

City Hall
Fayette, Alabama
January 27, 2020

A special meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on January 27, 2020, 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 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 special meeting held on December 20, 2019, be approved. Upon the motion being seconded by Councilmember Cowart, it was unanimously approved.

Councilmember Nichols moved the minutes of the work session held on January 7, 2020, be approved. Upon the motion being seconded by Councilmember Wilson, it was unanimously approved.

GUESTS APPEARING BEFORE COUNCIL

1. HEATH NAILS – Fayette County High School Band Director

Mr. Heath Nails, Fayette County High School Band Director, spoke to the Council concerning upcoming performances by the FCHS Band. He said the band will perform at State band competition and at an invitational competition at the University of Alabama. He stated the band was raising funds to purchase concert band uniforms. The uniforms consist of a tuxedo for the males and a formal dress for the females. He said their goal was to raise \$5,000.00 and they were within \$500.00 of their goal. He said the \$5,000.00 would outfit the current students, however, some extra uniforms and additional sizes were needed. He reported the tuxedos cost \$110.00 each and the dresses cost \$70.00 each. Councilmember Cowart moved the City give \$1,000.00 to the FCHS Bank program to purchase concert band uniforms. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

2. SUNDAY ALCOHOL SALES

a. BRO. SCOTT DAVIS – Pastor of Fayette First Baptist Church

Bro. Scott Davis spoke to the Council concerning Sunday alcohol sales. He was opposed to Sunday alcohol sales. He said the Bible has scripture that addresses the right thing to do. He said Sunday alcohol sales are not a wise thing to do. He stated there will be little financial benefit to the City. He said it was the Council's responsibility to regulate alcohol sales as representatives of the citizens instead of allowing the citizens to vote on it. He encouraged the Council to vote no on the proposed ordinance.

b. MIKE EMMANUEL – Director of Restoration Springs

Mr. Mike Emmanuel, Director of Restoration Springs, spoke to the Council about Sunday alcohol sales. He stated prior to coming to Fayette he was the director of the Foundry farm and prior to that he was an alcoholic for twenty years. He stated in the town he lived in, alcohol sales were legal Monday through Saturday but dry on Sunday. He said Sunday was the day where he could prove to himself that he did not have to drink. He said alcohol cost him everything. He encouraged the Council to vote no on the proposed ordinance.

c. REV. CURRY BENNETT – Pastor of Shady Grove Baptist Church

Rev. Curry Bennett spoke to the Council concerning the proposed Sunday alcohol sales ordinance. He said the two words that came to his mind were family and finances. He asked which was more important, family or finances. He was opposed to the Sunday alcohol sales.

ORDINANCE 2020-02

Mayor Nelson presented Ordinance 2020-02 to the Council for their consideration. Ordinance 2020-02 is as follows:

ORDINANCE NO. 2020-02
AN ORDINANCE TO SET A MUNICIPAL OPTION ELECTION FOR THE CITY
OF FAYETTE TO DETERMINE THE SENTIMENT OF THE PEOPLE AS TO
WHETHER OR NOT TO ALLOW ALCOHOLIC BEVERAGES TO BE SOLD
ON SUNDAY IN THE CITY OF FAYETTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTE,
ALABAMA, as follows:

WHEREAS, on June 22, 2010, a municipal option election concerning the legal sale and distribution of alcoholic beverages within the City was held and the majority of the votes cast in the municipal option election were “yes” in favor of the legal sale and distribution of alcoholic beverages within the City of Fayette; and,

WHEREAS, based upon the results of the municipal option election the City of Fayette became a wet municipality; and,

WHEREAS, pursuant to Act 2019-100 (§28-3-25 of the Code of Alabama) the governing body of any wet municipality, by ordinance, may require a referendum to be held to determine whether Sunday sales of alcohol shall be permitted in the municipality and upon passage of the ordinance the municipality shall hold the referendum.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, as follows:

1. The City of Fayette sets the date of August 25, 2020, as the date for a municipal option election to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed on Sunday in the City of Fayette.
2. The ballot to be used for such municipal option election shall contain the following question:
“Do you favor the legal sale and distribution of alcoholic beverages on Sunday within this municipality?
YES _____ NO _____.”
3. The City of Fayette shall appoint officers to conduct said municipal option election prior to the election.
4. Pursuant to §11-46-21 and §11-46-22 of the Alabama Code, notice of this special election shall be published in the local newspaper in the following manner:

“NOTICE OF SPECIAL OPTION ELECTION

Notice is hereby given that on Tuesday, the 25th day of August, 2020, an election for the City of Fayette shall be held to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed on Sunday in the City of Fayette. All registered and qualified electors of the state, who reside within the corporate limits of Fayette, Alabama, and have resided therein for 30 days or more immediately preceding the date of the election, will be authorized to vote.

The polls will be opened at the Fayette Civic Center from 7:00 a.m., CST until 7:00 p.m., CST.

Ray Nelson, Mayor for the City of Fayette

ADOPTED AND APPROVED on this the ____ of January, 2020.

Mayor

ATTEST:

City Clerk

Councilmember Wilson moved the Council give unanimous consent to consider Ordinance 2020-02. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

Mayor Nelson stated his father was an alcoholic and he saw what it did to him and their family.

Councilmember Wilson said he felt the people of Fayette should decide whether Sunday alcohol sales are allowed or not instead of the Council making the decision.

Councilmember Nichols said he was not in favor of Sunday alcohol sales but he felt the citizens should be able to vote on it. He said it was about the vote and not the revenue.

Councilmember Cowart said he believed the people should vote on it. He said he appreciated the religious arguments but he also believed in freedom.

Councilmember McCraw said she was against it and believed that Sunday should still be set aside.

Councilmember Campbell said he would have to vote his conscious. He said he talked with many people about this and none of them asked him to vote for it.

Councilmember Cowart moved the Council adopt Ordinance 2020-02. Upon the motion being seconded by Councilmember Nichols, the following vote was taken:

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

Mayor Nelson stated the Ordinance failed to pass.

CITY STREET LIGHT PROPOSAL

Alabama Power Company representative Stephanie Hudson spoke to the Council concerning street lighting near Walmart. She said there would be fixtures placed on every other pole for a total of seven. She stated additional wire would have to be run to the poles for the lights. The cost to the City to pay for the wire upfront would be \$5,293.18, then \$198.88 monthly for the lights. If the cost of the wire was not paid upfront then the monthly payment, including the cost of the wire would be \$335.23.

Councilmember Cowart moved to proceed with the lighting upgrade at Walmart and pay for the additional wire upfront. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

Ms. Hudson stated Alabama Power had made a proposal to convert all City street lights to LED at no cost to the City. This changeover process could lower the monthly cost to the City. Every LED light pole will have a number on it. Councilmember Cowart moved the City enter into a lease agreement with Alabama Power Company to convert all the City street lights to LED. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

ORDINANCE 2020-01

Mayor Nelson presented Ordinance 2020-01 to the Council for their consideration. Ordinance 2020-01 is as follows:

ORDINANCE NO. 2020-01 AN ORDINANCE FIXING THE SALARY OF THE MAYOR FOR THE TERM COMMENCING NOVEMBER 2, 2020.

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

SECTION 1. §2-16 of the Code of Ordinances for the City of Fayette, Alabama, is hereby amended by deleting the entire section and substituting the following therefor, viz:

"§2-16: Mayor - Salary

The salary of the Mayor of the City of Fayette, Alabama, for the term commencing November 2, 2020, for the performance of his duties as Mayor is hereby fixed and established at the sum of \$62,000.00 per annum, payable in equal monthly installments".
This is a full time position.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its adoption by the City Council and its publication as prescribed by law.

ADOPTED on this the 27h day of January, 2020.

