

City Hall  
Fayette, Alabama  
August 13, 2019

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on August 13, 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 Clerk Dawn Clapp, City Attorney Dale Lawrence, Police Chief Danny Jenkins, Assistant City Clerk Sherry Fowler and Fire Chief Shannon Taylor.

The opening prayer was given by Mayor Ray Nelson.

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 July 23, 2019, be approved. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

#### GUESTS APPEARING BEFORE COUNCIL

##### 1. MISSY RUTLAND – 60's & 70's Reunion

Ms. Missy Rutland spoke to the Council concerning the 60's & 70's Reunion. She stated it will encompass the Fayette County High School graduating high school classes from 1960 to 1982. C-Plus will be performing. The reunion is scheduled for September 21, 2019 and over 1,000 people are expected. Ms. Rutland asked that a portion of Temple Avenue in front of the Courthouse be blocked off.

Councilmember Cowart moved the Council grant the request for permit for the 60's & 70's Reunion. Upon the motion being seconded by Councilmember McCraw, it was unanimously approved.

#### PUBLIC HEARING ON ABATEMENT OF NUISANCE

Mayor Nelson stated a public hearing concerning the properties located at 420 4<sup>th</sup> Street NW, 437 3<sup>rd</sup> Court SW and 1005 3<sup>rd</sup> Avenue NE will be held on September 10, 2019, at 5:00 p.m.

#### FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of July 2019. The Fire Department received 25 calls.

#### ORDINANCE 2019-02

Mayor Nelson presented Ordinance 2019-02 to the Council for their consideration. Ordinance 2019-02 is as follows:

#### **ORDINANCE NO. 2019-02 AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE I, BUILDING CODES ADOPTED OF CHAPTER 4, BUILDING CODES AND FRANCHISES**

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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
- (g) **2015 International Property Maintenance Code**

**Section 2.** This Ordinance shall be effective upon publication.

**ADOPTED AND APPROVED** this the 13th day of August 2019.

\_\_\_\_\_  
Mayor

ATTEST:

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

Councilmember Wilson moved the Council give unanimous consent to consider Ordinance 2019-02. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved. Councilmember Wilson moved the Council adopt Ordinance 2019-02. 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 July 2019. The report was as follows: 39 incidents investigated; 17 accidents; 92 traffic citations; and 30 arrests.

#### SUNDAY ALCOHOL SALES

Mayor Nelson reported an act was recently passed by the state legislature concerning Sunday alcohol sales in "wet" municipalities. Councilmember Cowart introduced Ordinance No. 2019-03 for consideration. No action was taken. Ordinance No. 2019-03 is as follows:

#### **ORDINANCE NO. 2019-03 AN ORDINANCE AMENDING SECTION 3A-9, AUTHORIZED HOURS OF DIVISION 1, GENERALLY, OF ARTICLE I, ALCOHOLIC BEVERAGE CONTROL OF CHAPTER 3A, ALCOHOLIC BEVERAGES**

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

**SECTION 1.** That Section 3A-9, *Authorized hours*, of Division 1, *Generally* of Article I, *Alcoholic Beverage Control* of Chapter 3A, *Alcoholic Beverages* 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. 3A-9. Authorized hours.**

It shall be unlawful for any person, whether a liquor, wine or beer licensee or not, to sell, offer for sale or to serve, dispense or offer for reward, or to offer to serve or dispense for reward any liquor, wine, or beer, for on-premises consumption on the licensed premises between the hours of 12:00 a.m. and 8:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday of any week.

It shall be unlawful for any person, whether a liquor, wine or beer licensee or not, to sell, offer for sale or to serve, dispense or offer for reward, or to offer to serve or dispense for reward any liquor, wine, or beer, **between the hours of 12:00 a.m. and 12:00 p.m. and between the hours of 8:00 p.m. and 11:59 p.m.** on Sunday of any week and the reopening of the licensed premises on the following Monday subject to the above paragraph.

**SECTION 2.** This Ordinance shall become effective upon its passage and publication as provided by law.

ADOPTED on this \_\_\_\_\_ day of August, 2019.

\_\_\_\_\_  
Mayor

Attest:

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



### GAS TAX BILL

Mayor Nelson reviewed with the Council the recently passed gas tax bill. The bill stated the municipal governing body of each qualified municipality shall adopt an annual transportation plan no later than August 31 for the next fiscal year, which plan shall be approved by affirmative vote of a majority of the members of the municipal governing body. The plan shall provide a detailed list of projects for which expenditures are intended to be made in the next fiscal year and shall be based upon an estimate of the revenues anticipated from the fund during the fiscal year. Once adopted, the annual plan shall at all times be posted in conspicuous places at the municipal hall, the mayor's office, and any other places deemed appropriate by the municipal governing body.

The City will receive \$27,090.00 the first year. Mayor Nelson suggested the funds be used for striping the streets. Councilmember Cowart moved the City use the \$27,090.00 for striping the streets. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

Mr. Luke Porter stated the State is wanting cities and counties to submit plans for improving the state highways. This is for projects the cities or counties want the State to perform to address issues on the state highways. Mr. Porter suggested the City request a grant to expand the intersection at 2<sup>nd</sup> Avenue (Highway 171) and Columbus Street (Highway 18). Councilmember Nichols suggested a red light at Walmart. Councilmember Cowart said he would be for the intersection project if 10<sup>th</sup> Street was closed to truck traffic. These grants do not require a match. After a general discussion, Councilmember Campbell moved the City apply for a grant for the Hwy 171 & Hwy 18 intersection project. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

### APPROVAL OF FINANCIAL STATEMENT

Councilmember Cowart moved the City's financial statement be approved. Upon the motion being seconded by Councilmember Nichols, 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 Cowart, 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.

### REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of July, the City received \$214,719.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$44,000.00 for a combined total of \$258,719.00. She stated the City received \$6,890.00 in alcohol taxes.

### ADJOURNMENT

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

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Mayor

Attest:

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City Clerk