

City Hall
Fayette, Alabama
October 13, 2020

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on October 13, 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 Clerk Dawn Clapp, City Attorney Dale Lawrence, Police Chief Danny Jenkins, Fire Chief Shannon Taylor, Street Superintendent Marty Weeks and Wastewater Superintendent John Dill.

The opening prayer was given by Mayor-elect Rod Northam.

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

CANVASS OF RUN-OFF ELECTION

The Council canvassed the election returns for the City Run-Off Election held on October 6, 2020, and the result of the election is as set out in Resolution 2020-08. Resolution 2020-08 is as follows:

RESOLUTION 2020-08

WHEREAS, the run-off election for the City of Fayette, Alabama, was duly and legally held on October 6, 2020, as provided by law; and,

WHEREAS, the municipal governing body of the City of Fayette, Alabama, met on this the 13th day of October, 2020, at 12:00 o'clock p.m., and has canvassed the returns, and has ascertained and determined the number of votes received by each candidate; and,

WHEREAS, the said municipal governing body has ascertained and determined the results of said election as follows:

FOR COUNCILMEMBER, WARD NO. 1

<u>Name of Candidate</u>	<u>Regular</u>	<u>Absentee</u>	<u>Provisional</u>	<u>Total</u>
Steve Herring	91	13	0	104
Virettia L. Whiteside	58	126	1	185

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

1. That Virettia L. Whiteside received a majority of the votes cast for the Office of Councilmember, Ward No. 1 and is thereby declared duly elected to the office for the term beginning on the first Monday in November, 2020.

ADOPTED, this the 13th day of October, 2020.

Mayor

ATTEST:

City Clerk

Councilmember Wilson moved that Resolution 2020-08 be adopted. Upon the motion, being seconded by Councilmember Campbell, the same was unanimously adopted

The Clerk was directed to issue a Certificate of Election to Virettia L. Whiteside to the Office of Councilmember, Ward No. 1; and, that the same be made a part of the minutes of this meeting.

APPROVAL OF MINUTES

Councilmember Nichols moved the minutes of the meetings held on September 22, 2020, be approved. Upon the motion being seconded by Councilmember Campbell, it was unanimously approved.

PARADE PERMIT

Mayor Nelson presented to the Council a request for parade permit for the Fayette First Baptist Church "Drive Thru Trunk or Treat" to be held on October 31, 2020, from 4:00 p.m. to 6:00 p.m.

Councilmember Cowart moved the permit be granted. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

2021 BUDGET APPROVED

Mr. Rick McCabe reviewed with the Council the proposed 2021 Budget. He said the budget includes certain key assumptions and significant changes and they are as follows:

- Budget includes \$185,000.00 per months in sales tax. Average collections to date of approximately \$250,000.00. Note that the budget includes an additional line item for the sales tax increase dedicated to the Fayette Medical Center Board of \$430,000 with an appropriation line item of \$430,000.
- Alcohol taxes of \$8,000 – restricted for paying note payment.
- Includes across the board pay increases of 2%. Total budget impact of approximately \$48,440.
- Includes capital expenditures totaling \$586,000, excluding grant projects, if any. Included within capital expenditures are the monthly note/lease payments for a trackhoe and garbage truck.
- Does not include street paving. Includes \$25,000.00 for patching.
- Includes match requirements for the Rails to Trails of \$100,000.
- Includes \$10,000 match for the SHOWA construction project.
- Appropriations for the Schools and Air Evac memberships are included within the budget, unrestricted.
- Total budgeted surplus of \$171,558. After deducting restricted revenues, there is an unrestricted budgeted surplus of \$30,068.00.

The total budgeted revenues are \$6,577,629.42 and total budgeted expenses are \$6,406,071.66 leaving a surplus of \$171,557.76. Councilmember Campbell spoke concerning the budgeting process. He stated members of the incoming Council were invited to attend the Budget Committee meetings.

Councilmember Cowart moved to approve the 2021 Budget as presented. Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for the month of September 2020. The report was as follows: 33 incidents investigated; 12 accidents; 53 traffic citations; and 83 arrests.

HIRING OF POLICE OFFICER

Police Chief Jenkins recommended the Mayor hire Mr. Ronnie Earnest as a full-time police officer. Mr. Earnest is APOST certified. Mayor Nelson informed the Council he would hire Mr. Earnest upon obtaining the consent of the Council. Councilmember Cowart moved the Council consent to the Mayor hiring Mr. Ronnie Earnest as a full-time police officer. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for the month of September 2020. The Fire Department received 21 calls.

STATE AMENDMENT ONE

Fire Chief Taylor explained the effect of the proposed State Amendment One on the City. He said it will be a 3 mill tax on real estate. For Fayette County, this will result in an additional \$389,299.00 of taxes being collected. He said citizens of the City will pay \$116,000.00 in additional taxes and the City will receive \$27,000.00 of it. He said the City's citizens will be paying for the services for someone else. If it passes, a City resident will pay 41 mills in property taxes.

SURPLUS PROPERTY

Councilmember Cowart moved to declare the following as surplus property and sell it to the highest bidder. The surplus property is follows:

1. 1991 Ford F350 service truck 24,895 miles with auto crane air compressor and tool bed
2. 2000 GMC 2500 Sierra – 120,000 miles with tool bed
3. 1997 Ford F150 pickup truck
4. BH26 bush hog
5. BH26 bush hog

6. Bad Boy Outlaw XP 54" cut mower – 934 hours
7. Husquavarna LZ 5227 52" cut mower – 1235 hours
8. Steam cleaner pressure washer
9. London Fog bug sprayer
10. 2007 Wacky Packer
11. 6" box blade
12. White Industries Refrigerant Recovery Recycling Center
13. Snap On counselor Digital Oscilloscope – Model #MY1665
14. Snap On Mig welder
15. Hobart stick welder
16. Caterpillar 312 B1 track excavator – 4,943 hours
17. Gas pump with hose reel

Upon the motion being seconded by Councilmember Wilson, the same was unanimously approved.

