

City Hall
Fayette, Alabama
October 8, 2019

A regular meeting of the City Council of the City of Fayette met at 4:30 o'clock, p.m. on October 8, 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 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 Cowart moved the minutes of the work sessions held on September 16, 2019, and September 24, 2019, and the minutes of the regular meeting held on September 24, 2019, be approved. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

GUESTS APPEARING BEFORE COUNCIL

1. TONI ROBERTSON – Community Development Corporation

Mrs. Toni Robertson spoke to the Council concerning the Rails to Trails Project. She stated the Community Development Corporation had offered moral and financial support for the project. She said they are willing to meet face to face with Norfolk Southern to try and negotiate the price. She asked the Council to move forward with the project.

2. STATE REP. KYLE SOUTH – ATRIP Grant

State Representative Kyle South announced the City had received an Alabama Transportation Rehabilitation and Improvement Program—II (ATRIP-II) grant in the amount of \$934,000.00 for the redesign and improvement of the intersection of Highway 171 and Highway 18. This grant requires no matching funds from the City.

RAILS TO TRAILS PROJECT

Mr. Terry Acuff spoke to the Council concerning the Rails to Trails project. He said the City had been awarded the \$100,000.00 grant to purchase the property. He said the Council is at the point where it needs to use the money to purchase the property or return the money to the State. He said by accepting the grant, it improves the City's chances to receive grants for the construction of the trail. Mr. Acuff explained that Rails to Trails projects are funded in the Federal Highway Bill. He said additional funds will not be available until another Federal Highway Bill is passed by Congress. They anticipate the Rails to Trails program will be funded in the next Federal Highway Bill.

Councilmember McCraw said she was still in favor of the moving forward with the project.

Councilmember Campbell moved the City purchase the property from Norfolk Southern Railway for the Rails to Trails project. The motion was seconded by Councilmember McCraw. After a general discussion, the following vote was taken:

AYES:	Mayor Nelson, Councilmembers Campbell and McCraw
NAYS:	Councilmembers Nichols and Cowart
ABSTAIN:	Councilmember Wilson

Mayor Nelson stated the motion passed.

Councilmember Cowart said the worst case is the City will be on the hook for a lot of money. He said he did not want to leave the next Council handcuffed with what the prior Council had started. He said there are big ticket items in the budget for which money had already been allocated. He said he supported the project but because of the unknowns, he was nervous about the project.

RESOLUTION 2019-11

Mayor Nelson presented Resolution 2019-11 to the Council for their consideration. Resolution 2019-11 is as follows:

RESOLUTION 2019-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND SUBMIT AN APPLICATION TO THE APPALACHIAN REGIONAL COMMISSION FOR GRANT FUNDS TO CONSTRUCT IMPROVEMENTS TO THE ROOF OF THE FORMER ARVIN BUILDING

WHEREAS, City of Fayette, acting by and through its City Council proposes to apply for an Appalachian Regional Commission (ARC) Initiative Power Grant to construct improvements to construct improvements to the roof of the former Arvin Building which is now occupied by Phifer Wire.

THEREFORE, be it resolved by the City Council of Fayette, Alabama, as follow:

THAT, RAY NELSON, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the Appalachian Regional Commission requesting Fiscal Year 2020 ARC Initiative Power Grant funds to construct improvements to the roof of the former Arvin Building; and

THAT, THE CITY OF FAYETTE will provide the required 30% of local matching funds required, which will be provided by Phifer Wire in support of this project.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 8th day of October, 2019.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved the Council adopt Resolution 2019-11. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

RESOLUTION 2019-13

Mayor Nelson presented Resolution 2019-13 to the Council for their consideration. Resolution 2019-13 is as follows:

RESOLUTION 2019-13

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH COMMUNITY CONSULTANTS, INC. TO PERFORM CDBG PROJECT ADMINISTRATIVE SERVICES CONCERNING THE EXPANSION OF THE SHOWA GLOVE PLANT

WHEREAS, the City of Fayette has received a Community Development Block Grant to construct site improvements at the Showa Glove Plant; and

