

City Hall
Fayette, Alabama
September 14, 2021

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on September 14, 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 and Jerry Nichols. Also present were City Clerk Dawn Clapp, Police Chief Danny Jenkins, Fire Chief Shannon Taylor and City Attorney Dale Lawrence. Councilmember Aliska Hughes-Monroe was absent.

The opening prayer was given by Bro. Brad Cox, pastor of Pleasant Hill Baptist Church.

The Pledge of Allegiance was led by Bro. Brad Cox.

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

APPROVAL OF MINUTES

Councilmember Campbell moved the minutes of the regular meeting held on August 24, 2021, be approved. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

PUBLIC HEARING ON FIXING COST OF ABATEMENT OF WEED AND GRASS NUISANCES

Mrs. Bonner of 309 6th Street NE, Fayette, spoke to the Council concerning the need for the properties near her home to be cleaned up. No one appeared to object to the fixing of the cost of the abatement of the nuisances on the following properties:

1. Property located at:
2209 8th Avenue SW
Fayette, AL 35555
Assessed for ad valorem tax to:
Anna Reese Benefield
2209 8th Avenue SW
Fayette, AL 35555
2. Property located at:
1511 2nd Avenue NW
Fayette, AL 35555
Assessed for ad valorem tax to:
Hazel L. Soderholm
1511 2nd Avenue NW
Fayette, AL 35555
3. Property located at:
905 20th Street SW
Fayette, AL 35555
Assessed for ad valorem tax to:
Andrew T. Lee Estate
c/o Brenda Jackson Culp
4667 Highway 96 West
Fayette, AL 35555
4. Property located at:
519 3rd Avenue NW
Fayette, AL 35555
Assessed for ad valorem tax to:
Shane and Heather Fulton
12953 Highway 107
Winfield, AL 35594
5. Property located at:
632 2nd Avenue NE
Fayette, AL 35555

Assessed for ad valorem tax to:
Shawn and Randi Leonard
423 County Road 106
Fayette, AL 35555

6. Property located at:
102 3rd Avenue SW
Fayette, AL 35555
Assessed for ad valorem tax to:
Boman Real Properties LLC
P.O. Box 885
Sulligent, AL 35586

AIRPORT PROJECTS

Mr. Taylor Bone of Goodwyn, Mills and Cawood, reported on the 2022 projects for the airport. One project is the airport apron renewal. He said the next step with this project is the pre-application process. The match is 5% which would amount to \$80,000.00. Another potential project is a T-hangar taxiway coating project. This project requires a 25% match which would be approximately \$20,000.00.

RESOLUTION 2021-16

Mayor Northam presented Resolution 2021-16 to the Council for their consideration. Resolution 2021-16 is as follows:

RESOLUTION 2021-16 A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATIONS FOR AIRPORT IMPROVEMENT FUNDING ASSISTANCE FROM THE STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION AND THE FEDERAL AVIATION ADMINISTRATION

WHEREAS, the City of Fayette intends to apply for state and federal matching funds for airport improvement projects for the Richard Arthur Field Airport during fiscal year 2022.

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

1. That the City of Fayette is authorized to make applications for airport improvement funding assistance from the State of Alabama Department of Transportation and the Federal Aviation Administration, for the purpose of undertaking projects in fiscal year 2022 to make improvements at the Richard Arthur Field Airport.
2. That the applications be submitted for and on behalf of the City of Fayette by its Mayor who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City.
3. That the City of Fayette is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, and the Federal Aviation Administration, for the purpose of undertaking projects to make improvements at the Richard Arthur Field Airport, with partial funding provided by the State of Alabama and the Federal Aviation Administration.
4. That the agreement be executed in the name of the City of Fayette for and on behalf of the City of Fayette by its Mayor.
5. That the authority of the City of Fayette to enter into contracts with the State of Alabama and the Federal Aviation Administration has been reviewed by the City's attorney, and in his/her opinion, the City of Fayette is duly authorized to commit the City of Fayette to agreements with the Alabama Department of Transportation and Federal Aviation Administration.

BE IT FURTHER RESOLVED, that the City of Fayette hereby affirms that the local matching share of funds in the amount required for this airport improvement project has been officially approved, and placed into the budget of the airport and is available for expenditure upon execution of the Federal Aviation Administration's and the State of Alabama's funding agreements and the start of the project.

THAT, ROD NORTHAM, MAYOR, is hereby authorized to execute and submit applications for state and federal matching funds for airport improvement projects for the Richard Arthur Field.

