

City Hall  
Fayette, Alabama  
January 12, 2016

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on January 12, 2016, in the Council Chambers of the City Hall.

Upon roll call the following were found to be present: Mayor Ray Nelson, Council members Mike Hardin, Jason Cowart, Cedric Wilson and David Brand. Councilmember Linda McCraw was absent. Also present were City Clerk Dawn Clapp, Police Chief Danny Jenkins, Fire Chief Tony Ellis, City Attorney Dale Lawrence, City Engineer Dewayne Roby and Park & Recreation Director Lance Holliman.

The opening prayer was given by Mr. Rick McCabe.

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

#### FORREST DEAL RESOLUTION

Mayor Nelson presented a Resolution to Forrest Deal from the Mayor and Council. Forrest is the son of Brian and Krista Deal, and a seventh grader at Fayette Middle School. He recently starred in "Dolly Parton's Coat of Many Colors", a film that aired in primetime on NBC on December 10, 2015. In the film, Forrest played the role of Rudy Sanders, the boy who bullies the nine year old Dolly Parton. Forrest has appeared in several other films including, "Mr. Right" starring Anna Kendrick and "Daddy's Home" starring Will Ferrell and Mark Wahlberg.

#### GUEST APPEARING BEFORE COUNCIL

A. Mrs. Ettie Clark – Clark Broadcasting

Mrs. Ettie Clark spoke to the Council concerning issues with flooding she is having at her building located across from L & R Chevron. She asked the Council to consider what they could do to help resolve the flooding issues. City Engineer Dewayne Roby stated during heavy rains the sidewalk at the entrance to her business floods. He said one of the main problems causing this was the sidewalk and curb were just an inch or two above street level. He said the solution was to raise the curb and sidewalk.

Mr. Tom McDaniel spoke and said that there were other areas where the curbs were low.

#### APPROVAL OF MINUTES

Councilmember Cowart moved that the minutes of the meeting held on December 22, 2015, be approved. Upon the motion being seconded by Councilmember Brand, the same was unanimously approved.

#### UPDATE ON UPCOMING SEWER PROJECTS

Mr. Terry Acuff updated the Council on its upcoming sewer projects. The sewer project is to replace the sanitary sewer on 7<sup>th</sup> Street NE, 6<sup>th</sup> Street NE and 6<sup>th</sup> Avenue NE and a portion of US Highway 43. The funds for the project were coming from the following: (1) CDBG grant in the amount of \$450,000.00; (2) ARC grant in the amount of \$200,000; (3) Funds from the EPA/CDBG/Bond fund in the amount of \$230,000.00; and (4) the remaining funds would come from the City's sewer funds. He stated the Council needed to adopt the resolutions concerning the project so the project could proceed.

#### RESOLUTION 2016-01

Mayor Nelson presented Resolution 2016-01 to the Council for their consideration. Resolution 2016-01 is as follows:

**RESOLUTION 2016-01**  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH**  
**COMMUNITY CONSULTANTS TO CONSTRUCT IMPROVEMENTS TO THE CITY'S**  
**SANITARY SEWER SYSTEM**

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**WHEREAS**, the City of Fayette has received a Community Development Block Grant to construct improvements to the City's sanitary sewer system; and

**THEREFORE**, in accordance with CDBG regulations the City of Fayette has solicited and received proposals from qualified grant administrative firms to implement the above referenced CDBG grant in accordance with ADECA regulations;

**NOW, THEREFORE**, be it resolved that the City Council has evaluated the administrative proposals received and have selected Community Consultants, Incorporated to administer this project; and

**THAT**, Ray Nelson, Mayor, be and is hereby authorized to enter into a contract with Community Consultants, Incorporated to perform CDBG project administrative services required to implement the above referenced project in accordance with the approved ADECA administrative fee scale commensurate with the scope of services required to adequately discharge all project administrative responsibilities associated with this project.

**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 12th day of January, 2016.

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Mayor Ray Nelson

ATTEST:

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City Clerk Dawn Clapp

Councilmember Wilson moved that the Council adopt Resolution 2016-01. Upon the motion being seconded by Councilmember Brand, the same was unanimously approved.

