured customers to make up for the reduction in the reimbursement rates.

Mayor Nelson said it was very important to the City for the hospital to remain open and it was important for the hospital to be supported by the community.

FAYETTE COUNTY SOLID WASTE MANAGEMENT PLAN

City Engineer Dewayne Roby reported on the 2015-20125 Solid Waste Management Plan (SWMP). This is a ten year plan that summarized how solid waste is handled within the City and County. The City's portion of the engineering fees will be \$3,500.00.

TAP GRANT AWARD

Mayor Nelson stated the downtown sidewalk project had been approved for the West side of Temple Avenue. The project on the East side of Temple Avenue should begin soon.

GOOD ROOTS GRANT

Mayor Nelson stated the City had recently been awarded a Good Roots Grant by Alabama Power. The Good Roots grant is in the amount of \$1,000.00 and is used to purchase trees to plant in the City.

MEETING WITH FAYETTE GAS BOARD

Mayor Nelson reported a meeting with the Fayette Gas Board had been tentatively scheduled for August 10, 2015, at 6:00 p.m.

STREET LIGHT REQUESTS

City Engineer Dewayne Roby stated Mrs. Glenda Robertson had requested a street light be placed on the utility pole near 717 5th Avenue NW. After a general discussion, Councilmember Wilson moved that a street light be placed on the utility pole at 717 5th Avenue NW. Upon the motion being seconded by Councilmember Hardin, 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.

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.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of June, the City received \$209,214.00 in sales tax, which was a decrease of \$15,523.00 compared to last year. Also, the City received \$8,981.00 in alcohol taxes for June, which was a decrease of \$768.00 compared to last year.

REPORT OF COUNCILMEMBER HARDIN

Councilmember Hardin reported Mr. Jerry Nichols was retiring from the Street Department.

REPORT OF MAYOR

Mayor Nelson recognized Ebony Winston and the young ladies who are participating in her "Dare to Believe" Program.

ADJOURNMENT

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

Mayor

Attest:

City Clerk