READ AND ADOPTED this the 14th day of September, 2021.

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Whiteside moved the Council adopt Resolution 2021-16. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted.

RESOLUTION 2021-17

Mayor Northam presented Resolution 2021-17 to the Council for their consideration. Resolution 2021-17 is as follows:

RESOLUTION 2021-17 A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATIONS FOR AIRPORT IMPROVEMENT FUNDING ASSISTANCE FROM THE STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Fayette intends to apply for state matching funds for airport improvement projects for the Richard Arthur Field Airport during fiscal year 2022.

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

1. That the City of Fayette is authorized to make applications for airport improvement funding assistance from the State of Alabama Department of Transportation for the purpose of undertaking projects in fiscal year 2022 to make improvements at the Richard Arthur Field Airport.
2. That the applications be submitted for and on behalf of the City of Fayette by its Mayor who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City.
3. That the City of Fayette is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for the purpose of undertaking projects to make improvements at the Richard Arthur Field Airport, with partial funding provided by the State of Alabama and the Federal Aviation Administration.
4. That the agreement be executed in the name of the City of Fayette for and on behalf of the City of Fayette by its Mayor.
5. That the authority of the City of Fayette to enter into contracts with the State of Alabama has been reviewed by the City's attorney, and in his/her opinion, the City of Fayette is duly authorized to commit the City of Fayette to agreements with the Alabama Department of Transportation.

BE IT FURTHER RESOLVED, that the City of Fayette hereby affirms that the local matching share of funds in the amount required for this airport improvement project has been officially approved, and placed into the budget of the airport and is available for expenditure upon execution of the State of Alabama's funding agreements and the start of the project.

THAT, ROD NORTHAM, MAYOR, is hereby authorized to execute and submit applications for state and federal matching funds for airport improvement projects for the Richard Arthur Field.

READ AND ADOPTED this the 14th day of September, 2021.

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Whiteside moved the Council adopt Resolution 2021-17. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted

SHOWA PROJECT STATUS AND VACATION OF STREET REQUEST

Mr. Jeffrey Richardson, manager of Showa Best Glove, spoke to the Council concerning Showa's current projects. He gave an overview of the history of the plant and explained why it was important that a portion of the street be vacated. He said the company now has two glove manufacturing machines which cost approximately \$11,000,000.00 each. They have two more machines on order.

Mr. Richardson said the federal government had awarded Showa \$37,000,000.00 to pay for the construction of another building to hold four more machines. He stated, in 2018, Showa had 180 employees. They now have 280 employees and expect to have 350 employees by the spring of 2022.

FAYETTE HOSPITAL BOARD AND FMC PROJECT PROPOSAL

Mr. Donald Jones of Fayette Medical Center and Fayette Hospital Board Chairman Charles Brandon were present before the Council. Mr. Jones stated they propose to use the 2021 proceeds from

the ½ cent sales tax to make continued improvements in the nursing home. He said the current project is divided into two phases. The phases are as follows:

PHASE 1: The initial scope of the proposed project will include a new air handler and all roof work, including ductwork, piping, and electrical work in preparation to install central air conditioning. The new air handler unit will serve 400 Hall, 500 Hall, Station 2 Nurses Station, and the corridors that are located within these areas in the nursing home. No interior work would be done for this year, as this first phase will require approximately 1 year to complete. Phase 1 has a budget of \$500,000.

PHASE II: The scope of work for the second phase (budgeted for FY23 and beginning in October 2022) includes removal of the old wall units which will help room air conditioning and heating function. Removal of the wall units will increase useable square footage in the resident rooms. New interior duct work will bring much improved filtered air to the residents. The air handler unit to be installed in Phase I will be equipped with UV light, which is an infection control measure and extremely advantageous of the air quality of our residents. Updated finishes will complete the renovation process. Phase 2 has not progressed to a point where they have a cost estimate for it. With the completion of this 2-phase project, the nursing home would only lack the 600 Hall in the HVAC and renovation process.

Councilmember Nichols moved the Nursing Home project be approved as presented. Upon the motion being seconded by Councilmember Williams, it was unanimously approved.

