

City Hall
Fayette, Alabama
April 23, 2019

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on April 23, 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, Eddy Campbell, Jason Cowart, Cedric Wilson and Jerry Nichols. Also present were City Attorney Dale Lawrence, City Clerk Dawn Clapp, Police Chief Danny Jenkins and Fire Chief Shannon Taylor.

The opening prayer was given by Mr. Dale Lawrence.

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

APPROVAL OF MINUTES

Councilmember Wilson moved the minutes of the regular meeting held on April 9, 2019, be approved. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

GUESTS APPEARING BEFORE COUNCIL

1. MS. KAREN MCKELVEY and MS. VIRGINIA JOHNSON - USDA

Ms. Karen McKelvey and Ms. Virginia Johnson of the U.S. Department of Agriculture spoke to the Council concerning a workshop to be held in Fayette on May 21st. At the workshop, individuals can learn about the USDA program that provides loans and grants for home repairs. To qualify for this program, a person must own their home and meet certain criteria. A home repair loan can be for up to twenty years at a 1% rate of interest. Also, at the workshop, individuals can learn about the USDA home ownership program. This program has a maximum limit of \$162,000.00 and it can be used to purchase an existing home or to build one. These loans are for 33 years and for low income families.

2. MR. DANNY MCCALED – SEWER SERVICE

Mr. Danny McCaleb spoke to the Council concerning obtaining sewer service for his residence. He stated he currently has a septic tank system but his field lines have been crushed. He stated his residence is 290 feet from the closest manhole. Mr. McCaleb asked the Council to consider running a sewer line to his residence on 17th Street SE.

PUBLIC HEARING SET FOR TRANSFER OF ALCOHOL LICENSE

Mayor Nelson reported the City had received an application to transfer the alcohol license of Fayette Foodmart, LLC to Fayette Mini Mart, LLC. No one appeared to oppose the transfer.

RESOLUTION 2019-04

Mayor Nelson presented Resolution 2019-04 to the Council for their consideration. Resolution 2019-04 is as follows:

RESOLUTION 2019-04

A RESOLUTION GRANTING THE TRANSFER OF THE ALCOHOL LICENSE OF FAYETTE FOODMART, LLC TO FAYETTE MINI MART, LLC

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 **Fayette Mini Mart, LLC**, of the license currently held by **Fayette Foodmart, LLC**, to sell alcoholic beverages (050 - *Retail Beer – Off Premises Consumption Only* and 070 – *Retail Table Wine – Off Premises Consumption Only*) at the following location: Fayette Mini Mart, 1705 Gordo Road SW, Fayette, Alabama 35555, be and is hereby approved.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 23rd day of April, 2019.

Mayor

ATTEST:

City Clerk

Councilmember Wilson moved the Council adopt Resolution 2019-04. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

SPRING CLEANUP CAMPAIGN

Ms. Julie Turman spoke to the Council concerning the Spring Cleanup Campaign set for April 27th. Ms. Turman is the environmental science teacher at Fayette County High School. She is one of the coordinators for the Spring Cleanup Campaign. She reported 43 students had signed up to participate.

RESOLUTION 2019-03

Mayor Nelson presented Resolution 2019-03 to the Council for their consideration. Resolution 2019-03 is as follows:

RESOLUTION 2019-03 A RESOLUTION AUTHORIZING THE TRANSFER OF THE FRANCHISE OF WEST ALABAMA TV CABLE, INC. TO SPECTRUM SOUTHEAST, LLC

WHEREAS, West Alabama TV Cable, Inc., (“Franchisee”) is the duly authorized holder of a franchise, as amended to date (the “Franchise”), authorizing Franchisee to operate and maintain a cable system to serve Fayette, AL (the “Franchise Authority”); and

WHEREAS, on March 15, 2019, Spectrum Southeast, LLC (“Spectrum”), a subsidiary of Charter Communications, Inc. (“Charter”), entered into an agreement with Franchisee to acquire ownership and control of Franchisee’s assets, including cable systems currently operated by Franchisee (the “Transaction”); and

WHEREAS, Charter has filed an FCC Form 394 with the Franchise Authority (the “Application”); and

WHEREAS, the Franchise Authority has considered the Application and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

The foregoing recitals are approved and incorporated herein by reference.

1. The Franchise Authority consents to the Transaction.
2. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the assignment of the Franchise to Spectrum has been duly and validly taken.
3. Spectrum or Charter may (a) assign, transfer or transfer control of its assets, including the Franchise, provided that such assignment, transfer or transfer of control is to an entity directly or indirectly controlling, controlled by or under common control with Charter; (b) restructure debt or change the ownership interests among existing equity participants in Charter; (c) pledge or grant a security interest to any lender(s) of Charter’s assets, including, but not limited to, the Franchise, or of interest in Charter, for purposes of securing any indebtedness; and (d) sell equity interest in Charter or any of Charter’s affiliates.
4. Upon closing of the Transaction, Spectrum shall remain bound by the lawful terms and conditions of the Franchise. Spectrum shall have a continued right to operate under the Franchise pending completion of the renewal process in accordance with 47 U.S.C. § 546.
5. This Resolution shall be deemed effective upon adoption.
6. This Resolution shall have the force of a continuing agreement with Spectrum, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Spectrum.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this _____ day of April, 2019.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved the Council adopt Resolution 2019-03. Upon the motion being seconded by Councilmember Wilson, the same was unanimously adopted.

SISTER CITY PROCLAMATION

Mayor Nelson stated he had issued a proclamation declaring the City of Piedmont, Alabama, shall have the distinction of being known as Fayette’s “Sister City” in recognition of the two municipalities’ similarities in size, business interests, goals, mutual respect and friendship.

GUTHRIE SMITH PARK PAVING PROJECT

Mr. Luke Porter reported the City received three bids on the Guthrie Smith Park paving project. The bids were as follows: (1) Central Alabama Asphalt -- \$92,068.50; (2) ST Bunn Construction Co., Inc. -- \$88,750.10; and, (3) Murphree Paving -- \$125,471.75. Mr. Porter recommended the Council award the bid to the low bidder, ST Bunn Construction Co., Inc. Councilmember Wilson moved the following resolution be adopted.

RESOLUTION

BE IT RESOLVED, by the City Council of the City of Fayette that it hereby awards the bid for the Guthrie Smith Park paving project to the lowest responsible bidder, ST Bunn Construction, Co. Inc., in the amount of \$88,750.10.

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

APPROVAL OF FINANCIAL STATEMENT

Councilmember Campbell 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 Nichols 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 Campbell, the same was unanimously approved.

ALABAMA BICENTENNIAL CELEBRATION

Mayor Nelson stated Fayette's *Alabama Bicentennial Celebration* will be held on April 27th. He stated C-Plus will be performing.

VETERAN'S OUTREACH

Mayor Nelson reported a Veteran's Outreach program would take place on May 16, 2019, at the Civic Center.

CHAMBER REPORT

Mayor Nelson reported to the Council on upcoming events of the Chamber of Commerce.

1. The Chamber's student recognition program will be held on May 6, 2019.
2. The Southeast Fiddle Festival will be held on May 10, 2019, and May 11, 2019.
3. The annual Chamber of Commerce Banquet will be held on May 21, 2019.

ADJOURNMENT

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

Mayor

Attest:

City Clerk