

City Hall  
Fayette, Alabama  
February 13, 2018

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on February 13, 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 Councilmember Cedric Wilson

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 regular meeting and work session held on January 9, 2018, be approved. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

#### FUEL BIDS

City Engineer Dewayne Roby reported on the fuel bids. He stated bids were received from Midstates Petroleum Company and Moore Petroleum Company. Dodson Oil Company did not submit a bid. The bids were as follows:

<u>Bidder</u>	<u>Unit Price Mark up per Gal. delivered</u>	<u>Diesel</u>
Midstates Petroleum Company	\$0.125	\$0.13
Moore Petroleum Company	\$0.185	\$0.185

After a general discussion, Councilmember Wilson moved that the Council adopt the following resolution:

#### RESOLUTION

**BE IT RESOLVED**, by the City Council of the City of Fayette that it hereby awards the bid for fuel for the 2018 calendar year to the lowest responsible bidder, Midstates Petroleum Company in the amount of \$0.125 mark up per gallon of gasoline delivered and \$0.13 mark up per gallon of diesel delivered.

Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

#### FAYETTE CIVIC CENTER BOARD REAPPOINTMENT

Mayor Nelson reported the Civic Center Board had requested Mr. Charles Gates be reappointed to the Board. Councilmember Cowart moved the seven-day notice period for nominations be waived. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved. Councilmember Cowart moved Mr. Charles Gates be reappointed to the Civic Center Board. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

#### FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of January 2018. The Fire Department received 24 calls.

#### POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of January 2018. The report was as follows: 35 incidents investigated; 18 accidents; 43 traffic citations; and 38 arrests.

#### LEGISLATIVE REPORT

Mayor Nelson reported on his and Councilmember Campbell's visit with the City's legislative delegation in Montgomery. They visited with Representative Kyle South and spoke with him about internet sales and the tax revenues local communities are losing because of these sales.

RESOLUTION 2018-02

Mayor Nelson presented Resolution 2018-02 to the Council for their consideration. Resolution 2018-02 is as follows:

**RESOLUTION 2018-02  
RESOLUTION REQUESTING LOCAL DELEGATION TO THE ALABAMA HOUSE  
AND ALABAMA SENATE TO OPPOSE HB110 AND SB130 UNLESS AMENDED**

---

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, ALABAMA, a MUNICIPAL CORPORATION, AS FOLLOWS:**

**WHEREAS**, in recent years, the steady increase of online sales has had an adverse impact on local brick and mortar businesses located within the City of Fayette; and

**WHEREAS**, any decrease in sales and use tax collections make it more difficult for the City to provide basic services such as police and fire protections, road resurfacing, solid waste collection and disposal, educational funding and other essential services; and

**WHEREAS**, in 2015, the State passed the Simplified Sellers Use Tax (SSUT) to allow sellers to voluntarily pay tax on sales that would otherwise be outside the City’s taxing authority under current law; and

**WHEREAS**, the Alabama Legislature now has under consideration two bills, HB110 and SB130, which would expand the availability of SSUT to businesses that currently own local sales and use tax.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Fayette, Alabama, that the City Council and Mayor of the City of Fayette oppose HB110 and SB130 unless the bills provide for:

1. An increased tax rate for municipalities;
2. Third party vendors using a host platform in the SSUT program must collect and remit sales taxes;
3. Any consumer sales transactions that involve the local affiliate must collect and remit sale tax rates to the local jurisdiction.

**BE IT FURTHER RESOLVED** by the City Council of the City of Fayette, Alabama, that the City Council and Mayor of the City of Fayette respectfully request their local delegations to the Alabama House and the Alabama Senate to vigorously oppose these bills unless the three items listed above are included.

**APPROVED and ADOPTED** this the \_\_\_\_\_ day of February, 2018.

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

ATTEST:

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

Councilmember Wilson moved the Council adopt Resolution 2018-02. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted.

COUNCIL LIAISONS

Mayor Nelson announced the Council Liaison appointments for 2018:

- Fire Department: Councilmember Eddy Campbell
- Police Department: Councilmember Cedric Wilson
- Park & Recreation Department: Councilmember Jason Cowart
- Street & Sanitation Department: Councilmember Jerry Nichols
- Maintenance Department & Airport: Councilmember Linda McCraw

OLD BUSINESS

City Attorney Dale Lawrence reported on the ways available for the City to collect the outstanding balances due on the amounts the City has paid for the abatement of nuisances.

APPROVAL OF FINANCIAL STATEMENT

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

APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

Councilmember Campbell moved the Park & Recreation 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 January, the City received \$313,830.00 in non-designated sales tax. She reported the ½¢ sales tax for the hospital generated \$49,983.00. The total sales tax received was approximately \$363,813.00. She stated the City received \$7,885.00 in alcohol taxes. She also stated that the City had collected \$59,969.00 in business license fees. Mrs. Clapp, also, reported the City had received \$275,364.00 from Alabama Power for its annual business license fee.

City Clerk Dawn Clapp stated the City's Workmen's Compensation premium was \$115,000.00 which was \$60,000.00 more than it has been in the past.

BUILDING PERMIT ISSUE

City Engineer Dewayne Roby reported that because of a new law, the City is having to collect a building permit fee for the State. He stated the City's current fee structure does not include the collection of the state fee; consequently, on major building projects, the State is receiving the bulk of the permit fees collected by the City. Mr. Roby recommended the Council amend the provision concerning building permits in the City Code of Ordinances to take into account the new law. The City Attorney was asked to draft an ordinance to address the new permit fees to be collected for the State.

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:

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