THEREFORE, in accordance with CDBG regulations the City of Fayette prior to the development phase of this application solicited and received proposals from qualified grant administrative firms to implement the above referenced CDBG grant in accordance with ADECA regulations;

NOW, THEREFORE, be it resolved that the City Council evaluated the administrative proposals received and have selected Community Consultants, Incorporated to administer all federal grant projects through 2020; and

THAT, Ray Nelson, Mayor, be and is hereby authorized to enter into a contract with Community Consultants, Incorporated to perform CDBG project administrative services required to implement the above referenced project in accordance with the approved ADECA administrative fee scale commensurate with the scope of services required to adequately discharge all project administrative responsibilities associated with this project.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 8th day of October, 2019.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved the Council adopt Resolution 2019-13. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

RESOLUTION 2019-12

Mayor Nelson presented Resolution 2019-12 to the Council for their consideration. Resolution 2019-12 is as follows:

RESOLUTION 2019-12

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GFC CONSTRUCTION COMPANY, INC. TO CONSTRUCT SITE IMPROVEMENTS AND UTILITY RELOCATIONS TO FACILITATE THE EXPANSION OF THE SHOWA GLOVE PLANT

WHEREAS, the City of Fayette has received an Economic Development Community Development Block Grant to construct site improvements and utility relocations to facilitate the expansion of the Showa Glove Plant in the City of Fayette; and

THEREFORE, in accordance with CDBG regulations the City of Fayette has solicited and received bids from qualified construction companies to construct the above referenced utility relocation and site improvements in accordance with the approved plans and specifications;

NOW, THEREFORE, be it resolved that the City of Fayette, Showa, and McGiffert and Associates has evaluated the bids received and has determined that GFC Construction Company, Inc. is the low bidder for the construction phase of this project; and

THAT, Ray Nelson, Mayor, be and is hereby authorized to award and enter into a contract with GFC Construction Company, Inc. upon completion of ADECA Environmental Review Comment Period and the approval of the Showa Board of Directors in the amount of \$541,791.17 for the construction phase of this project.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 8th day of October, 2019.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved the Council adopt Resolution 2019-12. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

RESOLUTION 2019-14

Resolution 2019-14 is as follows:

RESOLUTION 2019-14

RESOLUTION PROVIDING FOR THE PARTICIPATION OF THE CITY OF FAYETTE IN THE "SALES TAX HOLIDAY"

WHEREAS, during its 2012 Regular Session, the Alabama Legislature enacted Act No. 2012-256, effective April 26, 2012, which provides an exemption of the state sales and use tax for certain severe weather preparedness supplies during the first full weekend in July of 2012 and the last full weekend of February in subsequent years; and

WHEREAS, Act No. 2012-256 authorizes the City Council to provide for an exemption of city sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect is adopted; and

WHEREAS, the Fayette City Council has affirmatively voted to grant the exemption of City sales and use taxes on purchases covered by Act No. 2012-256 during the last full weekend of February 2020 beginning at 12:01 a.m. on Friday, February 21, 2020 and ending at twelve midnight on Sunday, February 23, 2020, the last full weekend of February in 2020;

WHEREFORE BE IT RESOLVED BY THE FAYETTE CITY COUNCIL that it does hereby provide for an exemption of the City sales and use tax on purchases of items covered by Act No. 2012-256 beginning at 12:01 a.m. on Friday, February 21, 2020 and ending at twelve midnight on Sunday, February 23, 2020.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the October 8, 2019, meeting of the Fayette City Council, and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama, § 11-51-210 (e).

IN WITNESS WHEREOF, the Fayette City Council has caused this Resolution to be executed in its name and on its behalf by its Mayor on this the 8th day of October, 2019.

Mayor Ray Nelson

ATTEST:

City Clerk Dawn Clapp

Councilmember Cowart moved the Council adopt Resolution 2019-14. Upon the motion being seconded by Councilmember Wilson, the same was unanimously adopted.

