

City Hall
Fayette, Alabama
June 22, 2021

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on June 22, 2021, in the Council Chambers of the City Hall.

Upon roll call the following were found to be present: Mayor Rod Northam, Councilmembers Virettia L. Whiteside, Eddy Campbell, Tommy Williams, Aliska Hughes-Monroe and Jerry Nichols. Also present were City Clerk Dawn Clapp, City Attorney Dale Lawrence, Police Chief Danny Jenkins and Fire Chief Shannon Taylor.

The opening prayer was given by Mr. Floyd Rodgers.

The Pledge of Allegiance was led by Ms. JaShanti Enis.

Mayor Rod Northam announced a quorum was present and the meeting was open for the transaction of business.

APPROVAL OF MINUTES

Councilmember Nichols moved the minutes of the work session held on June 3, 2021, be approved. Upon it being seconded by Councilmember Hughes-Monroe, it was unanimously approved.

Councilmember Whiteside moved the minutes of the regular meeting held on June 8, 2021, be approved. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

FAYETTE MEDICAL CENTER REPORT

Mr. Don Jones, Administrator of Fayette Medical Center, addressed the Council and requested the 1/2¢ sales tax be renewed. Members of the Fayette County Hospital Board – Chairman Charles Brandon, Mrs. Sandy Nolen, Dr. Martha Jo Christian and Mr. Owen Sweatt - were also in attendance.

Mr. Jones stated rural hospitals continue to struggle. He reported eight rural hospitals have closed in Alabama in the last ten years. He said the average operating margin for rural hospitals is negative 12.6%. He stated 3.4 million dollars in charity care was provided by the Fayette Medical Center in 2020. He said the bottom line was a 1.8 million dollar loss for the past year. Mr. Jones reported on the improvements to the nursing home and the surgical area. He said for the next three to four years, 2.5 million dollars in improvements would be made to the nursing home.

Mr. Jones said the lease to DCH is in its 36th year. He said Fayette Medical Center has many specialist who come to the hospital so local citizens do not have to travel. He stated the hospital would not be here except for the allegiance of the local citizens.

Mr. Charles Brandon, Chairman of the Fayette County Hospital Board, also addressed the Council. He said the Fayette Medical Center was working to meet the needs of the community. One of the challenges is recruiting doctors and other medical professionals to the community. The Board is in the planning stages of building a new clinic. He said the hospital is important to the community because of the medical care it provides. It also is a big plus when attempting to recruit industry and it provides employment for 300 people. Mr. Brandon stated the Fayette County Hospital Board is requesting the Council renew the 1/2 ¢ sales tax.

Mayor Northam said it was important for the City and Fayette Medical Center to work together. He said the hospital is critical to the City. Mayor Northam said he supported renewing the 1/2¢ sales tax.

Mr. Owen Sweatt said the Hospital Board's job is the same as the Council's job and that is to care for its citizens. Dr. Martha Jo Christian encouraged the Council to renew the 1/2 ¢ sales tax.

ORDINANCE 2021-03

Mayor Northam proposed the Council consider adopting Ordinance 2021-03. This ordinance renews the 1/2 ¢ sales tax for three more years. Ordinance 2021-03 is as follows:

ORDINANCE NO. 2021-03

AN ORDINANCE AMENDING §10-36, PRIVILEGE TAX – RETAIL SALES OF TANGIBLE PERSONAL PROPERTY, RATES, EXCLUSIONS WITHIN CITY AND §10-43, EXCISE TAX ON TANGIBLE PERSONAL PROPERTY OF ARTICLE IV. PRIVILEGE AND EXCISE TAXES OF CHAPTER 10. LICENSES AND TAXATION

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

SECTION 1. That Section 10-36, *Privilege tax – Retail sales of tangible personal property, rates, exclusions, within city* of ARTICLE IV. Privilege and Excise Taxes of CHAPTER 10. LICENSES AND TAXATION of the CODE OF ORDINANCES OF THE CITY OF FAYETTE, ALABAMA is hereby amended by striking such section in its entirety and substituting the following therefor:

§ 10-36. Privilege tax – Retail sales of tangible personal property, rates, exclusions, within city.

A tax is levied upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions and any association or other agency or instrumentality of such institutions) engaged, or continuing within the City of Fayette in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds, or other evidences or debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercrafts of over fifty (50) tons burden), and amount equal to three and one-half (3½) percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept, he shall pay the tax as retailer on the gross sales of the business.

SECTION 2. That Section 10-43, *Excise tax on tangible personal property* of ARTICLE IV. Privilege and Excise Taxes of CHAPTER 10 LICENSES AND TAXATION of the CODE OF ORDINANCES OF THE CITY OF FAYETTE, ALABAMA is hereby amended by striking such section in its entirety and substituting the following therefor:

§ 10-43. Excise tax on tangible personal property.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft of more than fifty (50) tons burden) purchased at retail on or after the effective date of this article, for storage, use or other consumption in the city, except as provided in the subsections hereinafter, at the rate of three and one-half (3½) percent of the sales price of such property within the corporate limits of said city.

SECTION 3. The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall be allocated as follows:

1. Three percent (3%) shall be allocated to the City's general fund;
2. One-half percent (½%) shall be allocated to aid the Fayette Medical Center. These funds shall be restricted and used only for capital improvements at the Fayette Medical Center.