RESOLUTION 2016-02

Mayor Nelson presented Resolution 2016-02 to the Council for their consideration. Resolution 2016-02 is as follows:

**RESOLUTION 2016-02**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOODWYN MILLS AND CAWOOD TO PROVIDE ALL ENGINEERING SERVICES TO CONSTRUCT IMPROVEMENTS TO THE CITY'S SANITARY SEWER SYSTEM**

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**WHEREAS**, the City of Fayette has received a Community Development Block Grant to construct improvements to the City's sanitary sewer system; and

**THEREFORE**, in accordance with CDBG regulations the City of Fayette has solicited and received proposals from qualified engineering firms to implement the above referenced CDBG grant in accordance with ADECA regulations;

**NOW, THEREFORE**, be it resolved that the City of Fayette has evaluated the engineering proposals received and have selected Goodwyn Mills and Cawood to provide engineering design and inspection services for this project; and

**THAT**, Ray Nelson, Mayor, be and is hereby authorized to enter into a contract with Goodwyn Mills and Cawood to provide all engineering services required to implement the above referenced project in accordance with the approved FmHA Engineering fee scale commensurate with the scope of services required to adequately discharge all engineering responsibilities associated with this project.

**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 12th day of January, 2016.

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Mayor Ray Nelson

ATTEST:

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City Clerk Dawn Clapp

Councilmember Cowart moved that the Council adopt Resolution 2016-02. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

RESOLUTION 2016-03

Mayor Nelson presented Resolution 2016-03 to the Council for their consideration. Resolution 2016-03 is as follows:

**RESOLUTION 2016-03**

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS FOR IMPROVEMENTS TO THE CITY'S WASTEWATER COLLECTION SYSTEM**

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**WHEREAS**, the Fayette City Council approved the submittal of a Appalachian Regional Commission (ARC) Pre-Application on June 9, 2015 requesting \$200,000 in grant funds to supplement a \$450,000 Community Development Block Grant (CDBG) the city was awarded in November to construct improvements to the city's wastewater collection system; and

**WHEREAS**, the City's ARC Pre-Application has been selected for funding and in accordance with ARC grant requirements the City must submit a full application to ARC in order for ADECA to complete the approval process; and

**THEREFORE, RAY NELSON, MAYOR**, is hereby authorized to execute and submit a full application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, reconfirming the City's request for \$200,000.00 in Appalachian Regional Commission (ARC) Grant Funds to replace the sanitary sewer system on State Highway 43, 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, NE, 6<sup>th</sup> Street, NE and 6<sup>th</sup> Avenue, NE in the City of Fayette; and

**THAT, THE CITY OF FAYETTE** will provide a local cash match of **\$666,100.00** in support of this CDBG and ARC project.

**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 12th day of January, 2016.

\_\_\_\_\_  
Mayor Ray Nelson

ATTEST:

\_\_\_\_\_  
City Clerk Dawn Clapp

Councilmember Cowart moved that the Council adopt Resolution 2016-03. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

**RESOLUTION 2016-04**

Mayor Nelson presented Resolution 2016-04 to the Council for their consideration. Resolution 2016-04 authorizes the Mayor to apply for a CDBG grant to extend sanitary sewer service to the new ALDOT facility. Resolution 2016-04 is as follows:

**RESOLUTION 2016-04**

**A RESOLUTION FOR THE PURPOSE OF PERFORMING ELIGIBLE COMMUNITY DEVELOPMENT ACTIVITIES THAT WILL BENEFIT LOW AND MODERATE INCOME RESIDENTS IN THE CITY OF FAYETTE**

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**WHEREAS**, the City of Fayette, acting by and through its City Council proposes to apply for Community Development Block Grant (CDBG) funds for the purpose of performing eligible community development activities that will benefit low and moderate income residents in the City of Fayette and

**NOW, THEREFORE**, be it resolved by the City Council of Fayette as follows:

**THAT**, Ray Nelson, Mayor, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, Office of Program Management, requesting Fiscal Year 2015 Economic Development Block Grant funds in the amount of **\$300,000.00** for the purpose of extending sanitary sewer service to the new ALDOT facility in the Fayette Industrial Park; and

**THAT**, the City of Fayette agrees and hereby commits to a match of **\$60,000.00** in support of this project.

**THAT**, Ray Nelson, Mayor, and his successors in office, be and is hereby designated and appointed as Financial Officer under the terms and pursuant to the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and is directed and empowered to make necessary assurances and to perform on behalf of the City of Fayette, Alabama, those acts and assume such duties as are consistent with said position.

**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 12th day of January, 2016.

\_\_\_\_\_  
Mayor Ray Nelson

ATTEST:

\_\_\_\_\_  
City Clerk Dawn Clapp

Councilmember Brand moved that the Council adopt Resolution 2016-04. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

**FAYETTE AQUATIC CENTER – 5 YEAR MAINTENANCE PLAN**

Park and Recreation Direction Lance Holliman spoke to the Council concerning the development of a five year maintenance plan. Mr. Heath Reed explained the plan in detail. He recommended the City immediately replace the expansion joint material and replace the drain covers. The plan is as follows:

*The Fayette Aquatic Center – 5 Year Maintenance Plan*

- |  |             |
|--|-------------|
| 1. Capital Replacement Costs - \$17,000 per year<br>(0.5% of Construction / year)  | \$85,000.00 |
| 2. Expansion joint material replacement - \$7,200 every three years<br>(replace material approximately every 3 to 4 years)                         | \$12,000.00 |
| 3. Drain cover replacement for VGB compliance – per lifespan of equipment<br>(4 drains in deep end of pool, one time cost if changed to stainless) | \$28,000.00 |
| 4. General Maintenance of damaged items - \$10,000 per year<br>(includes ladders, umbrellas, furniture, concession equipment, etc.)                | \$50,000.00 |

Total 5 year cost: \$175,000.00 or \$35,000 per year

*VGB Drain Cover Compliance*

*Paddock covers (6 new in front of slides)*

*Replace screws every seven years  
(covers do not need to be replaced unless they are compromised)*

*Neptune-Benson covers*

*Lifespan – 10 years Need to look at replacing in 2023*

*Lazy river*

*Waterway plastics covers  
Deep end main pool*

*\*Lifespan – 7 years Need to look at replacing in 2019  
(cost to replace covered in item #3 above)*

*\*Note that lifespans are approximate based on equipment brands installed. Actual lifespan is stamped on grate covers and will need to be checked and verified.*

Councilmember Brand moved to approve the Fayette Aquatic Center Five Year Plan. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

**ORDINANCES CONCERNING SALARIES OF ELECTED OFFICIALS**

Councilmember Hardin presented Ordinance 2016-01 (concerning the salary of the Mayor) and Ordinance 2016-02 (concerning the salary of the Councilmembers) to the Council for their consideration. He stated by reducing the Mayor's salary, the City could hire a city administrator. He said healthcare should also be offered to the Mayor. Councilmember Hardin said because of the amount of the Mayor's salary it is not financially feasible for a person to give up their job to serve as Mayor.

Councilmember Hardin introduced Ordinance 2016-01. It is as follows:

**ORDINANCE NO. 2016-01  
AN ORDINANCE FIXING THE SALARY OF THE MAYOR  
FOR THE TERM COMMENCING NOVEMBER 7, 2016.**

***BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, ALABAMA, AS FOLLOWS:***

***SECTION 1.*** §2-16 of the Code of Ordinances for the City of Fayette, Alabama, is hereby amended by deleting the entire section and substituting the following therefor, viz:

"§2-16: Mayor - Salary

The salary of the Mayor of the City of Fayette, Alabama, for the term commencing November 7, 2016, for the performance of his duties as Mayor is hereby fixed and established at the sum of Twenty Two Thousand dollars (\$22,000.00) per annum, payable in equal monthly installments. The Mayor shall be eligible to receive health care benefits, the same as any other city employee, by paying the same premium as city employees pay."

**SECTION 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** This ordinance shall take effect and be in force from and after its adoption by the City Council and its publication as prescribed by law.

ADOPTED on this the \_\_\_ day of January, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

Councilmember Hardin introduced Ordinance 2016-02. It is as follows:

**ORDINANCE NO. 2016-02  
AN ORDINANCE FIXING THE SALARY OF THE COUNCILMEMBERS FOR  
THE TERM COMMENCING NOVEMBER 7, 2016.**

***BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, ALABAMA, AS FOLLOWS:***

**SECTION 1.** §2-27 of the Code of Ordinances for the City of Fayette, Alabama, is hereby amended by deleting the entire section and substituting the following therefor, viz:

"§2-27: Members of the Council - Salary

The salary of the members of the City Council of the City of Fayette, Alabama, for the term commencing on November 7, 2016, for the performance of their duties as Councilmembers is hereby fixed and established at the sum of Two Thousand Four Hundred dollars (\$2,400.00) per annum, payable in equal monthly installments".

**SECTION 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** This ordinance shall take effect and be in force from and after its adoption by the City Council and its publication as prescribed by law.

ADOPTED on this the \_\_\_ day of January, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

**POLICE DEPARTMENT REPORT**

Police Chief Danny Jenkins presented the police report for the month of December 2015. The report for December was as follows: 35 incidents investigated; 16 accidents; 54 traffic citations; and 36 arrests.

Police Chief Jenkins reported on the two police cars that were damaged during a pursuit. He stated one care was totaled and the other was damaged. The damaged car is being repaired. He said AMIC will pay \$12,000.00 for the car that was totaled. He said Donohoo Chevrolet has the state bid on police cars. They said they could get a white police car by April. Chief Jenkins said they showed him two Chevrolet Tahoe police vehicles that are available now. The cost of the two Tahoes is \$35,000.00 each. The Chevrolet Tahoes are 2015 models.

Chief Jenkins said the amount that would be coming out of the budget would be \$42,000.00. This amount is less the funds received from the insurance company and less the funds the Police Department already had designated for equipment. The City Clerk said she would prefer not to finance the vehicles but purchase them outright.

