

City Hall
Fayette, Alabama
October 12, 2021

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on October 12, 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, Police Chief Danny Jenkins, Fire Chief Shannon Taylor, City Attorney Dale Lawrence and Waste Water Superintendent Matt Buckner.

The opening prayer was given by Bro. Jarrett Lovelace, Pastor of the Fayette Church of God.

The Pledge of Allegiance was led by Miss Asher Lovelace.

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

APPROVAL OF MINUTES

Councilmember Whiteside moved the minutes of the regular meeting held on September 28, 2021, be approved. Upon the motion being seconded by Councilmember Nichols, it was unanimously approved.

PUBLIC HEARING ON VACATING ALLEY ADJACENT TO GOLDEN EAGLE SYRUP

Mayor Northam stated this was the day and time scheduled for the public hearing on the Petition to Vacate the unnamed street next to the Golden Eagle Syrup building.

Mr. Temple Bowling spoke to the Council concerning his petition to vacate the street next to the Golden Eagle Syrup building. He said their plan was to expand onto the lot lying south of the street. No one appeared to oppose the vacating of the street.

PUBLIC HEARING ON VACATING 8TH STREET ADJACENT TO SHOWA

Mayor Northam stated this was the day and time scheduled for the public hearing on the Petition to Vacate a portion of 8th Street SE next to Showa Best Glove.

Mr. Scott Robertson of Showa Best Glove spoke to the Council concerning his company's need to close a portion of 8th Street SE. He said one of the reasons for the request was for security purposes - so the company could control who could access its property. Also, he said the tractor trailer traffic would increase significantly. He pointed out there were no residences located on this portion of 8th Street.

Mrs. Angela Stimac, Mr. Michael Stimac, Mrs. Kathy Gordon and Mr. Michael Thomas appeared to oppose the vacation of the portion of the street. Mrs. Stimac said their property was zoned industrial and this vacation would cut off their access to the major highway. She said a dead end road may create other problems. Also, Mrs. Stimac was concerned that if the culvert under the street was not maintained then her property would flood. She said they had offered to sell their property to Showa but no agreement had been reached.

Mr. Heath Reed of Northwest Alabama Gas District spoke to the Council concerning how his utility would access its utility lines.

Mr. Don Waldon stated he had no connection with the Glove Plant. He spoke in favor of closing the street. He said the City needed to remember how good of a corporate citizen the Glove Plant had been.

Mr. Luke Porter spoke in favor of the closing of the street.

Mr. Tom Wisemiller of C3 spoke in favor of the closing of the street. He stated Showa was making a 100 million dollar investment in its property. He said the economic impact of this investment would be good for the City.

Mr. Jeffrey Richardson of Showa Best Glove spoke in favor of closing the street.

Mayor Northam stated no one on the Council wanted to close streets, but it was not often that a company made a 100 million dollar investment in the community. He stated security was an important factor in closing the street.

Councilmember Williams asked when Showa Glove made closing the road part of their long term plan. Mr. Robertson said the Covid pandemic modified and accelerated their plan and need for expansion.

PUBLIC HEARING ON CDBG GRANT APPLICATION FOR SHOWA

Mr. Terry Acuff stated when the City is applying for a CDBG grant, it is required to hold a public hearing. He asked if there were any questions. There were none. He said the grant was for infrastructure improvements.

RESOLUTION 2021-20

Mayor Northam presented Resolution 2021-20 to the Council for their consideration. Resolution 2021-20 is as follows:

**RESOLUTION 2021-20
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH PORTER-HIGGINBOTHAM, INC, GOODWYN MILLS
AND CAWOOD, AND MCGIFFERT AND ASSOCIATES TO PROVIDE
APPLICATION DEVELOPMENT SERVICES AND ENGINEERING DESIGN
AND INSPECTION SERVICES FOR
FEDERAL GRANT PROJECTS**

WHEREAS the City of Fayette plans to apply for various Federal Grants that will benefit predominately low and moderate-income persons in the City of Fayette; and

WHEREAS, in accordance with federal regulations the City of Fayette has solicited and received proposals from qualified professional engineering firms to provide application development services and all engineering design and inspection services required to implement all approved federal grant projects in accordance with federal regulations.

NOW, THEREFORE, be it resolved that the City Council of the City of Fayette has evaluated the engineering proposals received and have selected Porter-Higginbotham, Inc, Goodwyn Mills and Cawood, and McGiffert and Associates, on a project-by-project basis, to provide application development services and all engineering design and inspection services required to implement all approved federal grant projects in accordance with federal regulations; and

THAT, the City Council of the City of Fayette has identified Porter-Higginbotham, Inc, Goodwyn Mills and Cawood, and McGiffert and Associates, as engineering firms that can be utilized by the city to begin project development activities in support of various federal grant applications on behalf of the city on a project-by-project basis. In the event a project is determined feasible, the selected firm is authorized to begin developing maps, cost estimates, and all other supporting documentation required upon approval of the City Council. Said development services shall be provided by the selected firm at no cost to the City of Fayette and in the event the application is approved by ADECA the Mayor, be and is hereby authorized to enter into a contract with selected firm to provide all engineering services required to implement the above referenced project in accordance with the approved FmHA Engineering fee scale commensurate with the scope of services required to adequately discharge all engineering responsibilities associated with all federally funded grant projects.