SECTION 4. The Chairman of the Fayette County Hospital Board and the Fayette Medical Center Administrator or their designees shall appear at the Council's first regular meeting in September of each year to inform the Council of the capital improvement project(s) they desire to use the restricted funds for at the Fayette Medical Center. The Council shall then approve or reject the use of the restricted funds for the requested capital improvement project. If approved the Council will authorize the appropriation of the restricted funds for the said capital improvement project. If rejected, another capital improvement project shall be submitted to the Council for consideration.

Once the capital improvement project is completed, the Fayette County Hospital Board or the Fayette Medical Center shall provide a report detailing how the said restricted capital improvement funds were expended.

SECTION 5. Sunset provision. The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall revert to three (3%) percent **on October 1, 2024** unless the said three and one-half (3½) percent rate is renewed by the Council through adoption of an ordinance providing for the three and one-half (3½) percent rate to continue and remain in effect.

SECTION 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. This ordinance shall be effective as of October 1, 2021.

Adopted this the _____ day of July, 2021.

Mayor

ATTEST:

City Clerk

PARADE PERMIT

Holly Fisher presented to the Council a request for a parade permit to shut down Temple Avenue from 8:00 a.m. to 6:00 p.m. for the "Market on Main" event to be held on July 31, 2021. Councilmember Hughes-Monroe moved the permit be granted. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

STREET DEPARTMENT REPORT

Street Superintendent Marty Weeks reported the Dodge 3500 pickup truck had broken down due to issues with its motor. He said the truck had to have a new motor. The alternative to replacing the motor was to purchase another truck. He said it was cheaper and faster to replace the motor than purchase a new pickup. Superintendent Weeks said a new motor was placed in the truck for \$8,101.00 and it has a 3 year warranty. The truck is now back in service. He said a new truck would have cost between \$43,000 and \$50,000 and would not have been available for three months.

POLICE OFFICER VACANCIES

Police Chief Jenkins reported Officer Will Warren had resigned effective June 18th and Officer Dustin Morgan would be leaving the last week of June. Police Chief Jenkins went over the minimum qualifications for the police officer positions. The minimum qualifications are as follows:

- (1) APOST Certification preferred, but not required
- (2) 19 years of age (minimum)
- (3) Valid Alabama driver's license
- (4) High School diploma or GED certificate
- (5) Basic Aptitude Test (BAT) Certification, or Associate's Degree **
- (6) Psychological evaluation **
- (7) Physical examination **
- (8) Physical agility exam **
- (9) Drug screen
- (10) Background investigation

*** These are required for any person who does not hold a current APOST certification.*

Chief Jenkins stated he would post the positions internally first.

Councilmember Hughes-Monroe moved the Police Chief proceed with posting notice for applicants for the two police officer positions. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

GRASS AND WEED ABATEMENTS

Fire Chief Shannon Taylor reported there were approximately ten properties where the City would have to abate the grass and weed nuisances. He stated a total of 43 notices have been issued to date.

CITY CONTRIBUTION TO 200th ANNIVERSARY CELEBRATION

Mayor Northam asked the Council to set the amount the City will spend on the 200th Anniversary Celebration. The estimated cost of a Kid's Zone is not known at this time and would be determined by the number of inflatables

Councilmember Whiteside moved the City spend \$25,000.00 on the 200th Anniversary Celebration. Upon the motion being seconded by Councilmember Campbell, a general discussion occurred and the motion was withdrawn.

After further discussion, Councilmember Hughes-Monroe moved the City spend \$30,000.00 on the 200th Anniversary Celebration. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

COVID RECOVERY ACT FUNDS

Mayor Northam stated the City's deadline for applying for COVID Recovery Act Funds was quickly approaching and he would apply for the City's funds on June 23rd.

WORK SESSION

Mayor Northam stated the Council would hold a Work Session on June 29, 2021, at 4:00 p.m.

INDUSTRIAL DEVELOPMENT BOARD APPOINTMENT

Mayor Northam stated Mr. Milborn Savage had been nominated for a board member position on the Industrial Development Board.

SALES TAX HOLIDAY

Mayor Northam reported the Sales Tax Holiday would be July 16, 2021, thru July 18, 2021.

PLANNING COMMISSION MEETING

Mayor Northam stated a Planning Commission meeting would be held on June 29th at 5:00 p.m.

REPORT OF MAYOR

Mayor Northam announced the following new businesses have opened in Fayette: No One Left Behind, Fabulashes by Shannon and Andrews Tire Shop.

Mayor Northam stated a Community Vacation Bible School would be held June 28 – June 29.

Mayor Northam stated “Three on a String” would perform on July 17th.

Mayor Northam stated the Harmony Lane Apt. Celebration would be held on June 26th.

Mayor Northam stated on October 17th, a time capsule will be opened. The time capsule has been at the Fayette County Memorial Library for fifty years.

REPORT OF COUNCILMEMBER HUGHES-MONROE

Councilmember Hughes-Monroe stated June 25th is the last day to sign up for Toy Bowl Cheerleading.

EXECUTIVE SESSION

Councilmember Campbell moved the Council go into executive session for the purpose of discussing the consideration the City is willing to offer for the purchase of certain real property. Upon the motion being seconded by Councilmember Hughes-Monroe, it was unanimously approved.

Councilmember Campbell moved the Council come out of executive session. Upon the motion being seconded by Councilmember Whiteside, 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 Campbell and seconded by Councilmember Whiteside, it was unanimously approved.

Mayor

Attest:

City Clerk