Mr. Donald Jones reported there are currently five Covid patients at Fayette Medical Center. The positivity rate for the week is 23.3%. In 2020, there were thirty-six deaths reported in Fayette County. In 2021, there have been 32 deaths reported in Fayette County. He stated hospitalizations are decreasing. He said 30.7% are fully vaccinated in Fayette County.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for August 2021. The report was as follows: 15 incidents investigated; 13 accidents; 191 traffic citations; 60 traffic warnings and 34 arrests.

Chief Jenkins stated there is a vacancy in the Police Department. Councilmember Nichols moved that the vacancy be posted. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

FLOCK CAMERA FOR GUTHRIE SMITH PARK

Police Chief Danny Jenkins recommended to the Council that a FLOCK camera be placed at the entrance of Guthrie Smith Park. The camera is a license plate recognition camera. A two year contract with Alabama Power Company would cost \$5,500.00 and be paid through the Park & Recreation Budget. He said it would be money well spent. He stated the Park & Recreation Director was also in favor of this.

Councilmember Nichols moved the City enter into a contract with Alabama Power Company for the FLOCK Camera and the Mayor be authorized to sign any necessary documents. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

POLICE DEPARTMENT PAY SCALE

Police Chief Jenkins presented the Council with his proposed 2022 Police Department pay scale. The proposed pay scale is as follows:

	Patrol	Corporal	Sergeant	Lieutenant	Asst. Chief
Step 1	17.00	17.50	18.00	18.50	19.00
Step 2	17.85	18.38	18.90	19.42	19.95
Step 3	18.74	19.29	19.84	20.39	20.95
Step 4	19.68	20.26	20.84	21.42	21.99
Step 5	20.66	21.27	21.88	22.49	23.09
Step 6	21.69	22.33	22.97	23.61	24.25
Step 7	22.78	23.45	24.12	24.79	25.46
Step 8	23.92	24.62	25.33	26.03	26.73

Councilmember Whiteside moved the Council adopt the Police Department pay scale as presented. Upon the motion being seconded by Councilmember Campbell, it was unanimously approved.

TRAFFIC STUDY

Police Chief Jenkins stated a traffic study had been performed on 2nd Avenue NE just outside of Guthrie Smith Park. He said the study did not reveal any significant problems. The speed limit is 25 mph and 85% of the vehicles were travelling between 22 mph and 28 mph.

ALEA DRUG TASK FORCE

Police Chief Jenkins reported he had applied for the Fayette Police Department to participate in the ALEA Drug Task Force. After the Police Department serves a one year probation period, the City would be eligible to apply for grants and other funds for the Police Department. He stated there are nine counties involved. The task force will work in Fayette to help address drug activity. Chief Jenkins said the only additional cost would be paying for the officers to participate in task force activities. After a general discussion, Councilmember Nichols moved the Council approve the City Police Department participating in the ALEA Drug Task Force. Upon the motion being seconded by Councilmember Whiteside, it was unanimously approved.

FIRE DEPARTMENT REPORT

Fire Chief Taylor presented the fire report for August 2021. The Fire Department received 16 calls.

GRASS AND WEED NUISANCES

Fire Chief Taylor reported there were six notices to abate weed and grass nuisances currently pending.

RESOLUTION 2021-10

Mayor Northam presented Resolution 2021-10 to the Council for their consideration. Resolution 2021-10 is as follows:

**RESOLUTION 2021-10
A RESOLUTION DETERMINING THE COST AND ASSESSING THE COST OF THE
ABATING OF A WEED AND GRASS NUISANCE ON THE PROPERTY OF
ANNA REESE BENEFIELD.**

THE PUBLIC WELFARE REQUIRING IT*, and under authority granted by the *Code of Alabama, 1975*, **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, AS FOLLOWS:*

SECTION 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- a. Pursuant to the Code of Ordinances for the City of Fayette, Alabama, the term “nuisance” shall mean:
 “(8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance.”
- b. Provision was made in the Code of Ordinances for the fixing of the cost reasonably incurred in the abating of weed and grass nuisances and for the said cost to be a lien against the property on which the nuisance was abated.
- c. Anna Reese Benefield (hereinafter referred to as the property owner) was notified by the Building Inspector that a weed and grass nuisance existed on her property located at 2209 8th Avenue SW, Fayette, Alabama (hereinafter referred to as the premises) and that the nuisance was to be abated.
- d. The property owner did not abate the nuisance within the time period provided by the said Building Inspector.
- e. The property owner having failed to comply with the Building Inspector’s order; the City proceeded to have the weed and grass nuisance located on the premises abated.
- f. The cost of abating the weed and grass nuisance as reported to the Council was \$250.12.

