

City Hall  
Fayette, Alabama  
September 10, 2019

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on September 10, 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 and Fire Chief Shannon Taylor.

The opening prayer was given by Councilmember Eddy Campbell.

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 August 27, 2019, be approved. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

#### GUESTS APPEARING BEFORE COUNCIL

##### 1. MR. GARVIN SMITH – ALABAMA SUNSHINE.

Mr. Garvin Smith spoke to the Council concerning recycling. He stated the local recycling center had stopped taking cardboard and #2 plastics. He said it was an environmental issue and a business issue. The environmental issue is the cardboard and plastics are now being taken to a landfill instead of recycled. The business issue is that it is worth paying someone to dispose of the cardboard instead of the business having to do it. Mayor Nelson said he is looking for a solution to this problem.

##### 2. PASTOR SCOTT DAVIS – FAYETTE FIRST BAPTIST CHURCH.

Bro. Scott Davis of Fayette First Baptist Church spoke to the Council concerning Sunday alcohol sales. He said he was opposed to the Sunday alcohol sales and to any expansion of it. He asked the Council to vote on the proposed ordinance so there would be a record of their stance on it. He said there are many incidents where alcohol is the contributing factor. He said alcohol is a drug and it kills more people than any other drug. Bro. Davis said the Council should decide the issue instead of submitting it to a referendum. If there is a referendum then he thought the referendum should also be about whether alcohol sales should continue in the City. He said none of the money received from alcohol sales had been used to go to treat those who have suffered from the effects of alcohol.

#### ORDINANCE 2019-03

Ordinance 2019-03 was introduced at a previous Council meeting.

#### **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**

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*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

After a general discussion, Councilmember Cowart moved to withdraw Ordinance 2019-03. Upon the motion being seconded, the same was unanimously approved.

#### SUNDAY ALCOHOL SALES

Councilmember Cowart said he had heard from both sides of the issue on Sunday alcohol sales. He said alcohol is always a sensitive issue in a small conservative community. He said alcohol sales are legal six days a week and in many places are legal on Sunday. He said there is nothing more democratic than having people vote. City Attorney Dale Lawrence was asked to look into the process for setting a referendum.

Under a new legislative act, a wet municipality, by ordinance, may require a referendum to be held to determine whether Sunday sales of alcohol shall be permitted in the municipality. Upon passage of a resolution by the governing body, the municipality shall hold the referendum and if a majority of the voters voting thereon vote in favor of the question, then the sale of alcoholic beverages shall be permitted and regulated as specified in the referendum.

Mrs. Gloria Zavala spoke to the Council and said she opposed to Sunday alcohol sales. She said she had collected the signatures of people who were against Sunday alcohol sales. She said there were approximately 470 signatures on her petition.

Mr. M.C. Younghance spoke to the Council and said he opposed Sunday alcohol sales.

#### PUBLIC HEARING ON COMMERCIAL EVENT CENTER LICENSE

Mrs. Evelyn Howard spoke about her concerns with their not being sufficient monitoring of the use of alcohol at events with a commercial event center license. Councilmember Nichols said he wanted the community to move forward and if it is legal, then it should be allowed.

#### RESOLUTION 2019-10

Mayor Nelson presented Resolution 2019-10 to the Council for their consideration. Resolution 2019-10 is as follows:

#### **RESOLUTION 2019-10 A RESOLUTION GRANTING A COMMERCIAL EVENT CENTER LICENSE TO JAMIE M. FARRIS**

***BE IT RESOLVED,*** by the City Council of the City of Fayette, Alabama, as follows:  
That the application by Jamie M. Farris, doing business as Bungalow's, located at 102 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 10th day of September, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

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

Councilmember Cowart moved the Council adopt Resolution 2019-10. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.



#### PARADE PERMIT

Mayor Nelson presented to the Council a request for a permit for a 5K run through Guthrie Smith Park on October 27, 2019. Councilmember Campbell moved the permit be granted. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

#### PARADE PERMIT

Mayor Nelson presented to the Council a request for the FCHS Homecoming Parade to be held on September 27, 2019. Councilmember Cowart moved the permit be granted. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

#### POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of August 2019. The report was as follows: 49 incidents investigated; 16 accidents; 226 traffic citations; and 45 arrests.

#### FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of August 2019. The Fire Department received 28 calls.

#### BUDGET COMMITTEE REPORT

Mr. Rick McCabe presented the first draft of next year's budget based on the last meeting of the Budget Committee. He said there was a fire truck in the budget. He said there is a cushion built in based on sales tax revenues being assumed to be \$185,000.00. They typically average \$220,000.00. There is a 3% COLA for all City employees. The COLA raise will cost approximately \$58,000.00.

#### WORK SESSION

Mayor Nelson announced a work session will be held Monday, September 16, 2019, at 5:00 p.m.

#### NATIONAL ASSISTED LIVING WEEK

Mayor Nelson stated he has proclaimed September 8-14 National Assisted Living Week.

#### JOHN CLIFFORD GRIMSLEY HOUSE

Mayor Nelson reported he had received a letter from the Alabama Historical Commission informing him that the J.C. Grimsley House had been placed on the National Register of Historic Places. There will be a ceremony on Friday, September 13, 2019 at the J. C. Grimsley House.

#### PROJECT UPDATE

Mr. Luke Porter updated the Council on current projects. He stated the ATRIP Application had been submitted.

#### PROPOSED HOLIDAY CALENDAR 2019-2020

Mayor Nelson presented the proposed City Holiday Calendar. The calendar has fifteen holidays. The proposed calendar is as follows:

Columbus Day -- Monday, October 14, 2019  
Veteran's Day -- Monday, November 11, 2019  
Thanksgiving -- Thursday, November 28, 2019 and Friday, November 29, 2019  
Christmas -- Tuesday, December 24, 2019, Wednesday, December 25, 2019,  
Thursday, December 26, 2019, Friday, December 27, 2019  
New Year's Day -- Wednesday, January 1, 2020  
Martin Luther King/Robert E. Lee Day -- Monday, January 20, 2020  
President's Day -- Monday, February 17, 2020  
Good Friday -- Friday, April 10, 2020  
Memorial Day -- Monday, May 25, 2020  
Independence Day -- Friday, July 3, 2020  
Labor Day -- Monday, September 7, 2020

Councilmember McCraw moved to adopt the 2019-2020 holiday calendar as presented. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

OLD BUSINESS

Councilmember Cowart said there may be a need to revisit the “Rails to Trails” Project at the next meeting.

APPROVAL OF FINANCIAL STATEMENT

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

50<sup>TH</sup> ANNUAL FAYETTE ARTS FESTIVAL

Mayor Nelson stated the 50<sup>th</sup> Annual Fayette Arts Festival will be held on Saturday, September 14, 2019.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of August, the City received \$211,746.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$35,674.00 for a combined total of \$247,421.00. She stated the City received \$6,442.00 in alcohol taxes.

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, it was unanimously approved.

\_\_\_\_\_  
Mayor

Attest:

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