

City Hall
Fayette, Alabama
March 26, 2019

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on March 26, 2019, in the Council Chambers of the City Hall.

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

The opening prayer was given by Mr. Chris Champion.

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

GUEST APPEARING BEFORE COUNCIL

1. MS. LINDA WINSTON

Ms. Linda Winston appeared before the Council to discuss the possibility of the City placing speed tables on Martin Luther King Drive and to discuss the issues with the culverts and drainage in the same area. Ms. Winston stated a speed table had been requested several times. She stated the streets were dangerous even though a speed limit of 25 MPH is posted. Ms. Winston also stated the culverts and trees needed care. Mayor Nelson stated the Fire Chief and Police Chief will be looking into the matter. It was suggested a speed study be performed in the area. Councilmember Wilson stated the ditch was in really bad shape and the City needed to take a look at the pine trees.

2. MR. DARIUS HOWARD – INTEGRITY HOME CONSULTANTS

Mr. Darius Howard with Integrity Home Consultants appeared before the Council. He stated his company specializes in residential and commercial property restoration from wind and hail damage. He stated they partner with homeowners and offers free inspections. He also stated they will meet with a home owner's insurance adjuster and generate reports on the damage.

APPROVAL OF MINUTES

Councilmember Wilson moved the minutes of the regular meeting and work session held on March 12, 2019, be approved. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

WEST ALABAMA BANK LOAN

Mr. Rick McCabe presented to the Council a plan to pay off the City's loan at West Alabama Bank. His plan for the funding sources for the repayment of the line of credit were as follows:

Total LOC Balance @ 3/21/19 \$798,559.56

<u>Payment Sources</u>		<u>Available Balances</u>
Capital Improvement Account	\$200,000.00	\$216,524.00
Gasoline Tax – Restricted	100,000.00	159,399.62
Alcohol Tax	198,559.56	251,477.62
Paving Note – WABT	<u>300,000.00</u>	
Total Funding Sources	<u>\$798,559.56</u>	

PUBLIC HEARING SET FOR ALCOHOL LICENSE

Mayor Nelson reported the City had received an application from Oak Barrel, LLC, for an alcohol license. Councilmember Cowart moved a public hearing be set on April 9, 2019. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

PARADE PERMIT

Mayor Nelson presented to the Council a request for a parade permit for the "March for Jesus" to be held on May 18, 2019. Councilmember Cowart moved the permit be granted. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

AQUATIC CENTER REPORT

Mr. Chris Champion reported the Aquatic Center's 2019 Season would begin on Saturday, May 25th and run thru August 6th. After August 6th, it would be open on the weekends until Labor Day, September 2nd. He stated admission is \$10.00 for everyone two years of age and older; and \$7.00 for Senior Citizens (65 and older), military with valid ID and non-swimmers. Season passes are \$100.00 for individuals. Family passes are \$100.00 for the first family member and \$50.00 for each additional family member living at the same address. Private parties are \$400.00 for a two hour party for up to 300 people. He stated they will begin taking party reservations on April 1st.

Mr. Champion stated American Red Cross Certification Life Guard training starts in two weeks. Life guards must be at least 15 years old. He said there would be 30 to 35 rehires from last year, but a total of 50 to 60 life guards were needed. He stated some of the life guards may be able to be paid through a program at the Career Center. Mr. Champion said the Aquatic Center will also hire 14 concession workers and 9 to 10 admission workers.

The lazy river was paid in full in February 2019.

PARK & RECREATION REPORT

Opening Day for baseball is Tuesday, April 2nd beginning at 6:00 p.m. at Buster Hallman field. There are twenty baseball and softball teams with 180 to 190 children participating.

MAYOR'S FINANCIAL REPORT

Mayor Nelson presented the Council with the City's Mid-Year Financial Report.

Reserves and Cash Balances as of February 28, 2019

Reserves

\$819,284.00	West Alabama Bank CD	Unrestricted
\$298,560.00	WW Operating Account	Restricted (\$9,175. WW Facility Upgrades/Bond Payment from W
\$338,196.00	Citizens Bank CD	Unrestricted
\$403,773.00	Alabama Power CD	General Fund backup – Unrestricted
\$251,478.00	Alcohol Tax	Restricted to paving projects
\$216,525.00	Capital Improvement	Restricted for Capital needs
\$121,460.00	Cigarette Tax	Unrestricted
\$ 45,194.00	State Gas Tax/ W AL Bank	Restricted
\$159,400.00	Gasoline Tax/ W AL Bank	Restricted/\$3,800 per month DT paving/added to bond
\$131,724.00	Airport funds	
\$ 15,740.00	Capital Equipment Fund	Restricted to Capital Equipment
\$ 82,243.00	Rental Property Tax	Unrestricted
\$525,539.00	Savings – AL Credit Union	Unrestricted
\$178,348.00	Park & Recreation/Earl McDonald	Restricted
\$33,218.00	Municipal Court	Restricted
\$116,849.00	Aquatic Park	Restricted
\$49,063.00	Christmas in the Park	Restricted
\$7,509.00	Fire Department	Restricted
\$105,391.00	Customer Deposits	Restricted
\$8,215.00	Leadership Fayette County	Restricted
\$149,355.00	FMC Appropriation	Restricted