SECTION 2. That the Council hereby finds and determines that the costs that were reasonably incurred in the abating of the weed and grass nuisance was \$250.12.

SECTION 3. That the amount of the lien against the property described below of Anna Reese Benefield, be and the same is hereby fixed in the amount of \$250.12.

SECTION 4. That the name of the property owner, a description of the lot or parcel of land assessed for said abatement of the weed and grass nuisance, and the amount of such lien against the lot or parcel of land for said abatement is hereby determined, adjudged and fixed as follows, to wit:

<u>Name of Property Owner</u>	<u>Amount of Assessment</u>
Anna Reese Benefield	\$250.12

Description of Property Assessed

Lot Number Fifty-Nine (59) of Circle Drive Estates Addition No. 1, according to the map or plat of said subdivision, which is on file and of record in the Office of the Judge of Probate of Fayette County, Alabama, in Map Book Volume 1, at page 170, reference to the record of said map or plat being hereby made in aid of and as a part of this description. Situated, lying and being in Fayette County, Alabama.

DONE this the _____ day of September, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-10. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously adopted

RESOLUTION 2021-11

Mayor Northam presented Resolution 2021-11 to the Council for their consideration. Resolution 2021-11 is as follows:

**RESOLUTION 2021-11
A RESOLUTION DETERMINING THE COST AND ASSESSING THE COST OF THE
ABATING OF A WEED AND GRASS NUISANCE ON THE PROPERTY OF
HAZEL L. SODERHOLM**

THE PUBLIC WELFARE REQUIRING IT, and under authority granted by the *Code of Alabama, 1975*, **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, AS FOLLOWS:**

SECTION 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- a. Pursuant to the Code of Ordinances for the City of Fayette, Alabama, the term “nuisance” shall mean:

“(8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance.”
- b. Provision was made in the Code of Ordinances for the fixing of the cost reasonably incurred in the abating of weed and grass nuisances and for the said cost to be a lien against the property on which the nuisance was abated.
- c. Hazel L. Soderholm (hereinafter referred to as the property owner) was notified by the Building Inspector that a weed and grass nuisance existed on her property located at 1511 2nd Avenue NW, Fayette, Alabama (hereinafter referred to as the premises) and that the nuisance was to be abated.
- d. The property owner did not abate the nuisance within the time period provided by the said Building Inspector.
- e. The property owner having failed to comply with the Building Inspector’s order; the City proceeded to have the weed and grass nuisance located on the premises abated.
- f. The cost of abating the weed and grass nuisance as reported to the Council was \$363.43.

SECTION 2. That the Council hereby finds and determines that the costs that were reasonably incurred in the abating of the weed and grass nuisance was \$363.43.

SECTION 3. That the amount of the lien against the property described below of Hazel L. Soderholm, be and the same is hereby fixed in the amount of \$363.43.

SECTION 4. That the name of the property owner, a description of the lot or parcel of land assessed for said abatement of the weed and grass nuisance, and the amount of such lien against the lot or parcel of land for said abatement is hereby determined, adjudged and fixed as follows, to wit:

<u>Name of Property Owner</u>	<u>Amount of Assessment</u>
Hazel L. Soderholm	\$363.43
<u>Description of Property Assessed</u>	
Lot 21 of the F.M. Fowler Subdivision to the City of Fayette, Alabama, as recorded in Plat Book No. 6, Page 13 in the Office of the Judge of Probate of Fayette County, Alabama, and located in the East half of the NE ¼ of Section 31, Township 15 South, Range 12 West. Situated, lying and being within Fayette County, Alabama.	

DONE this the _____ day of September, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-11. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously adopted

RESOLUTION 2021-12

Mayor Northam presented Resolution 2021-12 to the Council for their consideration. Resolution 2021-12 is as follows:

**RESOLUTION 2021-12
A RESOLUTION DETERMINING THE COST AND ASSESSING THE COST OF THE
ABATING OF A WEED AND GRASS NUISANCE ON THE PROPERTY OF
ANDREW T. LEE ESTATE**

***THE PUBLIC WELFARE REQUIRING IT*, and under authority granted by the *Code of Alabama, 1975*, **BE IT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, AS FOLLOWS:****

