

City Hall
Fayette, Alabama
June 9, 2020

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on June 9, 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 Councilmember Eddy Campbell.

Mayor Ray Nelson announced a quorum was present and the meeting was open for the transaction of business.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of May 2020. The report was as follows: 40 incidents investigated; 11 accidents; 87 traffic citations; and 45 arrests.

Chief Jenkins stated the Police Department has two positions to fill and he hoped to have this done by mid-July. The Police Department is budgeted for twelve officers and currently has ten. By filling the positions by mid-July, the new officers could get into the Police Academy quicker. Chief Jenkins said instead of hiring another investigator, this position would be filled by a patrol officer.

Chief Jenkins said Officer James Sanders was attending the police officer refresher course at Jacksonville State University.

Chief Jenkins stated he had investigated potential illegal dumping at the old recycling center. He determined it was an individual who thought the recycling center was still open.

FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of May 2020. The Fire Department received 17 calls.

FAYETTE AQUATIC CENTER

Mayor Nelson provided the Council with the guidelines for the Fayette Aquatic Center. He stated the Aquatic Center had 100 employees. The guidelines are as follows:

- Attendance will be limited to 350 people at any given time.
- Each person entering the facility will have their temperature checked. Anyone with a temperature of 100.4 or above will not be allowed to enter.
- Patrons will be requested to maintain six-feet social distancing from anyone not from the same household.
- Admissions and concessions workers will wear either a face mask or face shield and gloves.
- The Park & Recreation Director recommended no season passes be sold this year, mainly due to the limits on attendance. The Aquatic Center wants every person who enters at any point to be a paying customer. The Aquatic Center is trying to avoid having people inside who haven't paid for that day (i.e. they buy a pass and use it more than 10 times) while others with money in hand are having to wait outside. If the decision is made to sell season passes, the Park & Recreation Director recommended it be a flat fee of \$100 for each pass, with a limit of 10 visits. After 10 visits, they would need to purchase another pass.
- No groups larger than 10 people will be allowed due to the social distancing guidelines.

Mayor Nelson said after two weeks the Aquatic Center would evaluate its operations based on paid attendance. The Aquatic Center will open on June 15, 2020. The Aquatic Center currently has 57 parties booked. Mayor Nelson stated the Aquatic Center was now wanting to sell the season passes.

DAL-TILE ABATEMENT REQUEST

Mr. David Thornell of C-3 reported to the Council on the Dal-Tile expansion and their tax abatement request. He said Dal-Tile was planning a major expansion which would involve a capital investment of \$2,013,672.00.

Ms. Valerie Watts, Manager of the local Dal-Tile plant, spoke concerning the expansion stating they were starting to make a new product and, therefore, they needed to enlarge their facility and bring in new equipment.

RESOLUTION 2020-02

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

RESOLUTION 2020-02 A RESOLUTION APPROVING AND GRANTING CERTAIN TAX ABATEMENTS FOR A NEW PROJECT

This Resolution is made this 9th day of June 2020, (the Effective Date) by the **CITY OF FAYETTE** (the "Granting Authority"), to grant a tax abatement for **DAL-TILE CORPORATION** (the "Company".)

WHEREAS, the Company has announced plans for a major addition to its existing facility located within the jurisdiction of the Granting Authority; and,

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of all state and local non-educational ad valorem taxes, construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, mortgage and recording taxes; and,

WHEREAS, the Company has requested that the abatement of state and local non-educational ad valorem taxes (if applicable) be extended for a period of ten (10) years, in accordance with the Act; and,

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the project will involve a capital investment of **\$2,013,672.00**; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority that,

Section 1. Approval is hereby given to the application of the company and abatement is hereby granted of all state and local non-education ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, to the fullest extent permitted by the Act. The period of abatement for the non-educational ad valorem taxes (if applicable) shall extend for a period of ten (10) years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The Mayor and City Clerk of the City of Fayette, the Granting Authority, are hereby authorized to execute on behalf of the City an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

THE CITY OF FAYETTE

By: _____
Its Mayor

Attest:

By: _____
Its City Clerk

Councilmember Cowart moved the Council adopt Resolution 2020-02. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

SECTION I

That a municipal election is hereby called to be held in and for the City of Fayette, Alabama, on **Tuesday, August 25, 2020**, for the purpose of electing a Mayor and five (5) Councilmembers to serve said City for a period of four (4) years from the **first Monday in November, 2020**.