\$4,057,064.00 – subtotal

Cash balances

\$289,892.00	General Fund	Unrestricted
\$ 13,335.00	Other General Funds & PARA	Unrestricted
\$482,682.00	Grants, Bonds, Notes	Restricted
\$785,909.00	– subtotal	

\$4,842,973.00 – TOTAL OF RESERVES AND CASH BALANCES AS OF FEBRUARY 28, 2019

General Fund Note Payments Each Month

\$ 0.00	Brush Truck Payment PAID
\$8,593.21	Aquatic Park Bond Payment
\$3,971.00	AmFund Bond/IP Property & Renovate PO (\$453,556.00)
\$2,300.00	Tractor Payment \$25,300.00
<u>\$1,895.00</u>	Garbage Truck Bancorp \$44,768.00
\$18,959.21	Total General Fund Notes per Month

Reserve Fund Note Payments Each Month

\$7,932.00	WW Facility Upgrades/Bond Payment from Wastewater \$2,640,000.00
\$ 0.00	Lazy River Addition Paid
\$2,200.00	Loader Citizens Bank \$120,763.00
\$7,932.00	Total Reserve Fund Notes per Month

Average Monthly Note Payments (General Fund & Reserve Fund) Total - \$26,891.21

Sales Tax 2018- 2019

October	\$239,218.00
November	\$237,588.00
December	\$266,052.00
January	\$296,099.00
February	\$238,766.00

Alcohol Taxes 2018-2019

October	\$5,764.00
November	\$8,553.00
December	\$7,905.00
January	\$8,218.00
February	\$7,651.00

SPRING CLEANUP CAMPAIGN

Mayor Nelson asked the Council to participate in the *Spring Cleanup* 2019 on Saturday, April 27th from 9:00 a.m. to 12:00 p.m. Each Council member would be in charge of their ward.

BOARD OF EQUALIZATION REQUEST

Mayor Nelson discussed the Board of Equalization with the Council. The City is suppose to nominate three individuals for the Board. Councilmember Cowart requested Mr. Larry Humber be one of the City's nominees for the Board.

POLICE DEPARTMENT

Police Chief Danny Jenkins reported the Police Department currently had two vacant positions.

Chief Jenkins recommended the Mayor hire Mr. William Trace Norris to fill the position of Officer Byron Yerby. (Officer Yerby resigned his position when he was elected Sheriff.) This would be effective March 28, 2019. Mayor Nelson stated he would hire Mr. Norris upon obtaining the consent of the Council. Councilmember McCraw moved the Council consent to Mayor Nelson hiring Mr. William Trace Norris as a police officer. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

Chief Jenkins recommended the Mayor hire Mr. Dustin Lance Morgan to fill the position of Sgt. Clark Sanford. (Sgt. Sanford resigned upon taking a position with the Fayette County Sheriff's Department.) Mayor Nelson stated he would hire Mr. Morgan upon obtaining the consent of the Council. Councilmember Cowart moved the Council consent to Mayor Nelson hiring Mr. Dustin Lance Morgan as a police officer. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

Neither Mr. Norris nor Mr. Morgan are APOST certified. In order to obtain their certification, they will attend the Tuscaloosa Police Academy from April 22, 2019, thru July 18, 2019. This is a thirteen week program.

RESURFACING PARKING LOT AT GUTHRIE SMITH PARK

Mr. Luke Porter presented the bid package for the resurfacing of the parking lot at Guthrie Smith Park. Councilmember Wilson moved the City advertise for bids for the project. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved. The Request for Bids will be advertised for three weeks. The bids will be opened on April 23, 2019, at 4:00 p.m.

ORDINANCE 2019-01

Mayor Nelson presented Ordinance 2019-01 to the Council for their consideration. Ordinance 2019-01 is as follows:

**ORDINANCE NO. 2019-01
AN ORDINANCE AMENDING CERTAIN SECTIONS
OF ARTICLE I, BUILDING CODES ADOPTED
OF CHAPTER 4, BUILDING CODES AND FRANCHISES**

***BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTE,
ALABAMA, AS FOLLOWS:***

Section 1. That Section 4-1, *International Building Code adopted* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of

Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“Sec. 4-1. Adoption of Codes.

