

Work Session
City Hall
Fayette, Alabama
February 28, 2017

The City Council of the City of Fayette held a work session at 5:30 o'clock, p.m. on February 28, 2017, in the Council Chambers of the City Hall.

Upon roll call the following were found to be present: Mayor Pro Tempore Cedric Wilson, Councilmembers Linda McCraw, Eddy Campbell, Jason Cowart, and Jerry Nichols. Also present were Police Chief Danny Jenkins, City Attorney Dale Lawrence, City Clerk Dawn Clapp, and City Engineer Dewayne Roby. Mayor Ray Nelson was absent due to illness.

Mayor Pro Tempore Cedric Wilson announced that a quorum was present and that the meeting was open for the transaction of business.

REVISIONS TO ORDINANCE CONCERNING COMMERCIAL EVENT CENTERS

The Council discussed revisions to the following sections of the Ordinance 2016-05 concerning Commercial Event Centers. The first section discussed was *Section 3A-3. Definitions* and in particular the requirements under the definition of a commercial event center. The definition and the requirements contained therein are as follows:

“Sec. 3A-3. Definitions.

.....

~~*Whenever used in this article, the definitions set forth in the Code of Ala. 1975, § 28-3-1 are hereby adopted by reference, and made a part hereof as if fully set forth herein. In addition thereto, the following terms shall have the meanings herein specifically ascribed to them:*~~

~~*Whenever used in this article, the definitions set forth in the Code of Ala. 1975, § 28-3-1 are hereby adopted by reference, and made a part hereof as if fully set forth herein. In addition thereto, the following terms shall have the meanings herein specifically ascribed to them:*~~

~~*a. — Alcoholic beverages: Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one half of one (0.5) percent or more alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.*~~

~~*b. — Association: A partnership, limited partnership, limited liability company (LLC), or any form of unincorporated enterprise.*~~

~~*c. — Bartender/server: An employee of a retail alcoholic beverage licensee who is directly involved with the opening, mixing, dispensing, serving, or final sale of alcoholic beverages to a customer of the licensed establishment.*~~

~~*d. — Beer, or malt or brewed beverages: Any beer, lager beer, ale, porter, malt or brewed beverage, or similar fermented malt liquor containing one half of one (0.5) percent or more of alcohol by volume.
Board: The Alabama Alcoholic Beverage Control Board.*~~

~~*e. — Business owner: A person or persons issued a privilege license by the City to conduct routine business.*~~

~~*f. — Child development facility: Any child development program or club that promotes extended educational services that is funded partially or completely by federal, state, or local government revenue (i.e., Head Start Programs, Boys & Girls Club, etc.). The definition of "child development facility" shall also include any day care center licensed by the Alabama Department of Human Resources.*~~

~~*g. — Church: An entire house or structure set apart primarily for use for purposes of public worship, and whose sanctuary is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure is kept for that use and not put to any other use inconsistent therewith.*~~

~~*h. — City alcoholic license fee: A fee charged by the City to a person who has been granted approval by the state alcoholic beverage control board for the privilege of selling alcoholic beverage within the City limits as herein enumerated and defined.*~~

~~*i. — Commercial Event Center: A reputable place licensed as a commercial event center, operated by a responsible person of good reputation, that operates to provide a facility available for rent for activities such as meetings, family and school reunions, birthdays, weddings and receptions and which meets the following requirements:*~~

- ~~*(1) The commercial event center licensee must have a written rental agreement with the customer detailing (1) the type of activity, (2) the date, time and expected length of the activity (3) the name, address, driver's license number and phone numbers of the customer and the person or persons in charge of the*~~

activity.

(2) *The commercial event center licensee must notify the City by submitting the written rental agreement to the City and receive written proof of receipt of notification from the City of receipt before any customers, invitees and guest are allowed to bring alcoholic beverages onto the premises.*

(3) *The commercial event center licensee is prohibited from allowing any customers, invitees and guest to bring alcoholic beverages onto the premises if the said licensee has not obtained written proof of receipt of notification from the City.*

(4) *The commercial event center licensee is prohibited from sponsoring any events or activities at the commercial event center.*

(5) *The commercial event center licensee and any customer, invitee or guest at the facility are prohibited from charging admission or any type of fee for admission to the facility or to charge a fee for remaining in the facility.”*

The Council had an in-depth discussion on whether items (4) and (5) should be removed or kept as requirements for a commercial event center. At the conclusion of the discussion, it was the consensus of the Council that items (4) and (5) remain in the requirements for commercial event centers.

The next section discussed was *Section 3A-79.1. Commercial event center license fees and requirements*, in particular, the filing fee and license fee being charged for a commercial event license. Section 3A-79.1 is set forth below:

“Sec. 3A-79.1 Commercial event center license fees and requirements.

(a) Each person licensed by the City, who shall engage in operating a commercial event center, prior to engaging in such business shall pay to the City, for the privilege of so engaging in business, an annual privilege business license fee and further license fees as established below:

(1) Commercial event center. Each person licensed by the City to operate a commercial event center shall pay to the City an annual license fee of \$500.00. The following shall apply to the applicant for this license:

a. Submit the required filing fee (\$300.00).

b. Receive approval from the City Council.

c. Pay the required license fee to City. (\$500.00)

d. public liability insurance in the amount of \$100,000.00 or more.”

The Council had an in-depth discussion concerning the fees that were being charged and whether the filing fee and license fee should be completely removed or the amounts reduced or the amount of the fees stay as is. At the conclusion of the discussion, Councilmember Cowart moved that the Council authorize the City Attorney to prepare an ordinance amending the language of Section 3A-79.1 of the Code of Ordinances by striking the requirements concerning the payment of fees under Section 3A-79.1(a)(1). Upon the motion being seconded by Councilmember Nichols, the following vote was taken:

AYES: Councilmembers Cowart, Nichols, Campbell

NAYES: Councilmembers McCraw, Wilson

Mayor Pro Tempore Wilson stated the motion passed.

REPORT ON SEWER EASEMENTS

City Engineer Dewayne Roby stated Mr. Danny Hayes had called on behalf of First Freewill Baptist Church and suggested that in return for the Church giving a sewer easement to the City, the City perform work on the ditch next to the Church. Councilmember Cowart read from the City’s Personnel Manual concerning the prohibition of performing work on private property. Mr. Roby stated the Church had not made a formal request for this.

MAINTENANCE ASSISTANT POSITION

The Council discussed the starting salary for the maintenance assistant position. Councilmember Campbell suggested the salary be commiserate with experience. Councilmember Nichols suggested \$10.00 per hour for the assistant. City Engineer Dewayne Roby recommended when advertising for the position that the advertisement state the salary is negotiable. The consensus of the Council was that salary should be negotiable.

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 Nichols, the same was unanimously adopted.

Mayor

Attest:

City Clerk