SECTION 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- a. Pursuant to the Code of Ordinances for the City of Fayette, Alabama, the term “nuisance” shall mean:
“ (8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance.”
- b. Provision was made in the Code of Ordinances for the fixing of the cost reasonably incurred in the abating of weed and grass nuisances and for the said cost to be a lien against the property on which the nuisance was abated.
- c. Andrew T. Lee Estate (hereinafter referred to as the property owner) was notified by the Building Inspector that a weed and grass nuisance existed on his property located at 905 20th Street SW, Fayette, Alabama (hereinafter referred to as the premises) and that the nuisance was to be abated.
- d. The property owner did not abate the nuisance within the time period provided by the said Building Inspector.
- e. The property owner having failed to comply with the Building Inspector’s order; the City proceeded to have the weed and grass nuisance located on the premises abated.
- f. The cost of abating the weed and grass nuisance as reported to the Council was \$459.78.

SECTION 2. That the Council hereby finds and determines that the costs that were reasonably incurred in the abating of the weed and grass nuisance was \$459.78.

SECTION 3. That the amount of the lien against the property described below of Andrew T. Lee Estate, be and the same is hereby fixed in the amount of \$459.78.

SECTION 4. That the name of the property owner, a description of the lot or parcel of land assessed for said abatement of the weed and grass nuisance, and the amount of such lien against the lot or parcel of land for said abatement is hereby determined, adjudged and fixed as follows, to wit:

<u>Name of Property Owner</u>	<u>Amount of Assessment</u>
Andrew T. Lee Estate	\$459.78

Description of Property Assessed

A parcel of land located in the SW ¼ of NE ¼ of Section 13, Township 16 South, Range 13 West, Fayette County, Alabama, and being more particularly described as follows: Begin at an iron pin in the center line of 8th Avenue SW and run in a westerly direction along the South side of 20th Street SW for a distance of 110 feet to a point, said point being the point of beginning; thence deflect an angle to the left of 90 degrees 00’ for a distance of 125.0 feet to a point; thence deflect an angle of 90 degrees 00’ to the left for a distance until it intersects the West side of 8th Avenue SW; thence run Northerly along the West side of 8th Avenue SW until a point intersecting the South side of 20th Street SW; thence Westerly along the South side of 20th Street SW until reaching the point of beginning.

Being a portion of an unnumbered parcel of land located within Circle Drive Estates Addition No. 1 to the City of Fayette, Alabama, according to the map or plat of said subdivision which is on file and of record in the Office of the Judge of Probate of Fayette County, Alabama, in Map Book Volume 1 at page 170, reference to the record of said map or plat being hereby made in aid of and as a part of this description. Situated, lying and being within Fayette County, Alabama.

DONE this the _____ day of September, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-12. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously adopted

RESOLUTION 2021-13

Mayor Northam presented Resolution 2021-13 to the Council for their consideration. Resolution 2021-13 is as follows:

RESOLUTION 2021-13

**A RESOLUTION DETERMINING THE COST AND ASSESSING THE COST OF THE
ABATING OF A WEED AND GRASS NUISANCE ON THE PROPERTY OF
SHANE FULTON AND HEATHER FULTON**

THE PUBLIC WELFARE REQUIRING IT, and under authority granted by the *Code of Alabama, 1975*, **BE IT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, AS FOLLOWS:**

SECTION 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- a. Pursuant to the Code of Ordinances for the City of Fayette, Alabama, the term “nuisance” shall mean:
 - “(8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance.”
- b. Provision was made in the Code of Ordinances for the fixing of the cost reasonably incurred in the abating of weed and grass nuisances and for the said cost to be a lien against the property on which the nuisance was abated.

- c. Shane Fulton and Heather Fulton (hereinafter referred to as the property owners) were notified by the Building Inspector that a weed and grass nuisance existed on their property located at 519 3rd Avenue NW, Fayette, Alabama (hereinafter referred to as the premises) and that the nuisance was to be abated.
- d. The property owners did not abate the nuisance within the time period provided by the said Building Inspector.
- e. The property owners having failed to comply with the Building Inspector's order; the City proceeded to have the weed and grass nuisance located on the premises abated.
- f. The cost of abating the weed and grass nuisance as reported to the Council was \$362.20.

SECTION 2. That the Council hereby finds and determines that the costs that were reasonably incurred in the abating of the weed and grass nuisance was \$362.20.

SECTION 3. That the amount of the lien against the property described below of Shane Fulton and Heather Fulton, be and the same is hereby fixed in the amount of \$362.20.

