

City Hall
Fayette, Alabama
October 11, 2016

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on October 11, 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.

Mayor Nelson announced that 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 held on September 27, 2016, be approved. Upon the motion being seconded by Councilmember Wilson, the same were unanimously approved.

PUBLIC HEARING

Mayor Nelson announced that this was the day and time scheduled for a public hearing on the application of 1st Euro Investments, Inc., for the transfer of an alcohol license. No one appeared opposing the granting of the transfer.

RESOLUTION 2016-21

Mayor Nelson presented Resolution 2016-21 to the Council for their consideration. Resolution 2016-21 is as follows:

RESOLUTION 2016-21
A RESOLUTION GRANTING THE TRANSFER OF THE ALCOHOL LICENSE
OF KIM INVESTMENTS, INC., TO 1st EURO INVESTMENTS, INC.

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

That the application requesting that the City Council of the City of Fayette grant the transfer of the alcohol license to **1st Euro Investments, Inc.**, of the license currently held by **Kim Investments, Inc.** to sell alcoholic beverages (*Retail Beer – Off Premises Consumption Only*) at the following location: Tiger Mart, 1515 Temple Avenue N, Fayette, Alabama 35555, be and is hereby approved.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 11th day of October, 2016.

Mayor

ATTEST:

City Clerk

Councilmember Hardin moved the Council adopt Resolution 2016-21. Upon the motion being seconded by Councilmember Cowart, the same was unanimously adopted.

PUBLIC HEARING

Mayor Nelson announced that this was the day and time scheduled for a public hearing on the application of L & R Express Foodmart, Inc., for an alcohol license. No one appeared opposing the granting of the license.

RESOLUTION 2016-22

Mayor Nelson presented Resolution 2016-22 to the Council for their consideration. Resolution 2016-22 is as follows:

RESOLUTION 2016-22
A RESOLUTION GRANTING AN ALCOHOL LICENSE
TO L & R EXPRESS FOODMART, INC.,

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

That the application by L& R Express Foodmart, Inc., doing business as College Chevron, located at 2534 Temple Avenue N, Fayette, AL 35555 for the following type of alcohol license :

050 - Retail Beer – Off Premises Consumption Only

070 - Retail Table Wine – Off Premises Consumption Only

be and is hereby approved.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 11th day of October, 2016.

Mayor

ATTEST:

City Clerk

Councilmember Wilson moved the Council adopt Resolution 2016-22. Upon the motion being seconded by Councilmember Hardin, the same was unanimously adopted.

RESOLUTION 2016-20

Mayor Nelson presented Resolution 2016-20 to the Council for their consideration. Resolution 2016-20 is as follows:

RESOLUTION 2016-20
A RESOLUTION APPROVING AND GRANTING CERTAIN TAX
ABATEMENTS FOR A NEW PROJECT

This Resolution is made this 11th day of October 2016, (the Effective Date) by the **CITY OF FAYETTE** (the “Granting Authority”), to grant a tax abatement for **FAYETTE FABRICATION, LLLP** (the “Company”).

WHEREAS, the Company has announced plans for a major addition to its existing facility located within the jurisdiction of the Granting Authority; and,

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of all state and local non-educational ad valorem taxes, construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, mortgage and recording taxes; and,

WHEREAS, the Company has requested that the abatement of state and local non-educational ad valorem taxes (if applicable) be extended for a period of **ten (10) years**, in accordance with the Act; and,

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company’s application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the project will involve a capital investment of **\$280,000.00**; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority that,

Section 1. Approval is hereby given to the application of the company and abatement is hereby granted of all state and local non-education ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, to the fullest extent permitted by the Act. The period of abatement for the non-educational ad valorem taxes (if applicable) shall extend for a period of ten (10) years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The Mayor and City Clerk of the City of Fayette, the Granting Authority, are hereby authorized to execute on behalf of the City an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

THE CITY OF FAYETTE

By: _____
Its Mayor

Attest:

By: _____
Its City Clerk

Councilmember Hardin moved the Council adopt Resolution 2016-20. Upon the motion being seconded by Councilmember Wilson, the same was unanimously adopted.

2017 BUDGET

Mayor Nelson presented the 2017 Budget to the Council. Councilmember Cowart moved that the Council adopt the 2017 Budget as presented. The motion was seconded by Councilmember Wilson.

Councilmember Hardin questioned whether the City should appropriate money to the Fayette County Aging Program since it receives \$195,000.00 from the County Commission. He reported the aging programs in other counties are funded significantly less than the Fayette County Aging Program. He stated the Aging Program did not need the funds. He said the County Commission uses a portion of the hospital tax to fund the Aging Program. There is currently \$5,000 appropriated for the Aging Program in the City's 2017 budget.

After a general discussion, the following vote was taken:

AYES: Mayor Nelson, Councilmembers McCraw, Cowart, Wilson and Brand.
NAYS: Councilmember Hardin

Mayor Nelson stated that the 2017 Budget was adopted.

FIRE DEPARTMENT REPORT

Fire Chief Tony Ellis presented the fire report for the month of September 2016. The Fire Department received 20 total calls, 6 being fire calls.

Fire Chief Tony Ellis stated he is applying for two grants, one for a tanker truck and another for SCBA equipment. The match is 5%. If awarded, the match for the two grants would be \$18,000.00.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of September 2016. The report was as follows: 40 incidents investigated; 19 accidents; 67 traffic citations; and 58 arrests.

APPROVAL OF FINANCIAL STATEMENT

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

AQUATIC CENTER REPORT

Mayor Nelson presented to the Council the daily summary spreadsheet for the 2016 Fayette Aquatic Center season, as well as Profit & Loss Statements from FY 2016 and FY 2015. The FY 2016 surplus is \$36,030.31 less than the surplus in FY 2015. The Aquatic Center had its best paid attendance ever in 2016, with a daily average of 354. The daily average was 319 in 2015 and 313 in 2014.

Through August 8th - the day before school started and the Aquatic Center went to a weekends only schedule through Labor Day - the daily paid average was 380.

The reasons for FY 2016 finishing with \$36,301.31 less than FY 2015 can be found in three areas.

1. The Aquatic Center spent \$40,614.00 to have the drains at the bottom of the red and blue slides reconfigured. There had been multiple injuries from guests cutting their feet on the drains due to a design issue that had the drains placed directly in front of the slide exits. With the reconfiguration, the Aquatic Center did not have a single incident this year with a guest cutting their feet when exiting the red or blue slide.
2. The Aquatic Center paid \$9,642.50 for the paving of the parking area.
3. The Aquatic Center spent \$43,026.80 in making four more note payments for the Lazy River than it did in the previous fiscal year. In FY 2015, the Aquatic Center made five payments (August-December). In FY 2016, it made nine payments (January-September).

For comparison purposes, had the Aquatic Center not made the above three expenditures, it would have shown a surplus in FY 2016 of \$148,623.42, an increase of \$57,252.99 over FY 2015.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of September, the City received \$208,145.00 in non-designated sales tax. This was \$7,375.00 more than received last year. She reported the ½¢ sales tax for the hospital generated \$34,754.00. She stated the City received \$8,941.00 in alcohol taxes. This was an increase of \$900.00 over last year.

REPORT OF COUNCILMEMBER HARDIN

Councilmember Hardin stated the traffic lights are still not working properly at the intersection of 2nd Avenue NE and 3rd Street NE.

City Engineer Dewayne Roby reported one speed bump has been placed on Ayres Road and the other speed bump would be placed there tomorrow.

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 Cowart, the same was unanimously approved.

Mayor

Attest:

City Clerk