In accordance with the provisions of Code of Ala. 1975, § 11-45-8(c), the following codes prepared by the International Code Council, Inc., except such sections and portions thereof as are hereinafter modified, is hereby referred to and adopted by reference as the building codes of the city, as fully as if set out at length herein with all appendices and tables thereto, and from and after the effective date of this article shall govern as far as code or ordinance can, to all the subjects to which they relate within the corporate limits of the city and within its police jurisdiction, and shall constitute and generally be referred to as the "Fayette Building Codes."

- (a) 2015 International Building Code
- (b) 2015 International Fire Code
- (c) 2015 International Residential Code
- (d) 2015 International Plumbing Code
- (e) 2015 International Mechanical Code
- (f) 2015 International Existing Building Code

Section 2. That Section 4-2, *International Plumbing Code adopted* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“Sec. 4-2. Amendments to International Building Code.

The following portions of the 2015 International Building Code are amended to read;

Section 101.2.1 Appendices. Appendix [appendices] C and G of the International Building Code, 2015 Edition, are adopted and Appendix [appendices] A, B, D, E, F, H, I, J and K are deleted.

Section 3. That Section 4-2.1, *International Mechanical Code adopted* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“Sec. 4-2.1. Amendments to International Fire Code

The following portions of the 2015 International Fire Code are amended to read:

Section 101.2.1 Appendices. Appendix [appendices] B, C, D and I of the International Fire Code, 2015 Edition, are adopted and Appendix [appendices] A, E, F, G, H, J, K, L and M are deleted.

Section 903.3.7 Fire Department connections. The location of fire connections shall be in a location approved by the Chief Code Official. Fire Department connections shall be located within 150' of an approved water supply."

Section 907.7.5 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. Signal transmission to the supervising station shall be distinctive and descriptive and shall give the specific device location, type, and alarm status.

Section 4. That Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby amended by adding the following provisions, viz:

“4-2.2 Amendments to International Residential Code.

Reserved.

4-2.3 Amendments to International Plumbing Code

Reserved.

4-2.4 Amendments to International Mechanical Code

Reserved.

4-2.5 Amendments to International Existing Building Code.

Reserved.”

Section 5. That Section 4-3, *ICC Electrical Code adopted* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“Sec. 4-3. Electrical Code.

In accordance with the provisions of Code of Alabama, 1975, § 11-45-8(c), the National Electrical Code, 2017 Edition, prepared by the National Fire Protection Association, except such sections and portions thereof as are hereinafter modified, is hereby referred to and adopted by reference as the electrical code of the city, as fully as if set out at length herein, and from and after the effective date of the ordinance from which this section is derived, shall govern, as far as code or ordinance can, to all the subjects to which they relate within the corporate limits of the city and within its police jurisdiction, and shall constitute and generally be referred to as the "Fayette Electrical Code."

Section 6. That Section 4-3.1, *Electrical License Policy* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“4-3.1 Qualifications and Licensing of Contractors

Certification required. Any person desiring to engage in or enter into contracting business with any practice or occupation regulated by the adopted codes of the jurisdiction shall first be certified by the governing board of the State of Alabama. Any firm or corporation other than a natural person desiring to be licensed to engage in such contracting business, shall have one or more persons in its direct employment who shall be state certified in the appropriate trade.

License required. Before any person, firm or corporation shall engage in any contracting business in the city or its police jurisdiction, he shall be qualified as set forth herein, and shall have a business license from the city.”

Section 7. That Section 4-4, *Penalty for violation of provisions* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“4-4. Penalty for Violation.

Penalty. Any person, firm, corporation, or agent, who shall violate any provision of this article, or fails to comply therewith or with any of the provisions thereof, shall be guilty of a misdemeanor and, on conviction, be punished as provided for in section 1-8, the violation or noncompliance with each individual requirement, rule or regulation, of such code, and each day's continuation thereof, shall constitute a separate and distinct offense.

Section 8. That Section 4-5, *Building and electrical inspectors - Designated provisions* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following sections substituted, therefore, viz:

“Sec. 4-5.1. Building Permit Required.

It shall be unlawful to commence the excavation for or the construction of any building, permanent sign, or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving or alteration of any structure, including accessory structures, until the Chief Code Official has issued for such work a building permit. It shall be unlawful to continue to perform activities in regard to which a stop-work order has been issued by an authorized city official.

Sec. 4-5.2. Requirements for Permitting.

All permits must have zoning approval prior to issuance. Where required, flood plain certification and historical commission review may be needed prior to permit approval. The following requirements are specific to construction type.

Residential Construction

To obtain a permit for residential construction, the permit application shall include one set of approved construction documents to be reviewed by the Building and Life Safety Department. Construction documents submitted for approval must also include one plot plan showing the location of the structure, including decks and porches, distances from property lines, and depicting any easements.

