

City Hall  
Fayette, Alabama  
April 26, 2016

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on April 26, 2016, in the Council Chambers of the City Hall.

Upon roll call the following were found to be present: Mayor Ray Nelson and 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 Adrian Nottonson of the Fayette First Free Will Baptist Church.

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

#### GUEST APPEARING BEFORE COUNCIL

A. Mr. Jerry Hayes and Mrs. Robin Hayes – “Rails to Trails” project

Mr. Jerry Hayes appeared before the Council and stated he was totally opposed to the proposed location of the “Rails to Trails” project. Mr. Hayes added that none of the property owners adjacent to the proposed trail were notified that anything was being considered.

Mrs. Robin Hayes appeared before the Council and stated as follows:

*“David, I have known you since high school and for some time we have owned land that adjoins yours. To my knowledge and recollection there has never been a harsh word between us. Linda, I don’t really know you but I do know who [you are] and your husband has surveyed land for us on different occasions. Mike, I remember how much you went above and beyond what was expected as an officer to help my mother after my daddy died without any expectations for yourself. I will always be grateful for that. Jason, I remember a time I needed some professional information in a hurry, you graciously accommodated me. I have just recently become acquainted with your wife through Hope’s Choice and a conversation at the hospital. She is delightful. Cedric, I have known you for a long time. As our councilman, every time Jerry has called you, you have been there for us. I appreciate you for that. Mayor Nelson, I well remember when it was Coach Nelson, and I got to touch and hold a snake in your science class. Our class also watched as a small snake bit you and urinated on you as the class erupted in laughter. Many years later I shared a snake with my students.*

*I’m a country girl and have always loved nature. As a result of this inclination I taught science for seventeen years of my thirty year teaching career. My family and I were once avid campers – camping from one end of the United States to the other. We love nature. Just over twenty years ago Jerry and I decided to move from Kennedy to Fayette at our present location. The house was nothing special, a simple ranch style house, but the neighborhood and yard were unique and just what we wanted – the country right in the middle of town. The neighborhood was quiet, peaceful, wooded, and a safe place for children to grow and play outside. Traffic moves very slowly here as our streets are short with only a few houses. My backyard is a lush green canopy. As the years have passed we have been fortunate enough to purchase additional land to enlarge our yard and purchased land across the track to ensure our neighborhood maintains its wooded appeal. One of my grandchildren calls our yard a park and another the jungle and wants to go exploring. My front yard faces a dead end street, 4<sup>th</sup> Street NW, with only one other house on it. My backyard also faces a dead end street, 3<sup>rd</sup> Street NW. It is our retreat from the world and our special place to share with friends and family. I don’t know of another neighborhood like ours in Fayette that is within walking distance of town. My neighborhood is located between Columbus Street, Martin Luther King Drive and Highway 96. During the past year, two young professional families have purchased houses in our neighborhood. One family moved here from Tuscaloosa, the other from Winfield. They chose this neighborhood above others for similar reasons as ours. This project threatens the very attributes of the neighborhood that brought many of its residents here.*

*After reading a short blurb in the City Council meeting minutes reported in the “Times Record”, I became aware of the “Rails to Trails” plan to put a public walking trail adjacent to my backyard. I felt as if my home was under attack. How could this be happening? Why was I not notified of this? Jerry and I immediately tried contacting the Mayor and some members of City Council for more information. Jerry asked to be put on the agenda to address the Council tonight; he could not be at an earlier meeting due to an extended out of town trip. No vote was to be taken until after tonight. We later received a call from City Hall informing us that the dates had changed and the information meeting, City Council meeting and vote would all take place while we were gone. The Mayor, Councilman Wilson, and Cathy*

Robertson agreed to meet with us to answer questions about the proposed trail. We also heard from the consultant via telephone during this meeting. In my opinion the consultant seemed dismissive of my concerns. We expressed our initial disapproval of the project and our great dissatisfaction of the fact that home owners and property owners along the old railroad bed had not been notified in any manner or included in any of the planning for [the proposed] "Rails to Trails". We left with the expectation of learning much more about the project after our trip. We had learned during this late Friday afternoon meeting that Dora and Sumiton have a "Rails to Trails" path which a Fayette delegation would be visiting while we were out of town. Early Saturday morning Jerry and I drove to Dora. We walked part of the Dora trail, talked with walkers on the trail, with police officers, and several residents in one of the neighborhoods along the trail. We returned with a wealth of information and observations some positive some negative which we shared with some of our neighbors.