OLD INDUSTRIAL PARK FORCE MAIN REPLACEMENT

Mr. Luke Porter reported the estimated cost for the force main replacement at the old Industrial Park is \$371,000.00. Councilmember Wilson moved to advertise bids for the replacement of the force main at the old Industrial Park. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

GRANTS FOR PAVING

Mr. Luke Porter stated the estimated cost for paving a portion of Martin Luther King Drive is \$308,000.00 and the estimated cost of paving a portion of 10th Street is \$147,000.00. He stated grants were available for the paving of streets within the City under the new Gas Tax bill.

Councilmember Cowart moved the City apply for grants to pave Martin Luther King Drive and 10th Street. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

PUMP AT OLD INDUSTRIAL PARK

Wastewater Superintendent John Dill spoke to the Council concerning the pump at the old Industrial Park. He said the stand-by pump had now been placed into service and there was an emergency need for another stand-by pump.

RESOLUTION 2019-15

Resolution 2019-15 is as follows:

RESOLUTION 2019-15

A RESOLUTION DECLARING EXISTENCE OF EMERGENCY WHEREIN BOTH PUMPS AT THE PUMPING STATION HAVE BROKEN DOWN AND ARE IN NEED OF IMMEDIATE REPAIR OR REPLACEMENT

WHEREAS, the pumping station and the pumps located at the old industrial park are an integral part of the City's waste water treatment system; and,

WHEREAS, this pumping station and its pumps serve the water treatment facility of the Water Works Board of the City of Fayette; and,

WHEREAS, without the pumps the City's wastewater treatment system is unable to properly perform its functions; and,

WHEREAS, the breakdown of the pumps effects public health and safety and any delay in repairing or replacing them is a danger to public health and safety; and,

WHEREAS, an emergency exists due to the standby pump having been placed into service leaving no pump to replace it should it breakdown.

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

1. That an emergency exists which affects public health and safety due to the standby pump at the pumping station located in the old industrial park having to be placed into service and there being no pump available should it breakdown.
 2. That the breakdown of the only pump at the pumping station jeopardizes the proper functioning of the wastewater treatment system and therefore, creates a danger to public health and safety.
 3. That it is paramount that another pump be purchased and any delay in obtaining it would create further danger to the public health and safety.
 4. That the Council hereby authorizes the Mayor to purchase a new pump for the pumping station located in the old industrial park.
- DONE this the _____ day of October, 2019.

Mayor

ATTEST:

City Clerk

Councilmember Campbell moved the Council adopt Resolution 2019-15. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

MOTION TO SET PUBLIC HEARING

Mayor Nelson stated there will be public hearing on the transfer of an alcohol license at the next meeting on October 22, 2019.

FAYETTE HISTORIC PRESERVATION COMMISSION APPOINTMENT

Mayor Nelson reported the Fayette Historic Preservation Commission had recommended Mrs. Belinda Watts be appointed to the Fayette Historic Preservation Commission to fill the vacancy created by the passing of Mrs. Morris Anne Perry. Councilmember Cowart moved the seven-day notice period for nominations be waived. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved. Councilmember Cowart moved Mrs. Belinda Watts be appointed to the Fayette Historic Preservation Commission. 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 September 2019. The report was as follows: 43 incidents investigated; 14 accidents; 120 traffic citations; and 51 arrests.

FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of September 2019. The Fire Department received 19 calls.

Fire Chief Shannon Taylor stated the Insurance Services Office, Inc. (ISO) had notified him they would be evaluating the City's building code enforcement focusing on natural hazard mitigation. If the City has effective codes and they are well-enforced then property owners may receive a discount on their insurance premiums. ISO has previously visited Fayette to evaluate fire defenses.

APPROVAL OF FINANCIAL STATEMENT

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

APPROVAL OF MUNICIPAL COURT FINANCIAL STATEMENT

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

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of September, the City received \$219,660.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$38,487.60 for a combined total of \$258,147.00. She stated the City received \$8,610.00 in alcohol taxes. The ½¢ sales tax has generated \$447,487.28 this fiscal year.

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 Wilson, it was unanimously approved.

Mayor

Attest:

City Clerk