

City Hall
Fayette, Alabama
September 28, 2021

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on September 28, 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 Girl Scouts Patience Monroe and Mercy Monroe.

The Pledge of Allegiance was led by Girl Scout Kaylee Franks.

Mayor 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 regular meeting held on September 14, 2021, be approved. Upon it being seconded by Councilmember Whiteside, it was unanimously approved.

TAX ABATEMENTS FOR THE EXPANSION AT SHOWA BEST GLOVE

Mr. Tom Wisemiller of C3 spoke to the Council concerning certain tax abatements for Showa Best Glove for the expansion of its facilities. He said the City granted Showa a tax abatement in February of 2020 for Phase I of its expansion based on a capital investment of \$9 million dollars and this needed to be amended to reflect Showa's actual capital investment of \$20 million dollars.

Mr. Wisemiller stated Showa is now starting Phase II of its expansion which will have a capital investment of \$83,675,000.00. Phase II includes the construction of another building along with the purchase of glove manufacturing machines to be placed in it. He said Showa anticipates its total number of employees will increase to 350.

RESOLUTION 2021-18

Mayor Northam presented Resolution 2021-18 to the Council for their consideration. Resolution 2021-18 is as follows:

RESOLUTION 2021-18 **A RESOLUTION APPROVING, GRANTING AND AMENDING A** **TAX ABATEMENT AGREEMENT TO INCLUDE AN INCREASE IN CAPITAL** **INVESTMENT IN THE TAX ABATEMENTS GRANTED**

This Resolution is made this 28th day of September, 2021, by the City of Fayette (the Granting Authority), to include an increase in capital investment in the tax abatements granted to SHOWA Group (the Company) on February 25th, 2020 and amend the Tax Abatement Agreement dated February 25th, 2020 between the Granting Authority and 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 and construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education; 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 construction of the project will involve a capital investment of \$19,994,500.00; 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 the provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

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 and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, as the same may apply 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(a)(12) 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.

Done this the _____ day of September, 2021

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-18. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

RESOLUTION 2021-19

Mayor Northam presented Resolution 2021-19 to the Council for their consideration. Resolution 2021-19 is as follows:

RESOLUTION 2021-19 A RESOLUTION APPROVING AND GRANTING CERTAIN TAX ABATEMENTS FOR A NEW PROJECT

This Resolution is made this 28th day of September, 2021, by the City of Fayette (the Granting Authority), to grant a tax abatement to SHOWA Group (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 and construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education; 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 construction of the project will involve a capital investment of \$83,675,000; 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 the provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

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 and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, as the same may apply 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(a)(12) 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.

Done this the _____ day of September, 2021

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-19. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

WASTEWATER LIFT STATION UPGRADES

Waste Water Superintendent Matt Buckner spoke about the need to replace two lift stations.

The first lift station is located on Highway 159 at the intersection of 22nd Street SW. This lift station has been in service since 1961. He said this station is now undersized because of the growth of the neighborhoods in this area. He reported one pump is not working at this time. He said ADEM is changing its permitting requirements and one of the new requirements is the reporting of any overflow of a manhole. One of the manholes near High Forest Subdivision overflows sometimes. He recommended replacing this lift station.

The second lift station is near Guthrie Smith Park. He said it has only one working at this time. It has been in service since the late 1970's. He recommended this lift station be replaced.

He said both pumping stations have pumps for which parts are no longer available and therefore, the parts would have to be fabricated. He stated the first priority should be the lift station on Highway 159. He said the lift station would cost approximately \$165,000.00.

ADA COMPLIANCE

Fire Chief Shannon Taylor stated he had reviewed the complaints about accessibility issues made by Mr. Tom Jenkins. He said all construction of new public facilities are required to meet all portions of Title II and any alterations are required to meet Title II to the maximum extent possible. He stated alterations to historic properties are required to meet Title II where the compliance does not alter the nature of the structure and/or alternative compliance is unavailable.

Chief Taylor said the City is currently compliant with Title II. All construction and alterations have been designed and improved to meet accessibility requirements. He said the complaints regarding accessibility violations are located in areas that are either not improved or are on private property. He stated despite being in compliance, the City should attempt to provide accessibility where practical and provide a framework where other parties provide for accessibility. He recommended the following:

1. Provide signage at City Hall stating accessible access located in the rear of City Hall.
2. Change the sign at the rear of City Hall from "Employee parking only" to "City Hall Parking."
3. Provide compliant signage at all accessible parking locations.
4. Ensure that accessible parking locations are painted properly and the paint is visible.
5. Improve existing sidewalks to limit variations in path of travel and provide for an accessible path of travel.
6. Provide and update accessible parking, with signage and properly painted spaces at the park.
7. Update existing ordinances to include ADA requirements when alterations are made.

REBUILD ALABAMA – 25th STREET PROJECT

Mayor Northam reported the 25th Street Project had been approved by the State.

2022 BUDGET

Fire Chief Taylor asked to speak concerning the budget for the Fire Department. For the coming fiscal year, he had requested the Council place in the Fire Department budget monies for medical equipment and supplies, extrication equipment and a work truck to carry the extrication equipment and respond to automobile accidents; however, the Council had not placed any of these request in its proposed budget. He stated in the last thirty years, only \$400,000.00 had been spent on capital purchases for the Fire Department . Councilmember Hughes-Monroe stated the Council appreciated the request but the Fire Department had just received a new fire truck.

Mayor Northam presented the proposed 2022 Budget to the Council. Councilmember Campbell moved that the 2022 Budget be approved as presented. Upon the motion being seconded by Councilmember Whiteside, the following vote was taken:

AYE: Mayor Northam and Councilmembers Whiteside, Campbell, Hughes-Monroe and Nichols.,
NAY: Councilmember Williams

Mayor Northam stated the motion passed.

NORTHWEST ALABAMA REGIONAL MENTAL HEALTH APPOINTMENTS

Mayor Northam presented a letter to the Council from the Northwest Alabama Regional Mental Health Authority requesting the Council appoint Mayor Rod Northam and Mrs. Denese Marion to the Authority.

CITY FINANCIALS

Mayor Northam reviewed with the Council the financials for the City, Municipal Court, Waste Water Treatment and Park & Recreation.

REPORT OF MAYOR

Mayor Northam reported 5,349 citizens of Fayette County had received both shots of the Covid-19 vaccination.

Mayor Northam reported there are still openings for a firefighter and police officer. He stated the Street and Sanitation positions have now been filled.

Mayor Northam stated today was the grand opening for the new Taco Bell. He stated the Frog Level Festival will be held October 1st – 2nd. He also said the Columbus Day holiday is October 11th.

Mayor Northam announced Mr. Mike Raita was now on Senator Tuberville's staff. He said members of Sen. Tuberville's staff would be at the Civic Center from 9:00 – 4:00 on October 5th.

ADJOURNMENT

There being no further business to come before the Council, upon the motion to adjourn being made by Councilmember Hughes-Monroe and seconded by Councilmember Nichols, it was unanimously approved.

Mayor

Attest:

City Clerk