After returning from our trip, we realized our concerns and disapproval of [the proposed] "Rails to Trails" [walkway] passing through our neighborhood had not been presented at the City Council meeting as expected. I want to set the record straight, at this point in time; I am not in favor of the "Rails to Trail" passing through my neighborhood. And furthermore, I request the City Council pass an ordinance requiring that all property owners be contacted in writing before the city can vote on issues such as this one that have a direct and lasting impact on the property owners. We have a right to know; and a right to have input into the planning. Fayette is a small town. We all need each other. We need to work together. All of you are good people whom I highly respect. But a trust has been violated in this situation. I highly urge transparency from the Council and consideration of all citizens.

I am not in favor of this project; however, I am willing to listen to proposals that address my concerns and the concerns of my neighbors. I do not know if all of my concerns can be met. A six foot high chain link fence like the one at the Middle School practice field is not appropriate for my property. A chain link fence offers nothing but a toe-hold and at only six feet high is easily scaled. This type fencing even with the woven slats does not offer privacy. Check it out for yourself. As you drive toward the Middle School practice field note the visibility of the practice field through the fencing. Would you be satisfied with this in your backyard? The fencing along the Dora neighborhood was an eight-foot tall wooden fence. Due to the topography of my land changing from a deep valley below the railroad bed to almost level land with the railroad bed special consideration of fencing placement must be considered to be effective. Proper fencing appropriately placed could offer me my much needed privacy. However, it does little to contain the noise that could become a potential issue. An entrance to the proposed trail from 3<sup>rd</sup> Street even for emergency vehicles is not appropriate or logical. Let's imagine this scenario: an emergency call is dispatched, first responders spring into action, the call is for the trail; oh, wait, get the key, arrive on 3<sup>rd</sup> Street, leap from the vehicle, unlock the gate, prop open gate, get back in the vehicle. I'll stop here; you get the point. These are just a few of the concerns I have. In addition to lack of privacy, fence placement and no entrance from 3<sup>rd</sup> Street, many other obstacles are to be overcome.

Consider these: the accessibility of my yard and property to those walking on the trail, trespassing, noise, traffic, litter, safety for my neighborhood and for walkers on the trail, cost of this project to the citizens of the City of Fayette. Furthermore, we must also realize the potential for increased crime is unique to this proposed trail site as compared to Dora or other trails due to the location of existing neighborhoods. While meeting with the Mayor, Councilman Wilson, and Cathy Robertson, I was offered a place on the Trail committee. I appreciate the opportunity, but I fear my one voice in opposition on a committee of supporters will fall mute. In addition, it has been brought to my attention that the railroad might not actually own the property and fifty feet on either side of the middle of the bed it is claiming to own. Has this been properly researched?

I urge everyone to slow down; carefully consider all options, all shareholders, and possible outcomes for this proposed trail. If "Rails to Trails" is constructed, let us be sure it is something we can all be proud of and that it unites and enhances our town instead of dividing it. Once again, I want to reiterate the following fact: Do not mistake my willingness to listen and consider proposals to be approval of the trail. At this time, I am opposed to a "Rails to Trails" being constructed in my neighborhood. Throughout this deliberation, I hope we all remember to treat others the way you wish to be treated. Thank you for the opportunity you have given me to address this council tonight."

B. Mr. Bill McCollum – Storm Shelter

Mr. Bill McCollum appeared before the Council to discuss the need for storm shelters in the City. He stated that storm shelters are needed on the west side and south side of the City. He asked the Council to consider building shelters around the City.

#### APPROVAL OF MINUTES

Councilmember Wilson moved that the minutes of the regular meeting held on April 12, 2016, and the special meeting held on April 14, 2016, be approved. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

REPORT OF HISTORICAL PRESERVATION COMMISSION

Mr. Ben Hightower reported on the public hearing of the Historical Preservation Commission. He said that the map presented at the public hearing was the same one being presented to the Council.