SECTION 4. That the names of the property owners, a description of the lot or parcel of land assessed for said abatement of the weed and grass nuisance, and the amount of such lien against the lot or parcel of land for said abatement is hereby determined, adjudged and fixed as follows, to wit:

<u>Name of Property Owner</u>	<u>Amount of Assessment</u>
Shane Fulton and Heather Fulton	\$362.20

Description of Property Assessed

A lot or parcel of land, consisting of a portion of Lot 100, Fayette Subdivision, as shown by map or plat of said subdivision of record in the Office of the Tax Assessor of Fayette County, Alabama, the said portion of said lot herein referred to being more particularly described as follows: From a point 15 feet Northerly from the Northeast corner of lot known as Jim Moore lot, and heretofore known as the Sant Fleming lot, which is hereinafter referred to as point of beginning; run thence North along the West edge of street or alley for a distance of 75 feet; thence Westerly for a distance of 110 feet; thence Southerly for a distance of 75 feet; thence Easterly for a distance of 110 feet to the point of beginning, and

A lot or parcel of land consisting of a portion of Lot 100, Fayette Subdivision as shown by map or plat of said subdivision of record in the Office of the Tax Assessor of Fayette County, Alabama, the said portion of said lot herein referred to being more particularly described as follows: From a point located 15 feet Northerly from the Northeast corner of lot known as Jim Moore lot, and heretofore known as Sant Fleming lot, run in a Westerly direction along the South edge of said Lot 100 for a distance of 110 feet to an iron stake hereinafter referred to as point of beginning; run thence Westerly for a distance of 100 feet to an iron stake; run thence Northerly for a distance of 75 feet to an iron stake; run thence Easterly for a distance of 100 feet to an iron stake; run thence Southerly for a distance of 75 feet to an iron stake hereinabove referred to as point of beginning. The lands referred to in this paragraph measure 100 feet East and West by 75 feet North and South and constitute the Western portion of said Lot 100, Fayette Subdivision, Fayette County, Alabama.

Situated, lying and being within Fayette County, Alabama.

DONE this the _____ day of September, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-13. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted

RESOLUTION 2021-14

Mayor Northam presented Resolution 2021-14 to the Council for their consideration. Resolution 2021-14 is as follows:

RESOLUTION 2021-14
A RESOLUTION DETERMINING THE COST AND ASSESSING THE COST OF THE
ABATING OF A WEED AND GRASS NUISANCE ON THE PROPERTY OF
SHAWN LEONARD AND RANDI LEONARD

THE PUBLIC WELFARE REQUIRING IT, and under authority granted by the *Code of Alabama, 1975*, **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, AS FOLLOWS:**

SECTION 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- a. Pursuant to the Code of Ordinances for the City of Fayette, Alabama, the term “nuisance” shall mean:

“(8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance.”
- b. Provision was made in the Code of Ordinances for the fixing of the cost reasonably incurred in the abating of weed and grass nuisances and for the said cost to be a lien against the property on which the nuisance was abated.
- c. Shawn Leonard and Randi Leonard (hereinafter referred to as the property owners) were notified by the Building Inspector that a weed and grass nuisance existed on their property located at 632 2nd Avenue NE, Fayette, Alabama (hereinafter referred to as the premises) and that the nuisance was to be abated.
- d. The property owners did not abate the nuisance within the time period provided by the said Building Inspector.
- e. The property owners having failed to comply with the Building Inspector’s order; the City proceeded to have the weed and grass nuisance located on the premises abated.
- f. The cost of abating the weed and grass nuisance as reported to the Council was \$348.20.

SECTION 2. That the Council hereby finds and determines that the costs that were reasonably incurred in the abating of the weed and grass nuisance was \$348.20.

SECTION 3. That the amount of the lien against the property described below of Shawn Leonard and Randi Leonard, be and the same is hereby fixed in the amount of \$348.20.

