

City Hall  
Fayette, Alabama  
April 12, 2016

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

The opening prayer was given by Pastor Darryl Ballew of the Fayette First Assembly of God.

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

#### PROCLAMATION PRESENTED TO JOHN BRASHER

Mayor Nelson presented Mr. John Brasher with a proclamation from the Mayor and City Council recognizing him for the honors he had received from the Garden Clubs of America and the Garden Clubs of Alabama.

#### GUEST APPEARING BEFORE COUNCIL

A. Glenda Robertson – “Rails to Trails” project

Mrs. Glenda Robertson spoke to the Council concerning the “Rails to Trails” program. She said her neighborhood is adjacent to the railroad right of way. She was speaking on behalf of the residents of the neighborhood who were in favor of the program. She said a petition against the proposed “Rails to Trails” project had been circulated and nineteen people had signed it. She asked if a fence could be constructed along the area of the trail near the neighborhood to provide for security and privacy.

B. Cathy Robertson - President of the Fayette Community Development Corporation – “Rails to Trails” project.

Mrs. Cathy Robertson reported to the Council on the negotiations between the Mayor and Norfolk Southern Railway. She said Norfolk Southern had offered to lease the area around the Depot, GMS building and proposed trail corridor for \$3,750.00 per year.

Mrs. Robertson said to secure grant funds to construct a trail, it would be better if the property was owned rather than leased. She stated Norfolk Southern had offered to sell the property to the City for \$250,000.00 to \$350,000.00. A certified railroad appraiser would have to appraise the property. This appraisal would cost \$6,000.00 and Norfolk Southern agreed to pay one-half of the appraisal cost.

Mrs. Robertson also stated that the project was more likely to be awarded grant funds if the City sponsored the project instead of a nonprofit corporation like the CDC. She requested that the City become the sponsor for the proposed trail. She said the application is due by May 3, 2016.

#### APPROVAL OF MINUTES

Councilmember Cowart moved that the minutes of the meeting held on March 22, 2016, be approved. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

#### POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of March 2016. The report for March was as follows: 46 incidents investigated; 19 accidents; 76 traffic citations; and 92 arrests.

#### FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of March 2016. The Fire Department received 19 fire calls. There were four fires.

Councilmember Cowart reported that Firefighter Tyler Hayes had graduated from Fire College.

PARADE PERMIT

Mayor Nelson presented to the Council a request for a parade permit for the “Month of the Young Child” parade to be held on April 22, 2016. Councilmember Wilson moved the permit be granted. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

PARADE PERMIT

Mayor Nelson presented to the Council a request for a parade permit for the “March for Jesus” to be held on May 21, 2016. Councilmember Brand moved the permit be granted. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

APPOINTMENT OF HOUSING AUTHORITY RESIDENT COMMISSIONER

Mayor Nelson announced that he was appointing Ms. Sharon Wilson as the Housing Authority Resident Commissioner to fill the unexpired term of Ms. Piniinah Burkhalter.

CITY MAINTENANCE SUPERVISOR

Mayor Nelson stated upon receiving the consent of the Council he would promote Mr. Joey Byars to City Maintenance Supervisor at a salary of \$46,000.00 per year. Councilmember Cowart moved that the Council consent to the Mayor promoting Mr. Joey Byars to City Maintenance Supervisor at a salary of \$46,000.00 per year. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

RONNIE BLACK CONTRACT

City Attorney Dale Lawrence reported on his request to the Alabama Ethics Commission to reconcile the two different informal opinions it had rendered concerning the City being able to contract with Mr. Ronnie Black after his retirement. Mr. Lawrence reported that the attorney for the Ethics Commission had told him that they were withdrawing their second opinion which allowed the City to contract with Mr. Black and were reinstating their first opinion which said that Mr. Black could not contract with the City. The attorney for the Ethics Commission had overlooked the statement in the requests that stated that Mr. Black was an electrical and plumbing inspector for the City before he retired.

DOWNTOWN EXTENSION TAPS GRANT BIDS

Mr. Heath Reed of Goodwyn, Mills and Cawood, reported on the bids received on the Temple Avenue North sidewalk and streetscape on the east side of Temple Avenue.

Mr. Reed stated the bidders and their bids were as follows: (1) Ballard Builders – \$656,406.05; (2) Dymac Contracting -\$875,685.00; (3) Centerline Construction – \$931,199.46; and, (4) Southern Civil – \$929,911.01. He stated the low bidder was Ballard Builders whose bid price was \$656,406.05.