Commercial Construction

To obtain a permit for commercial construction, the permit application shall include one set of construction documents, sealed and stamped by the appropriate design professional, where required by Alabama Law. Construction documents submitted for approval must include detailed plans to all systems designed or constructed, civil and/or plot information, and life safety systems.

Sec. 4-5.3. Illegal Occupancy

No new building shall be occupied and no change in occupancy of a building or part of a building shall be made until after the Department of Building and Life Safety shall have issued a certificate of occupancy. It shall be unlawful to use or occupy a building or premises or part thereof in without or in violation of the terms and conditions of the certificate of occupancy.”

Section 9. That Section 4-6, *Building and electrical inspectors - Duties* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety.

Section 10. That Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and is hereby amended to add the following Article IA. BUILDING AND LIFE SAFETY and the followings sections in Article IA, viz:

“ARTICLE IA. BUILDING AND LIFE SAFETY

Sec. 4-6.1. Department of Building and Life Safety.

The Department of Building and Life Safety is hereby created to supervise and inspect buildings within the city and within its police jurisdiction. The Department of Building and Life Safety shall be under the direct supervision of the Chief Code Official. The Department of Building and Life Safety shall be charged with the duty of supervising all types of construction or building improvement within the city and within its police jurisdiction and enforcing the provisions of the building code and other codes and ordinances pertaining to the construction, alteration, use, occupancy, location and maintenance, moving, removal, and demolition of buildings and structures, erected or to be erected within the limits of the jurisdiction assigned to it.

Sec. 4-6.2. Duties of the Building and Life Safety Department

The duties and responsibilities of the Building and Life Safety Department and of the inspectors in it are to enforce within the city and police jurisdiction, state and local laws and local ordinances and regulations relating to:

- (1) The construction or alteration of new and existing buildings;
- (2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air conditioning systems;
- (3) The maintenance of buildings in a safe, sanitary, and healthful condition;
- (4) Floodplain management in relation to construction and development;
- (5) Application of planning and zoning requirements; and
- (6) Administration of abatement and nuisance ordinances.

These duties and responsibilities include receiving applications for permits and issuing or denying permits, making necessary inspections, issuing or denying certificates of compliance, issuing orders to correct violations, bringing judicial actions against actual or threatened violations, keeping adequate records, and taking any other actions that may be required to adequately enforce the laws, ordinances and regulations of the city.

Sec. 4-6.3. Chief Code Official and inspectors in Building and Life Safety Department – Designated.

- (a) The Fire Department Chief is hereby designated as the Chief Code Official. In the event of the absence or unavailability of the Fire Department Chief, the Assistant Fire Chief or Fire Captain are hereby designated as the Chief Code Official. The employees of the Fire Department and Maintenance Department are hereby designated as the inspectors for the Building and Life Safety Department.
- (b) Where referred to in other parts of the Code of Ordinances, the position of Building Inspector, City Building Inspector and Building Official shall be filled by the Chief Code Official. Also, the Chief Code Official shall perform the duties of the Building Inspector, City Building Inspector and Building Official referenced in other sections of the Code of

Ordinances.

Sec. 4-6.4. Authority of Chief Code Official and inspectors.

The Chief Code Official and the inspectors of the Building and Life Safety Department, in the discharge of their official duties, and upon proper identification, shall have the authority to enter any building, structure or premises at any reasonable hour.”

Section 11. That Section 4-7, *Authority of Inspectors* of Article I, *Building Codes Adopted* of Chapter 4, *Building Codes and Franchises* of the Code of Ordinances for the City of Fayette be, and the same is hereby stricken in its entirety and the following substituted, therefore, viz:

“Sec. 4-7. Reserved.”

Section 12. All ordinances or parts of ordinances of the City of Fayette in conflict with the provisions of this Ordinance are repealed.

Section 13. This Ordinance shall be effective upon publication.

ADOPTED AND APPROVED this the 26th day of March 2019.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved the Council give unanimous consent to consider Ordinance 2019-01. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved. Councilmember Wilson moved the Council adopt Ordinance 2019-01. Upon the motion being seconded by Councilmember McCraw, the same was unanimously adopted.

SPOT PAVING ON 8th, 9th, 10th STREET SW

Mayor Nelson reported a proposal was received from Dixie Paving and Sealing in the amount of \$5,800.00 for spot paving on 8th Street SW, 9th Street SW and 10th Street SW. Councilmember Cowart moved the City contract with Dixie Paving and Sealing to perform spot paving at a cost of \$5,800.00. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

APPROVAL OF FINANCIAL STATEMENT

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

APPROVAL OF MUNICIPAL COURT FINANCIAL STATEMENT

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

REPORT OF MAYOR

The leaf truck will stop running on March 29th. After March 29th, leaves must be bagged.

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, it was unanimously approved.

Mayor

Attest:

City Clerk