

City Hall  
Fayette, Alabama  
November 26, 2019

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

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 special meeting held on November 18, 2019 be approved. Upon the motion being seconded by Councilmember Campbell, it was unanimously approved.

#### INDUSTRIAL PARK PUMPING STATION AND SEWER LINE REPAIR PROJECT

Mr. Luke Porter reported to the Council that six bids were received for the Industrial Park Pumping Station and Sewer Line Repair Project. The bids were as follows: (1) Ballard Builders, Inc., - \$190,965.35; (2) Price Civil Service, Inc. - \$216,178.15; (3) Compass Civil Construction - \$240,546.33; (4) One Call Services - \$271,065.60; (5) Southern Civil Contracting, Inc. - \$278,461.77; and, (6) Takco Construction - \$332,915.11.

Mr. Porter recommended the Council accept the lowest bid from Ballard Builders, Inc., in the amount of \$190,965.35. Councilmember Cowart moved the Council adopt the following resolution:

#### RESOLUTION

**BE IT RESOLVED**, by the City Council of the City of Fayette that it hereby awards the bid for the Industrial Park Pumping Station and Sewer Line Repair Project to the lowest responsible bidder, Ballard Builders, Inc., in the amount of \$190,965.35.

Upon the motion being seconded by Councilmember McCraw, it was unanimously approved.

#### STREET DRAINAGE ISSUE

Mr. Malcolm Mostiller addressed the Council concerning a large pecan tree that was leaning in his yard and his claim that the tree was caused to lean as a result of water running across his property due to the City placing a pipe in the ditch located across the street from his property. He said the tree was now a hazard because it could fall on his rental house. He said the tree started leaning in 2017.

In 2017, the City placed a pipe in a ditch and covered the pipe at the request of a neighboring property owner because the ditch was deep and the property owner was afraid she would run into the ditch when entering and exiting her driveway. The ditch and where the pipe was placed is located on the public/city right-of-way. Once the ditch was piped, it created a problem for the Mostillers across the street. The problem created was during heavy rains the water ran off the hill and over the street and through the Mostiller's yard. Because of the amount of water running into their yard, during periods of heavy rain, the City removed the pipe and reopened the ditch. This was done in 2018.

Mayor Nelson said he had Street Superintendent Marty Weeks, Mr. Luke Porter and Fire Chief Shannon Taylor and others look at the tree. Chief Taylor had pictures he shared with the Council. One picture was from 2014 and the other from 2019. The pictures were shared with the Mostillers. Mr. Luke Porter said in his opinion the City's actions did not cause the tree to lean. Fire Chief Taylor said the pipe should not have been placed in the ditch; even so, he did not believe the water caused the tree to lean.

After a general discussion, the Council concluded the City's work on the ditch had contributed to the tree leaning and it was in the best interest of the City to resolve this matter. Councilmember Campbell moved that because the City's work on the ditch had contributed to the tree leaning and it was in the best interest of the City to resolve this matter, the City take down the tree located on the Mostiller's property. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

### REFINANCE OF BOND

Mr. Rick McCabe discussed with the Council whether they wanted to move forward with just the refinance of the bond or add additional monies to it. He said the City's out-of-pocket cost for the Martin Luther King, Jr. Drive and 10<sup>th</sup> Street Paving Project along with the Industrial Park Pumping Station and Sewer Line Repair Project was projected to be around \$440,000.00. Mr. McCabe and City Clerk Dawn Clapp felt the City could fund one-half of the cost of the projects from existing revenues with the other funds coming from adding monies to the bond or obtaining a short term loan.

Mr. McCabe said four companies are interested in refinancing the City's bond. Councilmember Cowart said he would like to refinance the bond with a lower rate and then lower the City's sewer rate.

Councilmember Cowart said the City has the money to pay for the projects without borrowing money. After a general discussion, Councilmember Cowart moved the Council refinance the bond at a lower interest rate but not add any additional monies to it. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

### CHRISTMAS IN THE PARK

Mayor Nelson stated "Christmas in the Park" starts Thanksgiving night and runs thru December 31, 2019. Mayor Nelson stated they are accepting donations but not charging an entrance fee.

### APPROVAL OF FINANCIAL STATEMENT

Councilmember Cowart moved the City's 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 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.

### REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of October, the City received \$211,032.75 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$36,366.92 for a combined total of \$247,399.67. She stated the City received \$6,695.00 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 McCraw, it was unanimously approved.

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Mayor

Attest:

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City Clerk