Councilmember Hardin moved to purchase two Chevrolet Tahoe police vehicles off the state bid list. 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 December 2015. The Fire Department received 11 fire calls. There were four structural fires.

He reported the department had a total of 217 calls for 2015.

Chief Ellis stated Tyler Hayes, will begin Fire College on February 8<sup>th</sup>.

#### CITY AUDIT

Mr. Rick McCabe reviewed with the Council his audit report. He said overall the City is in sound financial condition. He stated the new reporting/accounting requirements have gone into effect. The City's balance sheet reflects the following: \$26.6 million in total assets and \$4.1 million in its bank account, this includes restricted funds.

Mr. McCabe stated the City's liabilities are \$6.6 million. He said the new item under liabilities is the City's net future pension obligations. Per the new accounting rules, this has to be included in the audit. He reported the City's net pension liability is approximately \$1.7 million. Mr. McCabe stated this is a matter of bookkeeping. He said the only real concern was whether it would affect the City's bond rating and he reported the rating agencies said it would not.

Mr. McCabe stated the City's surplus for the past year was \$1.899 million. He stated this amount is distorted by the grant monies that were received. He said the City's surplus without the grant monies was \$323,000.00.

Mr. McCabe reported the audit reflected the Fayette Aquatic Center had a loss of \$1,300.00 when the bond payment, lazy river payment and interest were included.

Councilmember Wilson moved to adopt the audit as presented. Upon the same being seconded by Councilmember Cowart, the same was unanimously approved.

#### MAINTENANCE SUPERVISOR TRUCK

City Engineer Dewayne Roby reported the maintenance supervisor's truck needed to have its engine replaced. It is a 2000 GMC 2500 with over 230,000 miles. The cost to replace the engine would be \$2,000 - \$2,500. The state bid contract is with Stivers Ford Lincoln in Montgomery. The cost of a new truck is \$23,000 - \$24,000. Mr. Roby stated his recommendation would be to order a truck off the state bid list and have Ox Bodies install the bed.

Councilmember Wilson moved to purchase a truck off of the state bid list for the maintenance supervisor. Upon the motion being seconded by Councilmember Brand, the same was unanimously approved.

#### ANIMAL ORDINANCE – DOGS AND CATS RUNNING AT LARGE

City Attorney Dale Lawrence reviewed with the Council the City's ordinances regarding dogs and cats running at large.

#### CIVIC CENTER BOARD RE-APPOINTMENTS

Mayor Nelson reported he had received a request from the Civic Center Board that John Gary, Ned Nichols, Libby Kimbrell, Larry Humber, Roselyn Peoples, Chuck Gates and Theron Nolen be reappointed to the Board. Councilmember Cowart moved that the seven-day notice period for nominations be waived. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

Councilmember Brand moved that the Council reappoint John Gary, Ned Nichols, Libby Kimbrell, Larry Humber, Roselyn Peoples, Chuck Gates and Theron Nolen to the Civic Center Board. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

#### TRAFFIC LIGHT STUDY

City Engineer Dewayne Roby reported ALDOT had requested the City to perform traffic studies in four areas where traffic lights are located. They also asked the City to update the traffic lights at four other intersections. He said ALDOT requested for traffic studies to be performed on the traffic lights at Arvin; the traffic lights at County Road 35; the traffic lights at the Courthouse Annex and the traffic lights

on 2<sup>nd</sup> Avenue NE (Aylette Street) near the elementary school and middle school. ALDOT said if any traffic lights were removed, based on the traffic studies then they would pay for the upgrades on the traffic lights they requested the City to upgrade. The Council was not in favor of removing any of the traffic lights near the middle school and elementary school.

Councilmember Cowart moved that traffic light studies be conducted on the traffic lights at Arvin, the traffic lights at County Road 35, and, the traffic lights at the Courthouse Annex. Upon the motion being seconded by Councilmember Hardin, the same was unanimously approved.

#### APPROVAL OF FINANCIAL STATEMENT

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

#### APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

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

#### REPORT OF CITY CLERK

City Clerk Dawn Clapp stated that the Workers Compensation Annual premium was approximately \$45,000.00 and was \$10,000.00 less than last year.

City Clerk Dawn Clapp reported for the month of November, the City received \$202,958.00 in nondesignated sales tax which was a \$15,000.00 decrease from last year. She reported the ½¢ sales tax for the hospital generated \$34,300.00. She stated \$8,293.00 in alcohol taxes were received which was an increase of \$1,049.00 compared to last year.

#### CHRISTMAS IN THE PARK

Mayor Nelson stated "Christmas in the Park" had 70 volunteers for the 2015 season and received donations in the amount of \$24,817.40.

#### 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