Councilmember Cowart moved that the Council award the bid to the lowest responsible bidder, Ballard Builders in the amount of \$656,406.05. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

RESOLUTION 2016-07

Mayor Nelson presented Resolution 2016-07 to the Council for their consideration. Resolution 2016-07 is as follows:

**RESOLUTION 2016-07  
A RESOLUTION AUTHORIZING THE MAYOR TO AWARD A CONSTRUCTION  
CONTRACT UPON APPROVAL OF THE ALABAMA DEPARTMENT OF  
TRANSPORTATION TO CONSTRUCT HANDICAPPED ACCESSIBLE SIDEWALKS  
IN THE DOWNTOWN AREA**

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**WHEREAS**, the City of Fayette has received a Transportation Alternatives Program (TAP) Grant from the Alabama Department of Transportation (ALDOT) to rehabilitate and construct new handicapped accessible sidewalks in the downtown area along Temple Avenue; and

**THEREFORE**, in accordance with ALDOT regulations the City of Fayette has solicited and received bids from qualified construction companies to construct the above referenced sidewalk improvement activities in accordance with the approved plans and specifications;

**NOW, THEREFORE**, be it resolved that the City Council and their Consulting Engineer has evaluated the bids received and has determined that Ballard Builders, Incorporated is the low bidder on the construction portion of this project; and

**THAT**, Ray Nelson, Mayor, be and is hereby authorized to award a construction contract upon receipt of the approval of the Alabama Department of Transportation to Ballard Builders, Incorporated in the amount of \$656,406.05 to complete all sidewalk improvement activities associated with the above referenced project.

**READ AND ADOPTED** this the **12th** day of **April, 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 2016-07. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

RESOLUTION 2016-06

Mayor Nelson presented Resolution 2016-06 to the Council for their consideration. Resolution 2016-06 is as follows:

**RESOLUTION 2016-06**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOODWYN MILLS AND CAWOOD TO PROVIDED ALL ENGINEERING SERVICES TO EXPAND THE CITY SEWER SYSTEM TO THE NEW ALDOT FACILITY**

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**WHEREAS**, the City of Fayette has received a Community Development Block Grant – Economic Development Grant to expand the city sewer system to the new ALDOT Facility located in the Fayette Industrial Park; 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.

**READ AND ADOPTED** this the **12th** day of **April, 2016**.

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Mayor Ray Nelson

ATTEST:

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City Clerk Dawn Clapp

Councilmember Brand moved that the Council adopt Resolution 2016-06. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

RESOLUTION 2016-05

Mayor Nelson presented Resolution 2016-05 to the Council for their consideration. Resolution 2016-05 is as follows:

**RESOLUTION 2016-05**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH COMMUNITY CONSULTANTS, INCORPORATED TO PERFORM CDBG PROJECT ADMINISTRATIVE SERVICES TO EXPAND THE CITY SEWER SYSTEM TO THE NEW ALDOT FACILITY**

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**WHEREAS**, the City of Fayette has received a Community Development Block Grant – Economic Development Grant to expand the city sewer system to the new ALDOT Facility located in the Fayette Industrial Park; 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.

**READ AND ADOPTED** this the **12th** day of **April, 2016**.

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Mayor Ray Nelson

ATTEST:

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City Clerk Dawn Clapp

Councilmember Hardin moved that the Council adopt Resolution 2016-05. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

#### AQUATIC CENTER PAVING PROJECT

City Engineer Dewayne Roby reviewed with the Council the paving project at the Aquatic Center. He stated he received a response from the County Engineer Luke Porter concerning the City's request for the County to pave the extra lot at the Aquatic Center. He stated the cost of the paving if the County did it would be as follows: \$76.17 per ton x 403.751 estimated tonnage = \$30,753.71. Also, the County Engineer was not sure when the County would be able to complete the work. Mr. Roby stated the County Engineer indicated he could not commit to being able to complete the paving before the opening of the Aquatic Center.

Mr. Roby stated he contacted three contractors for the paving project and received two quotes. They areas follows: (1) Diving Paving gave a verbal quote of \$90.00 per ton x 403.751 estimated tonnage = \$36,337.59. Mr. Roby said they indicated they could complete the paving prior to the Aquatic Center opening; (2) Mallory Burkhalter gave a quote of \$33,570.00. Mr. Roby said they indicated they could complete the paving prior to the Aquatic Center opening; and (3) ST Bunn's did not submit a quote.

The City Engineer recommended contracting with Mallory Burkhalter to pave the Aquatic Center parking lot at a cost of \$33,570.00. The funds for the paving will come from the following sources: \$5,000.00 (first \$5,000.00 required to be paid by the City), \$14,285.00 (1/2 of the remaining funds paid by the City), \$14,285.00 (other 1/2 of the remaining funds paid by the Earl McDonald Bequest Fund). The City's funding of \$19,285.00 is to be provided by Aquatic Center and Park and Recreation General Fund.

Councilmember Hardin moved that the Council contract with Mallory Burkhalter to pave the Aquatic Center parking lot at cost of \$33,570.00. Upon the motion being seconded by Councilmember Brand, the same was unanimously approved.

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

#### HISTORIC PRESERVATION COMMISSION PUBLIC HEARING

City Attorney Dale Lawrence reported the City of Fayette Historic Preservation Commission will consider the adoption of a resolution recommending to the Council that it adopt an ordinance designating and establishing a historic district in downtown Fayette. He stated the proposed resolution will be considered by the Historic Preservation Commission at a public hearing to be held at the City Hall on April 14, 2016, at 5:00 o'clock, p.m.

#### APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

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

#### APPROVAL OF FINANCIAL STATEMENT

Councilmember McCraw 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 February, the City received \$215,314.00 in non-designated sales tax which was an increase of \$18,000.00 over last year. She reported the ½¢ sales tax for the hospital generated \$35,454.00. She stated \$8,776.00 in alcohol taxes were received.

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 McCraw, the same was unanimously approved.

\_\_\_\_\_  
Mayor

Attest:

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City Clerk