LEAF MACHINE

City Mechanic Curt Moore reported the leaf machine had broken down. He stated a new leaf machine would cost \$67,000.00. He stated the parts to fix it would cost \$3,000.00 to \$6,000.00.

ORDINANCE 2020-05

Mayor Nelson presented Ordinance 2020-05 to the Council for their consideration. Ordinance 2020-05 is as follows:

ORDINANCE NO. 2020-05 AN ORDINANCE AMENDING SECTION 3A-79 (a)(13)(b) OF DIVISION 2, LICENSE, OF ARTICLE I, ALCOHOLIC BEVERAGE CONTROL OF CHAPTER 3A, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTE

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

SECTION 1. That Subparagraph (13)(b) of Paragraph (a) of Section 3A-79, *City alcohol license fees and requirements*, of Division 2, *License*, of Article I, *Alcoholic Beverage Control* of Chapter 3A, *Alcoholic Beverages* of the Code of Ordinances of the City of Fayette, be and the same is hereby amended to include the following section, viz:

“(13B) *Special retail liquor license for on-premises consumption—more than 30 days* (160). **(1) Except as set forth in Paragraph (2) below**, each person who has obtained a special retail liquor license from the state alcoholic beverage control board under the Alcoholic Beverage Licensing Code (Code of Ala. 1975, § 28-3A-1 et seq.) shall pay to the City a license fee of \$20,000.00 when the period of use is more than 30 days. In addition to said stated license fee, (1) each such person shall pay to the City 50 percent of the amount charged for state wine license by the state. In addition to the stated license fee, (2) each such person shall pay to the City, on or before the 15th day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of 15 percent of the monthly gross receipts derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month. The following shall apply to the applicant for a special event retail liquor license:

- a. Submit the required filing fee (\$75.00).
- b. Receive approval from the City Council.
- c. Receive license from state alcoholic beverage control board.
- d. Pay the required license fee (\$20,000.00).
- e. No sale of alcohol is to be sold during a special event on any Sunday after 12:00 a.m.
- f. Shall be required to purchase the alcoholic beverages from a wholesale licensee of the state alcoholic beverage control board.
- g. No sale of alcohol for off premises consumption is allowed.
- h. The applicant and the event location shall meet all of the criteria and comply with all the requirements of a class II club retail liquor licensee including the zoning requirements before the above special event license shall be granted and issued.
- i. No one under the age of 21 shall be allowed to attend or be on premises.
- j. Must obtain certification through the Alabama Responsible Vendor Program before license is issued.

(2) (a) Each person who is operating a Hotel as hereinafter defined and is obtaining the special retail liquor license in order to sell and serve alcohol at a hotel and has obtained a

special retail liquor license from the state alcoholic beverage control board under the Alcoholic Beverage Licensing Code (Code of Ala. 1975, § 28-3A-1 et seq.) shall pay to the City a license fee of **\$500.00** when the period of use is more than 30 days. In addition to said stated license fee, (1) each such person shall pay to the City fifty percent (50%) of the amount charged for state wine license by the state. In addition to the stated license fee, (2) each such person shall pay to the City, on or before the 15th day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of **six percent (6%)** of the monthly gross receipts derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month. The following shall apply to the applicant for a special event retail liquor license:

- a. **Submit the required filing fee (\$300.00).**
- b. Receive approval from the City Council.
- c. Receive license from state alcoholic beverage control board.
- d. **Pay the required license fee (\$500.00).**
- e. No sale of alcohol is to be sold during a special event except during authorized hours as set for in §3A-9.
- f. Shall be required to purchase the alcoholic beverages from a wholesale licensee of the state alcoholic beverage control board.
- g. No sale of alcohol for off premises consumption is allowed.
- h. The applicant and the event location shall meet all of the criteria and comply with all the requirements of a *Restaurant, class II* licensee including the zoning requirements before the above special event license shall be granted and issued **with the following exceptions: (1) no minimum meal per day requirement; (2) food sales in any 90-day period must equal twenty percent (20%) of gross revenue of food and beverage operation.**
- i. Must obtain certification through the Alabama Responsible Vendor Program before license is issued.

(b) For purposes of this subparagraph a “Hotel” is hereby defined as “A commercial establishment providing paid lodging and other guest services by transient lodgers on a short term basis that must have a minimum of fourteen (14) individual rooms each having private bathroom facilities. All rooms must be contained and located in one building with the rooms being only accessed through doors opening into the interior of the building. No rooms shall be accessed by an exterior door.

SECTION 2. This Ordinance shall become effective on publication.

ADOPTED on this _____ day of October, 2020.

Mayor

Attest:

City Clerk

Councilmember Cowart moved the Council give unanimous consent to consider Ordinance 2020-05. Upon the motion being seconded by Councilmember McCraw, the same was unanimously approved.

Councilmember Nichols moved the Council adopt Ordinance 2020-05. Upon the motion being seconded by Councilmember Cowart, the same was unanimously approved.

APPROVAL OF FINANCIAL STATEMENT

Councilmember McCraw 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 Campbell, the same was unanimously approved.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of September, the City received \$237,361.09 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$38,123.01 for a combined total of \$275,484.70. She stated the City received \$17,709.60 in sales tax from online sales. She reported the City received \$7,214.00 in alcohol taxes.

City Clerk Dawn Clapp stated \$462,866.00 will be the amount given to the Fayette County Hospital Board for capital projects at the Fayette Medical Center.

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