ORDINANCE 2016-03

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

**ORDINANCE NO. 2016-03  
AN ORDINANCE TO DESIGNATE  
THE FAYETTE COUNTY COURTHOUSE HISTORIC DISTRICT**

---

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

Section 1. Findings -- The Council has determined and hereby finds and declares that the following facts are true and correct:

a. The Fayette County Courthouse Historic District is a geographically definable area, which contains buildings, structures, sites, objects and landscape features or a combination thereof that are associated with the events that have made significant contributions to the broad patterns of the history of the City of Fayette.

b. The City of Fayette Historic Preservation Commission conducted a survey of the properties located in the Fayette County Courthouse Historic District in accordance with the rules and regulations of the Alabama Historical Commission.

c. Based on its survey of the Fayette County Courthouse Historic District, the Commission found and determined that the buildings, structures and sites in said district are identified with or represent a significant aspect of the cultural, political, economic and social history of the City.

d. The Commission heretofore designated April 14, 2016 at 5:00 p.m., at the City Hall, as the date, time and place to hold a public hearing on the proposed recommendation of a historic designation of the Fayette County Courthouse Historic District.

e. Notice of the public hearing was given by publication in The Times Record on March 23<sup>rd</sup>, 2016, March 30, 2016 and April 6, 2016. Written notice of the hearing was also mailed no less than ten (10) days nor more than twenty (20) days prior to the date set for the public hearing to all of the last known owners of the property at the addresses shown on the Fayette County Revenue Commissioner tax roll as required by Ordinance No. 2009-06, establishing a Historic Preservation Commission.

f. Based on the report of the Commission, it is necessary, advisable and in the interest of the City and in the public interest that the Council designates a specific area of Fayette as a historic district in order to provide for the protection, enhancements and preservation of the properties within said district.

Section 2. Designation of Historic District - A specific area of Fayette is hereby designated a historic preservation district to be known as the Fayette County Courthouse Historic District. A map depicting the boundaries of the Fayette County Courthouse Historic District along with the names of the owners of the property within said District are attached hereto as Exhibit "A" and incorporated herein by reference thereto.

Section 3. Certificate of Appropriateness -- No change in the exterior appearance of any building, structure or site within the Fayette County Courthouse Historic District may be made, and no building or structure in said district may be erected or demolished unless and until a certificate of appropriateness for such change, erection or demolition is approved by the Commission.

Section 4. Notice of Designation of Historic District -- The Commission is hereby directed and authorized to give notice in writing of the designation of the Fayette County Courthouse Historic District to all agencies of the municipality and to all owners of property located in the historic designation.

Section 5. Official Map -- Boundaries of the Fayette County Courthouse Historic District shall be shown on the official map of the Commission and a copy of said map shall be available for inspection by the public in the City Hall of the City of Fayette during regular business hours.

Section 6. Effective Date -- This Ordinance shall become effective upon adoption, approval and publication as required by law.

ADOPTED and APPROVED this 26th day of April, 2016.

s/ Ray Nelson  
Mayor

ATTEST:

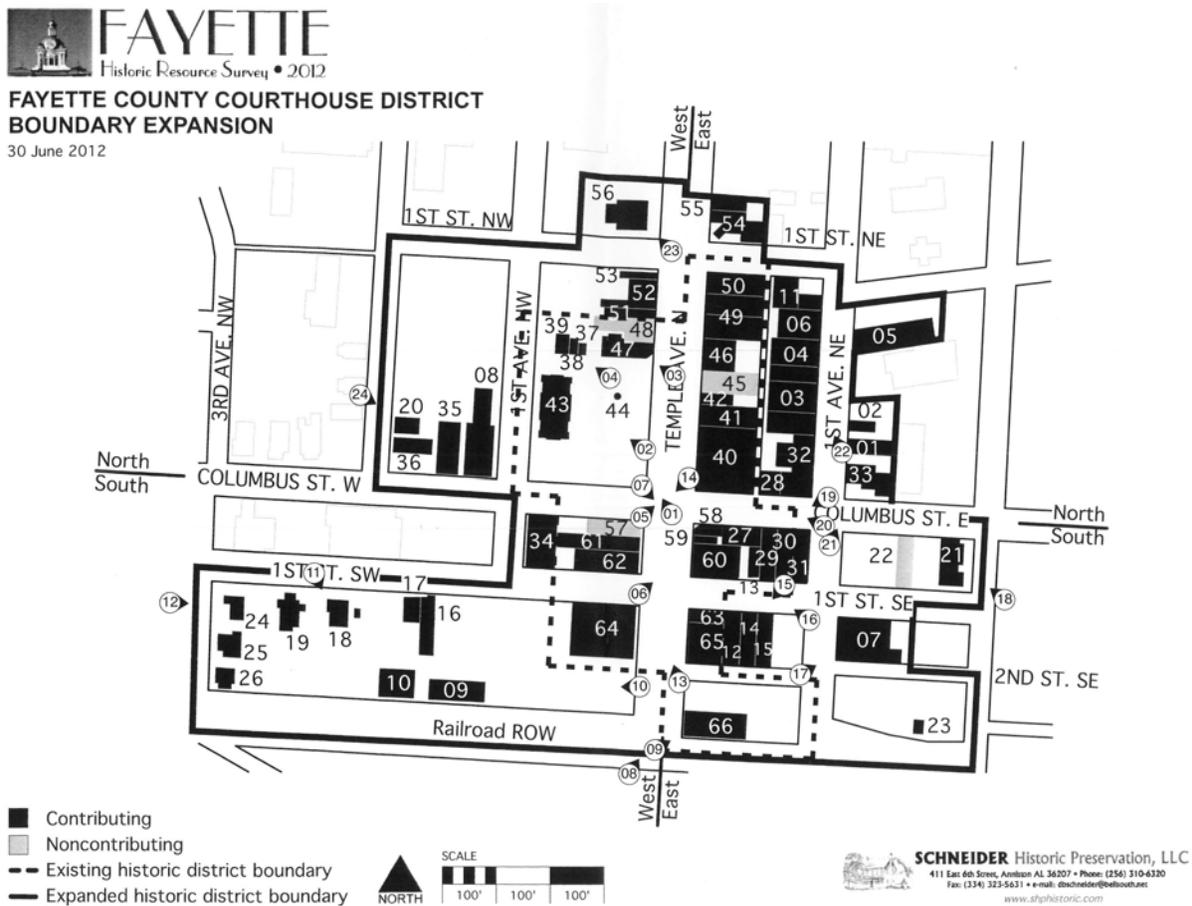
s/ Dawn Clapp  
City Clerk

### EXHIBIT A

	<u>NAME</u>
56	City of Fayette
55	K & P Properties, LLC
54	Van Gravlee
54	Jerry O'Dell
54	M & B Accounting, Inc.
05	Price Rentals, LLC
02	Larry Humber
01	Nichols Hardware, Inc.
33	Virgil & Dana Beavers (Tiskets, Taskets)
01	Nichols Hardware, Inc.
33	James R. & Nan Glasgow
33	Nichols Hardware, Inc.
11	Pennoco, LLC
50	Baskerville Lodge #281
49	Robbie & Andy Perry
46	Stacia Lawrence Kasten Family Trust
45	Dennis & Diane Fisher
42	SBC Holdings, LLC
41	Van Gravlee
40	Charles Langley
32	Arthur Family Trust
04	Charles Langley
03	Thomas & Gregory R. Jenkins
28	Charles Langley
06	Thomas & Gregory R. Jenkins
53	Kristy Savage
52	Miss Ala, LLC
52	Michael Kearny & Kelly McCaleb Kearny

51 48 47	First Alabama Bank % Regions Bank
37 38 39	Grimsley Properties, LLC
43 44	Fayette County
08	Fayette County
	Fayette County
20 35 36	Fayette County
21 22	City of Fayette
07	Temple Bowling Syrup Company
23	Lewis & Donna Coker DBA Fayette Monument Co c/o Patrick Simpson
31	Martha Davis Potter % State Farm Ins.
30	Melissa V. Wilkins
29	Randall E. Nichols & Joann K. Nichols
58	William Trent Mobley - Bolling Pharmacy
27	Kerry A. Kerr & Donna Kerr
59	William Trent Mobley - Bolling Pharmacy
60	Ellie T. Collins
13	Donald G. Matthews & Marcelle Matthews
15	Crossview Community Church
14	James H. Gullett & Sara Gullett
12	Times Record, Inc.
63	Allen & Kelli Grocholski
65	Ellie T. Collins
57	Citizens Bank of Fayette
61	Citizens Bank of Fayette
62	Arthur Family Trust % Richard Arthur
34	Citizens Bank of Fayette
64	Macon Gravlee, Jr.
	TH Robertson & Sons, Inc.
16 17	F. Marion Davis & Willinel Davis % Sara Gullett
09 10	Larry Jo Bowen Testamentary Family Trust- Betty Louis Bowen Trustee
66	Fayette Co Historical Society
	Willinel Davis Estate c/o Sara Gullett

18	Felton & Ozie Simpson
19	Danny Earl Bobo
24	Warren Ballard
25	
26	Christine M. Bobo
	Norfolk Southern Combined Rail



Councilmember Hardin moved that the Council give unanimous consent to consider Ordinance 2016-03. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

After a general discussion, Councilmember Hardin moved that the Council adopt Ordinance 2016-03. Upon the motion being seconded by Councilmember Cowart, the same was unanimously adopted.