SECTION 4. That the names of the property owners, a description of the lot or parcel of land assessed for said abatement of the weed and grass nuisance, and the amount of such lien against the lot or parcel of land for said abatement is hereby determined, adjudged and fixed as follows, to wit:

<u>Name of Property Owner</u>	<u>Amount of Assessment</u>
Shawn Leonard and Randi Leonard	\$348.20

Description of Property Assessed

A house and lot located at 826 North Aylette Street, situated, lying and being within the City of Fayette, Fayette County, Alabama, being more particularly described as follows:

Begin where the south right of way line of Stewart Street intersects the East right of way line of North Aylette Street; thence run East along the South right of way line of Stewart Street for a distance of 208.5 feet; thence run South and parallel to the East right of way of North Aylette Street for a distance of 208.5 feet to the North line of Sullivan property; thence West along the North line of Sullivan lot a distance of 48 feet to the Southeast corner of the Ayres lot; thence North along the East end of the Ayres lot for a distance of 70 feet to the Northeast corner of said Ayres lot; thence West along the North line of the Ayres lot a distance of 160 feet to the East right of way of North Aylette Street; thence North along the East right of way line of North Aylette Street for a distance of 138 feet to the point of beginning. SUBJECT TO existing easements. Situated, lying and being within Fayette County, Alabama.

DONE this the _____ day of September, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-14. Upon the motion being seconded by Councilmember Williams, the same was unanimously adopted

RESOLUTION 2021-15

Mayor Northam presented Resolution 2021-15 to the Council for their consideration. Resolution 2021-15 is as follows:

**RESOLUTION 2021-15
A RESOLUTION DETERMINING THE COST AND ASSESSING THE COST OF THE
ABATING OF A WEED AND GRASS NUISANCE ON THE PROPERTY OF
BOMAN REAL PROPERTIES LLC**

***THE PUBLIC WELFARE REQUIRING IT*, and under authority granted by the *Code of Alabama, 1975*, BE IT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTE, AS FOLLOWS:**

SECTION 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- a. Pursuant to the Code of Ordinances for the City of Fayette, Alabama, the term “nuisance” shall mean:
 “(8) Any growth of weeds, grass or other vegetable matter favorable to the harboring of vermin, mosquitoes or other insects of like kind. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of vermin, mosquitoes or insects of like kind within the meaning of this ordinance.”
- b. Provision was made in the Code of Ordinances for the fixing of the cost reasonably incurred in the abating of weed and grass nuisances and for the said cost to be a lien against the property on which the nuisance was abated.
- c. Boman Real Properties LLC (hereinafter referred to as the property owner) was notified by the Building Inspector that a weed and grass nuisance existed on its property located at 102 3rd Avenue SW, Fayette, Alabama (hereinafter referred to as the premises) and that the nuisance was to be abated.
- d. The property owner did not abate the nuisance within the time period provided by the said Building Inspector.
- e. The property owner having failed to comply with the Building Inspector’s order; the City proceeded to have the weed and grass nuisance located on the premises abated.
- f. The cost of abating the weed and grass nuisance as reported to the Council was \$363.43.

SECTION 2. That the Council hereby finds and determines that the costs that were reasonably incurred in the abating of the weed and grass nuisance was \$363.43.

SECTION 3. That the amount of the lien against the property described below of Boman Real Properties, LLC, be and the same is hereby fixed in the amount of \$363.43.

SECTION 4. That the names of the property owners, a description of the lot or parcel of land assessed for said abatement of the weed and grass nuisance, and the amount of such lien against the lot or parcel of land for said abatement is hereby determined, adjudged and fixed as follows, to wit:

<u>Name of Property Owner</u>	<u>Amount of Assessment</u>
Boman Real Properties LLC	\$363.43

Description of Property Assessed

A parcel of land located in Lot 1 of Block 13 of the James Survey to the City of Fayette as recorded in Map Book 66 at page 601 of the Probate Record of Fayette County and being described as follows:

Begin at the SE corner of Lot 1 of Block 13 of the James Survey which is the point of beginning; thence go Northerly along the East line of Lot 1 of Block 13 of James Survey, also being the West right of way line of 2nd Avenue SW (Lindsey Street) for a distance of 100.00 feet to a point on the Southern right of way line of Alabama Highway 18

(Columbus Street West); thence turn an angle to the right of 100 degrees 19 minutes 11 seconds to the chord of a curve and go westerly along the Southern right of way line of Alabama Highway 18 (Columbus Street West) for a distance of 94.82 feet to a point; thence turn an angle to the right from a backside of 81 degrees 42 minutes 59 seconds and go a distance of 19.97 feet to the corner of a chain link fence; thence turn an angle to the right from a backside of 261 degrees 31 minutes 26 seconds and go along chain link fence for a distance of 47.48 feet to fence corner; thence turn an angle to the right from a backside of 94 degrees 25 minutes 54 seconds and go along a chain link fence for a distance of 85.05 feet to a chain link fence post on the North right of way line of James Street (Martin Luther King Drive); thence turn an angle to the right from a backside of 94 degrees 47 minutes 12 seconds and go along the North right of way line of James Street (Martin Luther King Drive) for a distance of 138.36 feet to the point of beginning.