SECTION II

All registered and qualified electors of the state who have resided within Fayette County for thirty (30) days and within the corporate limits of the municipality for a period of thirty (30) days and in the ward for thirty (30) days prior to the election and who have registered not less than ten (10) days prior to the election will be authorized to participate in said election.

SECTION III

That for the accommodation of the voters in said election, there shall be one central place of voting for all Wards to be located at the Fayette Civic Center, 534 Temple Avenue North, Fayette, Alabama, in said City.

SECTION IV

That on **July 7, 2020**, the Mayor shall give notice of the election as provided in §11-46-22, *1975 Code of Alabama*.

SECTION V

That the City Council shall appoint election officials not less than fifteen (15) days before the election to be held on **August 25, 2020**, and the Mayor shall publish a list of the election officials at least ten (10) days prior to the election as provided by §11-46-27, *1975 Code of Alabama*.

SECTION VI

That per diem compensation for election officers shall be as follows:

Electronic Machine Coordinator	\$200.00
Chief Inspector	\$125.00
Inspector	\$100.00
Chief Clerk	\$100.00
Clerks	\$80.00
Election Officer Training School	\$25.00

SECTION VII

That a qualification fee in the amount of **\$25.00 for the Office of Councilmember** and a fee of **\$50.00 for the Office of Mayor** is hereby fixed and imposed upon all candidates seeking election as Mayor or Councilmember of the City of Fayette, Alabama, except as hereinafter provided for.

Such qualification fee shall be paid to the City Clerk and deposited to the general fund of the City, at or prior to the time of taking out qualification papers by any such candidates.

Any person desiring to qualify who is not financially able to pay the required fee may qualify provided such prospective candidate furnishes the Clerk with an affidavit stating that he is financially unable to pay the required fee by this ordinance.

SECTION VIII

That the Mayor shall cause to be made a list of the qualified voters who reside within the corporate limits of the City of Fayette and who are registered to vote regular ballots, dividing the same with separate alphabetical lists of qualified voters of each Ward and to perform all the duties relating thereto as set forth in §11-46-36, *1975 Code of Alabama*. The Mayor shall file such list of qualified voters with the City Clerk on or before **July 21, 2020**, who shall file and retain such list as a public record in her office. The City Clerk shall cause such list to be published on or before **August 20, 2020**.

SECTION IX

The polls shall be open between the hours of 7:00 o'clock, a.m. and 7:00 o'clock, p.m. and no longer, and it will be kept open between the hours stated without any intermission or adjournment.

SECTION X Persons qualifying for the office of Mayor and Councilmember shall be a resident and qualified elector of the City for at least ninety (90) days prior to the election and candidates for Councilmember shall have resided within the limits of the Ward from which they shall seek election for a period of ninety (90) days prior to the election and continue to so reside during their term of office.

SECTION XI

That the qualification date shall begin on **July 7, 2020**, at 8:00 o'clock, a.m. and end on **July 21, 2020**, at 5:00 o'clock, p.m.

ADOPTED AND APPROVED this the 9th day of June, 2020.

Mayor

ATTEST:

City Clerk

Councilmember Cowart moved the Council give unanimous consent to consider Ordinance 2020-04. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

After a general discussion, Councilmember Cowart moved the Council adopt Ordinance 2020-04. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

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 Wilson, the same was unanimously approved.

APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

Councilmember Wilson moved the Park & Recreation financial statement be approved. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

REPORT OF MAYOR NELSON

Mayor Nelson announced mosquito spraying would start this week. Councilmember Cowart asked the Council to consider having "no spray" zones near those homes that raise honey bees.

Mayor Nelson announced Alabama Power Company was almost finished converting the street lights to LED lighting.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of May, the City received \$252,626.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$40,425.00 for a combined total of \$293,152.00. She stated the City received \$8,900.00 in sales tax from online sales last year, and has received \$13,870.00 this year. She stated the City received \$2,002.00 in alcohol taxes.

REPORT OF COUNCILMEMBER CAMPBELL

Councilmember Campbell reported on the striping project.

REPORT OF COUNCILMEMBER COWART

Councilmember Cowart spoke concerning the opening of the bathrooms at Guthrie Smith Park. He said the City should consider delaying the opening or buy protective equipment for those cleaning them.

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 Nichols, it was unanimously approved.

Mayor

Attest:

City Clerk