

City Hall  
Fayette, Alabama  
September 11, 2018

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on September 11, 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 Clerk Dawn Clapp, Fire Chief Shannon Taylor and City Engineer Dewayne Roby.

The opening prayer was given by City Engineer Dewayne Roby.

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

#### GUEST APPEARING BEFORE COUNCIL

1. MR. LEE AUMAN – DEMOCRATIC NOMINEE FOR US REPRESENTATIVE FOR THE 4<sup>th</sup> CONGRESSIONAL DISTRICT

Mr. Lee Aumon, Democratic nominee for U.S. Representative for the 4<sup>th</sup> Congressional District, spoke to the Council. He stated his priority is to protect rural hospitals. He said Fayette showed foresight in supporting its hospital. Mr. Aumon stated Congress should work to support rural hospitals and if elected he would push for legislation addressing this. He said the opioid epidemic is also a problem in the 4<sup>th</sup> Congressional District. He said Congressman Aderholt has taken over \$130,000.00 in campaign contributions from pharmaceutical companies.

#### APPROVAL OF MINUTES

Councilmember Cowart moved the minutes of the regular meeting held on August 28, 2018, be approved. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

#### COMMERCIAL EVENT CENTER PUBLIC HEARING

Mayor Nelson said this was the day and time for the public hearing on the application of TLC on Temple, LLC for a commercial event center license. No one appeared to oppose it being granted.

#### RESOLUTION 2018-13

Mayor Nelson presented Resolution 2018-13 to the Council for their consideration. Resolution 2018-13 is as follows:

**RESOLUTION 2018-13**  
**A RESOLUTION GRANTING A COMMERCIAL EVENT CENTER LICENSE**  
**TO TLC ON TEMPLE, LLC**

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***BE IT RESOLVED,*** by the City Council of the City of Fayette, Alabama, as follows:

That the application by TLC On Temple, LLC, doing business as Fannie's, located at 135 Temple Avenue N, Fayette, AL 35555 for the following type of license :

**Commercial Event Center**

be and is hereby approved.

***ADOPTED AND APPROVED*** by the City Council of the City of Fayette, Alabama, on this 11th day of September, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

Councilmember Cowart moved the Council adopt Resolution 2018-13. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

#### POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of August 2018. The report was as follows: 39 incidents investigated; 16 accidents; 61 traffic citations; and 65 arrests.

## FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of August 2018. The Fire Department received 22 calls.

Fire Chief Taylor reported the City continues to have a Public Protection Classification 5 rating by ISO. ISO performed a recent audit of the City's structural fire suppression delivery system. He stated his goal was for the City to have a Public Protection Classification rating of 3. This would result in a 10%-15% reduction in insurance premiums.

## GARBAGE EXEMPTIONS

Mayor Nelson reminded everyone that citizens must renew their garbage exemptions annually.

## FAYETTE MEDICAL CENTER

Mayor Nelson stated at the last meeting Fayette Medical Center requested the ½ ¢ sales tax for capital improvements at Fayette Medical Center be renewed.

## ORDINANCE 2018-05

Mayor Nelson presented Ordinance 2018-05 to the Council for their consideration. Ordinance 2018-05 is as follows:

### **ORDINANCE NO. 2018-05**

#### **AN ORDINANCE AMENDING §10-36, *PRIVILEGE TAX – RETAIL SALES OF TANGIBLE PERSONAL PROPERTY, RATES, EXCLUSIONS WITHIN CITY* AND §10-43, *EXCISE TAX ON TANGIBLE PERSONAL PROPERTY* OF ARTICLE IV. *PRIVILEGE AND EXCISE TAXES OF CHAPTER 10. LICENSES AND TAXATION***

**BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAYETTE, ALABAMA,** as follows:

**SECTION 1.** That Section 10-36, *Privilege tax – Retail sales of tangible personal property, rates, exclusions, within city* of ARTICLE IV. Privilege and Excise Taxes of CHAPTER 10. LICENSES AND TAXATION of the CODE OF ORDINANCES OF THE CITY OF FAYETTE, ALABAMA is hereby amended by striking such section in its entirety and substituting the following therefor:

§ 10-36. Privilege tax – Retail sales of tangible personal property, rates, exclusions, within city. A tax is levied upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions and any association or other agency or instrumentality of such institutions) engaged, or continuing within the City of Fayette in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds, or other evidences or debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercrafts of over fifty (50) tons burden), and amount equal to three and one-half (3½) percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept, he shall pay the tax as retailer on the gross sales of the business.

**SECTION 2.** That Section 10-43, *Excise tax on tangible personal property* of ARTICLE IV. Privilege and Excise Taxes of CHAPTER 10 LICENSES AND TAXATION of the CODE OF ORDINANCES OF THE CITY OF FAYETTE, ALABAMA is hereby amended by striking such section in its entirety and substituting the following therefor:

§ 10-43. Excise tax on tangible personal property.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft of more than fifty (50) tons burden) purchased at retail on or after the effective date of this article, for storage, use or other consumption in the city, except as provided in the subsections hereinafter, at the rate of three and one-half (3½) percent of the sales price of such property within the corporate limits of said city.

**SECTION 3.** The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall be allocated as follows:

1. Three percent (3%) shall be allocated to the City's general fund;
2. One-half percent (½%) shall be allocated to aid the Fayette Medical Center. These funds shall be restricted and used only for capital improvements at the Fayette Medical Center.

**SECTION 4.** The Chairman of the Fayette County Hospital Board and the Fayette Medical Center Administrator or their designees shall appear at the Council's first regular meeting in September of

each year to inform the Council of the capital improvement project(s) they desire to use the restricted funds for at the Fayette Medical Center. The Council shall then approve or reject the use of the restricted funds for the requested capital improvement project. If approved the Council will authorize the appropriation of the restricted funds for the said capital improvement project. If rejected, another capital improvement project shall be submitted to the Council for consideration.

Once the capital improvement project is completed, the Fayette County Hospital Board or the Fayette Medical Center shall provide a report detailing how the said restricted capital improvement funds were expended.

**SECTION 5.** Sunset provision. The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall revert to three (3%) percent on **October 1, 2021** unless the said three and one-half (3½) percent rate is renewed by the Council through adoption of an ordinance providing for the three and one-half (3½) percent rate to continue and remain in effect.

**SECTION 6.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7.** This ordinance shall be effective as of October 1, 2018.  
Adopted this the \_\_\_\_ day of September, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

Councilmember Cowart moved the Council give unanimous consent to consider Ordinance 2018-05. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved. Councilmember Campbell moved the Council adopt Ordinance 2018-05. Upon the motion being seconded by Councilmember Cowart, the same was unanimously adopted.

Councilmember Cowart stated the City needed to keep its hospital open and was 100% behind keeping the ½ ¢ sales tax in place. He stated the crisis rural hospitals are experiencing is a result of actions taken at the State and Federal levels. He said he would not want to live where one did not have access to a hospital. Fayette Medical Center is the largest employer in the City with over 300 employees.

#### APPROVAL OF FINANCIAL STATEMENT

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

#### APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

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

#### APPROVAL OF MUNICIPAL COURT FINANCIAL STATEMENT

Councilmember Campbell moved the Municipal Court financial statement be approved. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

#### REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of August, the City received \$208,902.00 in non-designated sales tax. She reported the ½ ¢ sales tax for the hospital generated \$35,114.00. The total sales tax received was approximately \$244,016.00. She stated the City received \$7,998.00 in alcohol taxes.

#### ADJOURNMENT

There being no further business to come before the Council, upon a motion to adjourn being made by Councilmember Cowart and seconded by Councilmember Wilson, it was unanimously approved.

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Mayor

Attest:

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City Clerk