SUBJECT TO the boundary line agreement between Willinel Wheeler Davis Estate and Shelby Moore, dated November 11, 2013 and recorded in Deed Record Volume 2013 at page 3913.

Situated, lying and being within Fayette County, Alabama.

DONE this the _____ day of September, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-15. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted

PUBLIC HEARING ON STREET VACATION RESCHEDULED

Mayor Northam recommended the Council reschedule the public hearings on the request for street vacations to October 12, 2021. Councilmember Nichols moved the public hearings on the request for street vacations filed by Showa Best Glove and Golden Eagle Syrup Company be rescheduled for October 12, 2021. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

PURCHASE OF CITY SHOP PROPERTY

Mayor Northam reported the owners of the property that the City leases for the City Shop, had agreed to sell this property to the City for \$50,000.00. Councilmember Campbell moved the City purchase this portion of the City Shop property for \$50,000.00. Upon the motion being seconded by Councilmember Williams, the following vote was taken:

AYES: Mayor Northam, Councilmembers Whiteside, Campbell and Williams

NAYS: Councilmember Nichols

Mayor Northam stated the motion passed.

TREES NORTH OF AIRPORT

Mayor Northam reported because of safety concerns with the height of trees north of the airport, the City approached the property owner about cutting some of the trees on his property. He has agreed for the trees to be cut. Mayor Northam said the City will obtain a temporary easement from the landowner before the tree cutting takes place. Councilmember Whiteside moved the Council authorize the cutting of the trees upon an easement being obtained. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

PARADE PERMIT

Mayor Northam presented to the Council a request for a parade permit for the FCHS Homecoming parade to be held on September 24, 2021. Councilmember Whiteside moved the permit be granted. Upon the motion being seconded by Councilmember Campbell, it was unanimously approved.

PARADE PERMIT

Mayor Northam presented to the Council a request for a parade permit for the Frog Level Festival to be held on October 1 and October 2, 2021. Councilmember Campbell moved the permit be granted. Upon the motion being seconded by Councilmember Whiteside, it was unanimously approved.

PARADE PERMIT

Mayor Northam presented to the Council a request for a parade permit for the Frog Level 5K run to be held at Guthrie Smith Park on October 2, 2021. Councilmember Campbell moved the permit be granted. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

PARADE PERMIT

Mayor Northam presented to the Council a request for a parade permit for the Encore "Great Pumpkin" Run to be held on October 23, 2021. Councilmember Campbell moved the permit be granted. Upon the motion being seconded by Councilmember Whiteside, it was unanimously approved.

CIVIC CENTER BOARD REAPPOINTMENT

Mayor Northam stated he had received a request from the Civic Center Board requesting Mrs. Libby Kimbrell be reappointed to the board for a four year term. Councilmember Williams moved Mrs. Libby Kimbrell be reappointed to the Civic Center Board. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

COMMUNITY SERVICES PROGRAMS OF WEST ALABAMA APPOINTMENT

Mayor Northam stated it had been recommended that he be appointed to the Community Services of West Alabama board to replace former Mayor Ray Nelson. Councilmember Nichols moved that Mayor Rod Northam be appointed to the Community Services Programs of West Alabama board. Upon the motion being seconded by Councilmember Williams, the same was unanimously approved.

APPROVAL OF FINANCIAL STATEMENT

Councilmember Whiteside moved the City's financial statement be approved. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

APPROVAL OF MUNICIPAL COURT FINANCIAL STATEMENT

Councilmember Campbell moved the Municipal Court financial statement be approved. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

APPROVAL OF PARK & RECREATION FINANCIAL STATEMENT

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

REPORT OF MAYOR

Mayor Northam stated there were jobs available with the City. The jobs available are a firefighter position, two Street and Sanitation Department positions and a police officer position.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of August, the City received \$251,217.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$40,483.00 for a combined total of \$291,501.00. She reported the City received \$11,655.00 in alcohol taxes. She also reported the City received \$21,766.00 in online sales tax.

EXECUTIVE SESSION

Councilmember Nichols moved the Council go into executive session to discuss with their attorney the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated. The City Attorney stated this exception was applicable to the planned discussion. Upon the motion being seconded by Councilmember Campbell, it was unanimously approved.

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

Mayor

Attest:

City Clerk