#### MAINTENANCE ASSISTANT JOB DESCRIPTION

Mayor Nelson stated that the position of maintenance supervisor assistant is currently open. He presented a job description to the Council for the position. Mayor Nelson stated it would be posted internally for one week.

#### MAYOR'S FINANCIAL REPORT

Mayor Nelson presented the reserves, cash balances, and debt services of the City as of March 31, 2016. The report is as follows:

**Reserves and Cash Balances as of March 31, 2016**

**Reserves**

\$801,180.74	Citizens Bank CD	Unrestricted
\$611,064.95	WW Operating Account	Restricted (\$9,175 WW Upgrades/Bond payment from WW)
\$329,382.43	Citizens Bank CD	Unrestricted
\$393,250.99	Alabama Power CD	General Fund backup – Unrestricted
\$105,895.03	Alcohol Tax	Restricted to Paving projects
\$280,093.68	Capital Improvement	Restricted for Capital needs
\$84,425.12	Cigarette Tax	Unrestricted
\$70,304.21	State Gas Tax/ W AL Bank	Restricted
\$66,114.27	Gasoline Tax/ W AL Bank	Restricted/\$3,800 per month DT paving/added to bond
\$84,545.06	Airport funds	
\$33,073.35	Capital Equipment Fund	Restricted to Capital Equipment
\$116,467.79	Rental Property tax	Unrestricted
\$229,976.07	Savings – AL Credit Union	Unrestricted
\$123,267.34	Park & Recreation/Earl McDonald	Restricted
\$33,218.20	Municipal Court	Restricted
\$1,039.97	Aquatic Park	Restricted
\$32,636.43	Christmas in the Park	Restricted
\$4,460.58	Fire Department	Restricted
\$93,388.03	Customer Deposits	Restricted
\$1,586.30	Leadership Fayette County	Restricted
<u>\$141,483.25</u>	FMC Appropriation	Restricted

**\$3,636,853.79** – subtotal

**Cash balances**

\$344,011.79	General Fund (includes PARA)	Unrestricted
\$80,226.52	Other General Funds	Unrestricted
<u>\$482,903.52</u>	Grants, Bonds, Notes	Restricted
<b>\$907,141.83</b>	– subtotal	

**\$4,543,995.62 – TOTAL OF RESERVES AND CASH BALANCES AS OF March 31, 2016**

**2015-2016 General Fund Note Payments Each Month**

\$1,299.00	Brush Truck Payment (Balance \$37,689)
\$8,627.00	Aquatic Park Bond Payment
\$4,349.00	AmFund Bond/IP Property & Renovate PO
\$1,414.00	Police Cars (Two)
<u>\$1,250.00</u>	Brush Truck/Citizens Bank
<b>\$18,835.00</b>	<b>Total General Fund Notes per Month</b>

**2015-2016 Reserve Fund Note Payments Each Month**

\$7,963.00	WW Facility Upgrades/Bond Payment from Wastewater
\$10,756.00	Lazy River addition
\$1,896.00	Garbage Truck
<u>\$8,717.00</u>	Street Paving/Alcohol tax (Balance \$113,333)
<b>\$27,436.00</b>	<b>Total Reserve Fund Notes per Month</b>

**Average Monthly Note Payments (General Fund & Reserve Fund) Total - \$46,271.00**

**Sales Tax 2015- 2016**

October	\$193,678.00
November	\$239,394.00
December	\$237,281.00
January	\$275,903.00
February	\$251,682.00
March	\$250,770.00

**Alcohol Taxes 2015-2016**

October	\$9,055.00
November	\$8,450.00
December	\$8,294.00
January	\$9,237.00
February	\$5,374.00
March	\$3,891.00

**Total Sales Taxes: \$1,448,708 Minus Fayette Medical Center \$141,483 = \$1,307,225 Total Sales Tax**

**APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT**

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

REPORT OF COUNCILMEMBER MCCRAW

Councilmember McCraw stated that the Relay for Life Glow Run will be held Friday night, April 29, 2016, from 7:30 p.m. to 11:00 p.m.

REPORT OF COUNCILMEMBER COWART

Councilmember Cowart thanked Walmart and the Fayette Community Foundation for their grants to purchase new furniture for the meeting rooms at the EOC building.

Councilmember Cowart asked the Council to consider having a summer work program to assist in clearing the gutters and sidewalks.

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