Mayor

ATTEST:

City Clerk

Councilmember McCraw moved the Council give unanimous consent to consider Ordinance 2020-01. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved. Councilmember Campbell moved that Ordinance 2020-01 be adopted. Upon the motion being seconded by Councilmember Wilson, the following vote was taken:

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

Mayor Nelson stated the Ordinance passed.

Councilmember Cowart said he had received several phone calls concerning raising the Mayor's salary and the callers were opposed to it. He said many citizens do not realize all the responsibilities the Mayor has, particularly in the area of economic development. He said in order to keep the City's momentum going, he thought there should be an incentive for individuals to seek the Mayor's position. He said sometimes you get what you pay for.

Councilmember Nichols said the median income for a family in Fayette is approximately \$37,000.00 and he felt a salary of \$62,000.00 for the mayor was too much.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of December 2019. The report was as follows: 41 incidents investigated; 18 accidents; 74 traffic citations; and 62 arrests.

FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of December 2019. The Fire Department received 27 calls. He stated the Fire Department received a total of 277 calls for 2019.

FIREFIGHTER CANCER POLICY

Councilmember Cowart moved the Council proceed with the Firefighter Cancer Policy. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

PROJECT UPDATE

Mayor Nelson updated the Council on the City's projects. The update was as follows:

1. 25th Street and 8th Avenue repaving project:
 - The paving is complete
 - Striping, pavements markers and shoulder material are still to be done.
 - Final construction cost will be around \$180,000 which is approximately \$50,000 under budget.
 - Total completion goal is February 29, 2020.
2. Industrial Park Pumping Station and Sewer Line Repair Project
 - The preconstruction conference was held on January 14, 2020.
 - The materials are to arrive on-site on January 27, 2020
 - The work is scheduled to begin on February 3, 2020
3. Paving of MLK Drive and 10th Street
 - The City has been awarded a \$250,000 grant for this project
 - The total cost is expected to be around \$500,000-\$573,000; this includes Design, Bidding and Construction Engineering.
 - The goal for the Letting Date is late March 2020.

The Council discussed the design phase for the Martin Luther King Drive and 10th Street paving project. Councilmember Wilson moved the Council approve the design phase and proceed with the Martin Luther King Drive and 10th Street paving project. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

CITY AUDIT

Mr. Rick McCabe reviewed with the Council the audit for fiscal year 2019. He reported the following:

- Overall the City experienced significant growth during 2019.
- The City's net worth totaled \$25.1 million as of September 30, 2019. An increase of \$899,300 from 2018.
- He said the local economy continues to thrive – the City's sales tax revenues and business licenses increased from 2018 and continue to exceed budgeted amounts. Sales tax revenues are approximately 49% of the City's total revenue, excluding grants and are responsible for funding a large portion of the City's operations. The City's sales tax revenue was approximately .6% higher in 2019 than in 2018. This equates to an increase of approximately \$20,000
- The City's total capital assets, before accumulated depreciation, totaled approximately \$40 million as of September 30, 2019.
- Since 2000 the City has received grants funds exceeding \$15 million which have been used on a number of projects relating to improvements and renovations of the City. During fiscal 2019, the City expended federal grant funds totaling \$736,864.
- The City's fiscal 2019 audit reflects a net surplus, totaling \$899,332. After deducting the federal grant awards the City's net surplus for 2019 totaled \$162,468.
- The City's total cash in the bank, including reserves and investments, totaled \$4,763,508 as of September 30, 2019.
- The 2020 budget will continue to reflect the strong financial position of the City.

Mr. McCabe said the goal is for the City to live within its general fund so the reserves can be built up.

Councilmember Campbell moved to approve the 2019 City Audit as presented. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of December, the City received \$224,333.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$36,048.00 for a combined total of \$260,381.00. She stated the City received \$6,931.00 in alcohol taxes.

APPROVAL OF FINANCIAL STATEMENT

Councilmember Cowart 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 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 Wilson, the same was unanimously approved.

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