

City Hall  
Fayette, Alabama  
January 9, 2018

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on January 9, 2018, in the Council Chambers of the City Hall.

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

The opening prayer was given by City Attorney Dale Lawrence.

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

#### APPROVAL OF MINUTES

Councilmember Cowart moved the minutes of the special meeting held on December 21, 2017, be approved. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

#### GASOLINE BIDS

City Engineer Dewayne Roby stated he had requested bids for gasoline and diesel fuel for the City.

#### FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of December 2017. The Fire Department received 27 calls. The Fire Department received 248 total calls in 2017.

Chief Ellis reported he would be retiring in July of 2018.

#### POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of December 2017. The report was as follows: 35 incidents investigated; 20 accidents; 176 traffic citations; and 26 arrests.

#### CITY AUDIT

City Auditor Rick McCabe presented the audit to the Council. He stated the City had a great year and is in sound financial condition. Mr. McCabe reported the City has \$5,000,000.00 in cash and reserves which is an increase of \$299,000.00 over last year. He said the total assets of the City increased while its debt decreased. Mr. McCabe stated the City's net worth is \$21,500,000.00. He reported for the last fiscal year, the City's surplus was \$779,000.00 but this was distorted by the grant funds the City received. Without the grant funds, the City had a \$215,000.00 surplus for the year.

Mr. McCabe stated the Aquatic Center revenue was down \$51,000.00 over last year due to the weather. He said because the Aquatic Center revenues did not cover its expenses, the Aquatic Center had a \$61,000.00 loss. Mr. McCabe pointed out the bond payments for the Aquatic Center are included in its expenses.

Mr. McCabe said the City's bad debt decreased by half. He stated there was an increase in bad debt from the abatement of nuisances, particularly the demolition of buildings deemed to be a public nuisance. The debt from the abatement of nuisances was approximately \$15,000.00. He stated the City should investigate ways of recouping the cost of the abatement of nuisances. The City Attorney was asked investigate this and report back to the Council.

After a general discussion, Councilmember Wilson moved to approve the audit as presented. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

#### OPIOID LITIGATION

Mayor Nelson asked the Council if they wanted the City to participate in the opioid litigation. Councilmember Cowart stated he understood the litigation would be against the companies who distribute the opioids because these companies are distributing more opioids than they are allowed to distribute by regulation but are making a business decision to do it anyway and pay the subsequent fine and penalty for

doing so. He said he is not opposed to fighting an opioid epidemic but would want to really fight it. He stated he does not see how the City has been damaged. Councilmember Cowart did not understand why the State was not leading the litigation on behalf of the Alabama taxpayers. Councilmember Nichols expressed agreement with Councilmember Cowart's remarks.

Councilmember McCraw moved the City enter into a legal services contract with Strawbridge, Strawbridge & Strawbridge and Riley & Jackson, P.C. Upon the motion being seconded by Councilmember Campbell, the following vote was taken:

AYES: Mayor Nelson, Councilmembers McCraw, Campbell, and Wilson.  
NAYS: None  
ABSTAINED: Councilmembers Nichols and Cowart

Mayor Nelson stated the motion passed.

#### RESOLUTION 2018-01

Mayor Nelson presented Resolution 2018-01 to the Council for their consideration. Resolution 2018-01 is as follows:

**RESOLUTION 2018-01**  
**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEGAL SERVICES CONTRACT CONCERNING PROSECUTION OF LEGAL CLAIMS AGAINST MANUFACTURERS AND/OR DISTRIBUTORS OF OPIOID ANALGESICS**

---

**BE IT RESOLVED BY THE FAYETTE CITY COUNCIL**, that the Mayor is hereby authorized to sign a legal services contract between Riley & Jackson, P.C., Strawbridge, Strawbridge & Strawbridge, LLC, and the City of Fayette, Alabama, to represent the City of Fayette in the prosecution of legal claims against manufacturers and/or distributors of opioid analgesics arising out of the manufacturers' and/or distributors' marketing and distribution of opioid analgesics.

**READ AND ADOPTED** this the \_\_\_\_\_ day of **January, 2018**.

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

ATTEST:

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

After a general discussion, Councilmember Wilson moved Resolution 2018-11 be adopted. Upon the motion being seconded by Councilmember Campbell, the following vote was taken:

AYES: Mayor Nelson, Councilmembers McCraw, Campbell, and Wilson.  
NAYS: None  
ABSTAINED: Councilmember Nichols and Cowart

Mayor Nelson stated the motion passed.

#### FAYETTE 311 SERVICE

City Engineer Dewayne Roby presented a report to the Council on the City's 311 system. Mayor Nelson stated the Fayette 311 service was a way to connect to the citizens because it allows citizens to report problems to the City. He said this allows the City to respond to problems in a timely manner and have a record of the report. The 311 system costs the City \$3,500.00 per year.

#### REQUEST FOR PARKING SPACES

City Engineer Dewayne Roby informed the Council the City had received a letter from Fayette County Engineer Luke Porter requesting the City designate some new parking spaces on 1<sup>st</sup> Street NW and 1<sup>st</sup> Avenue NW near the Fayette County Health Department.

#### PROJECT UPDATE

Mr. Paul Burkhalter of Goodwyn, Mills and Cawood gave the following report on the City's projects:

- 2015 TAP – Temple Ave. North (West Side)  
\$726,403.50 Construction Contract Amount
- Work to begin the week of January 15, 2018

Sanitary Sewer Rehab – 2015 – US Highway 43, 3<sup>rd</sup> Street, 4<sup>th</sup> Street and Ayers Road  
\$1,705,406.50 Construction Contract Amount

- The project is 20% complete

OLD BUSINESS

City Attorney Dale Lawrence updated the Council on the old Cotton Mill nuisance issues. He stated ADEM had sent George R. Blakney a notice of violation in August and he had not responded. In December, ADEM had sent him a failure to respond notice.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of December, the City received \$213,880.00 in non-designated sales tax. She reported the ½¢ sales tax for the hospital generated \$36,546.00. She stated the City received \$7,800.00 in alcohol taxes. She also stated that the City had collected \$34,000.00 in business license fees.

C3 REPORT

Mr. David Thornell of C3 announced the annual meeting would be held on January 25, 2018. He also informed the Council that Harry Unger would be the new chairman of C3.

APPROVAL OF FINANCIAL STATEMENT

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

APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

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

ADJOURNMENT

There being no further business to come before the Council, upon the motion to adjourn being made by Councilmember McCraw and seconded by Councilmember Campbell, the same was unanimously approved.

\_\_\_\_\_  
Mayor

Attest:

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