

City Hall
Fayette, Alabama
August 9, 2016

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on August 9, 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 Police Chief Danny Jenkins, Fire Chief Tony Ellis, City Attorney Dale Lawrence, City Clerk Dawn Clapp and City Engineer Dewayne Roby.

The opening prayer was given by Mr. Bobby Avant.

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

APPROVAL OF MINUTES

Councilmember Wilson moved the minutes of the regular meeting held on July 26, 2016, be approved. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

RECREATIONAL TRAILS GRANT

Mr. Terry Acuff reported the City's application was due for the Recreational Trails grant and the Council needed to adopt a resolution authorizing the submission of the grant application.

RESOLUTION 2016-14

Mayor Nelson presented Resolution 2016-14 to the Council for their consideration. Resolution 2016-14 is as follows:

RESOLUTION 2016-14

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE STATE OF ALABAMA FOR RECREATIONAL TRAILS PROGRAM FUNDS TO PURCHASE THE ABANDONED NORFOLK SOUTHERN RAIL BED.

WHEREAS, the City of Fayette has been selected to submit a full application to the State of Alabama for Recreational Trails Program Funds to purchase the abandoned Norfolk Southern rail bed and construct a multipurpose – non motorized trail; and

WHEREAS, said programs are limited to funding a maximum of eighty percent (80%) of the proposed project cost which will be used to construct the trail.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Fayette will commit twenty percent (\$25,000) of the proposed project cost for the purpose of matching the Recreational Trails Fund Project; and

BE IT FURTHER RESOLVED, that in the event the grant is awarded, the City of Fayette understands that it will sign assurances complying with all applicable Federal and State laws, rules and regulations.

READ AND ADOPTED this the 9th day of August, 2016.

Mayor

ATTEST:

City Clerk

After a general discussion, Councilmember Cowart moved the Council adopt Resolution 2016-14. Upon the motion being seconded by Councilmember Wilson, the same was unanimously adopted.

PROJECT UPDATES

Mr. Terry Acuff reported on several of the City Projects:

1. The TAP Grant for the East side of Temple Should be thru in two to three months.
2. The sewer extension to the new ALDOT building will bid soon.
3. The CDBG grant along with the ARC grant will be used for the sewer project along U.S. Highway 43 South of the old Jack's building.

AIR EVAC

Mr. LaTere Jones of Air Evac spoke to the Council. He said the Air Evac contract with the City covers all of the citizens of the City of they need to be air lifted from the City or Fayette County. It does not cover being airlifted from outside of Fayette County.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of July 2016. The report for July was as follows: 35 incidents investigated; 13 accidents; 82 traffic citations; and 44 arrests.

FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of July 2016. The Fire Department received 17 calls.

RESOLUTION 2016-15

Mayor Nelson presented Resolution 2016-15 to the Council for their consideration. Resolution 2016-15 is as follows:

**RESOLUTION 2016-15
A RESOLUTION DECLARING MRS. LINDA MCCRAW DULY ELECTED
WITHOUT OPPOSITION TO THE POSITION OF
COUNCILMEMBER - WARD 1 FOR THE CITY OF FAYETTE, ALABAMA.**

WHEREAS, Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the *Alabama Code of 1975* prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, and

WHEREAS, Section 11-46-26 of the *Alabama Code of 1975*, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, at the time the deadline for qualification has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor or chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Fayette has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of **Councilmember - Ward 1** prior to the deadline established in the notice of election and that the name of that person who filed such statement was **Linda McCraw**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayette that **Linda McCraw** be and he is hereby declared duly elected to the office of **Councilmember - Ward 1** in the City of Fayette for the term of office commencing on the first Monday in November, 2016; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Fayette be and he hereby is directed to issue a certificate of election to **Linda McCraw** for the office of **Councilmember - Ward 1** for such term pursuant to the provisions of Section 11-46-25, as amended.

ADOPTED THIS THE _____ DAY OF AUGUST, 2016.

Mayor

ATTEST:

City Clerk

After a general discussion, Councilmember Hardin moved the Council adopt Resolution 2016-15. Upon the motion being seconded by Councilmember Cowart, the same was unanimously adopted.

RESOLUTION 2016-16

Mayor Nelson presented Resolution 2016-16 to the Council for their consideration. Resolution 2016-16 is as follows:

**RESOLUTION 2016-16
A RESOLUTION DECLARING MR. JASON COWART
DULY ELECTED WITHOUT OPPOSITION TO THE POSITION OF
COUNCILMEMBER - WARD 3 FOR THE CITY OF FAYETTE, ALABAMA.**

WHEREAS, Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the *Alabama Code of 1975* prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, and

WHEREAS, Section 11-46-26 of the *Alabama Code of 1975*, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, at the time the deadline for qualification has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor or chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Fayette has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of **Councilmember - Ward 3** prior to the deadline established in the notice of election and that the name of that person who filed such statement was **Jason Cowart**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayette that **Jason Cowart** be and he is hereby declared duly elected to the office of **Councilmember - Ward 3** in the City of Fayette for the term of office commencing on the first Monday in November, 2016; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Fayette be and he hereby is directed to issue a certificate of election to **Jason Cowart** for the office of **Councilmember - Ward 3** for such term pursuant to the provisions of Section 11-46-25, as amended.

ADOPTED THIS THE _____ DAY OF AUGUST, 2016.

Mayor

ATTEST:

City Clerk

After a general discussion, Councilmember Hardin moved the Council adopt Resolution 2016-16. Upon the motion being seconded by Councilmember Brand, the same was unanimously adopted.

RESOLUTION 2016-17

Mayor Nelson presented Resolution 2016-17 to the Council for their consideration. Resolution 2016-17 is as follows:

**RESOLUTION 2016-17
A RESOLUTION DECLARING MR. CEDRIC WILSON
DULY ELECTED WITHOUT OPPOSITION TO THE POSITION OF
COUNCILMEMBER - WARD 4 FOR THE CITY OF FAYETTE, ALABAMA.**

WHEREAS, Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the *Alabama Code of 1975* prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, and

WHEREAS, Section 11-46-26 of the *Alabama Code of 1975*, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, at the

time the deadline for qualification has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor or chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Fayette has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of **Councilmember - Ward 4** prior to the deadline established in the notice of election and that the name of that person who filed such statement was **Cedric Wilson**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayette that **Cedric Wilson** be and he is hereby declared duly elected to the office of **Councilmember - Ward 4** in the City of Fayette for the term of office commencing on the first Monday in November, 2016; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Fayette be and he hereby is directed to issue a certificate of election to **Cedric Wilson** for the office of **Councilmember - Ward 4** for such term pursuant to the provisions of Section 11-46-25, as amended.

ADOPTED THIS THE _____ DAY OF AUGUST, 2016.

Mayor

ATTEST:

City Clerk

After a general discussion, Councilmember Brand moved the Council adopt Resolution 2016-17. Upon the motion being seconded by Councilmember Cowart, the same was unanimously adopted.

APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

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

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of July, the City received \$207,629.00 in nondesignated sales tax. This was \$3,470.00 less than received last year. She reported the ½¢ sales tax for the hospital generated \$35,212.00. She stated the City received \$10,122.00 in alcohol taxes. This was \$768.00 less than received last year.

The City Clerk stated the voting machines will be tested at the Civic Center on August 19.

The City Clerk also stated the City's Blue Cross and Blue Shield rates will stay the same.

AQUATIC CENTER REPORT

Councilmember Brand stated thru August 8, 2016, the Aquatic Center had 27,714 in total paid attendance for the year. The daily average attendance was 380 which is 67 more per day than last year.

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