Done this the 12th day of October, 2021.

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Campbell moved the Council adopt Resolution 2021-20. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously adopted.

RESOLUTION 2021-21

Mayor Northam presented Resolution 2021-21 to the Council for their consideration. Resolution 2021-21 is as follows:

RESOLUTION 2021-21
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH COMMUNITY CONSULTANTS, INCORPORATED TO
PROVIDE APPLICATION PREPARATION SERVICES AND GRANT
ADMINISTRATIVE SERVICES TO IMPLEMENT
FEDERAL GRANT PROJECTS

WHEREAS the City of Fayette plans to apply for various Federal Grants that will benefit the residents of the City of Fayette; and

WHEREAS, in accordance with federal regulations the City of Fayette has solicited and received proposals from qualified grant administrative firms to provide application preparation services and all grant administrative services required to implement all approved federal grant projects in accordance with federal regulations.

NOW, THEREFORE, be it resolved that the City Council of the City of Fayette has evaluated the administrative proposals received and have selected Community Consultants, Incorporated to provide application preparation services and all grant administrative services required to implement all approved federal grant projects in accordance with all applicable federal regulations; and

THAT, the City Council of the City of Fayette authorizes Community Consultants, Incorporated to begin project development activities and in the event a project is determined feasible, Community Consultants, Incorporated is authorized to begin the application preparation activities upon approval of the City Council. Said application development services shall be provided by Community Consultants, Incorporated at no cost to the City of Fayette and in the event the application is approved the Mayor, be and is hereby authorized to enter into a contract with Community Consultants, Incorporated to provide all project administrative services required to implement the above referenced project in accordance with the approved administrative fee scale commensurate with the scope of services required to adequately discharge all project administrative responsibilities associated with this project.

Done this the 12th day of October, 2021.

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-21. Upon the motion being seconded by Councilmember Hughes-Monroe, the same was unanimously adopted

RAILS TO TRAILS UPDATE

Mr. Terry Acuff reported the Rails to Trails grant application had been resubmitted and the City should hear something before the first of the year.

GUTHRIE SMITH PARK LIFT STATION

Waste Water Superintendent Matt Buckner stated the only working pump at the Guthrie Smith Park lift station had broken down and it was in the process of being repaired. The repairs would take approximately three weeks. He stated Fayette Drain & Sewer was pumping out the lift station twice a day at a daily cost of \$350.00. He said he was investigating the possibility of purchasing a lift station that could be brought to the site and installed. He said some modifications would have to be made. He said this would be in lieu of building one on site.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for September 2021. The report was as follows: 33 incidents investigated; 19 accidents; 59 traffic citations; 25 traffic warnings and 24 arrests.

FIRE DEPARTMENT REPORT

Fire Chief Taylor presented the fire report for September 2021. The Fire Department received 31 calls.

RESOLUTION 2021-19.A (Amended)

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

RESOLUTION 2021-19.A (AMENDED)
A RESOLUTION APPROVING AND GRANTING CERTAIN TAX
ABATEMENTS FOR A NEW PROJECT

This Resolution is made this 12th day of October 2021, by the City of Fayette (the Granting Authority), to grant a tax abatement to SHOWA Group (the Company). This resolution amends Resolution 2019-19 adopted September 28, 2021.

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,

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, 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 October, 2021

THE CITY OF FAYETTE:

By: _____
Rod Northam, Mayor

Attest:

Dawn Clapp, City Clerk

Councilmember Nichols moved the Council adopt Resolution 2021-19.A (amended). Upon the motion being seconded by Councilmember Whiteside, the same was unanimously adopted

RESOLUTION 2021-22

Mayor Northam presented Resolution 2021-22 to the Council for their consideration. Resolution 2021-22 is as follows:

RESOLUTION 2021-22
A RESOLUTION APPROVING THE
VACATING OF A PORTION OF THE RIGHT OF WAY
OF 8th STREET SOUTHEAST

WHEREAS, Showa Best Glove, Inc., has presented to the Mayor and the City Council of the City of Fayette Alabama, its statement in writing, duly executed and acknowledged setting forth that it is the owner of all of the lands abutting upon the hereinafter described part or portion of the hereinafter right of way and that it desires to vacate said right of way and it does, by said Statement, vacate same.

WHEREAS, the Mayor and the City Council of the City of Fayette, Alabama, a Municipal Corporation, do assent to and approve the vacation thereof and the annulment of the dedication of the following described right of way to the use of the public.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and the City Council of the City of Fayette, Alabama, a municipal corporation that the act of the aforementioned parties in vacating and annulling the following described right-of-way in the City of Fayette, Fayette County, Alabama, to wit:

The West 1,042 feet of that portion of Eighth (8th) Street Southeast lying BETWEEN Second (2nd) Avenue Southeast (also designated as Alabama State Highway 171 and U.S. Highway 43) AND Third (3rd) Avenue Southeast (also designated as County Highway 35). Said lands being located within the City of Fayette, Fayette County, Alabama.

Be and the same is hereby ratified, approved and confirmed and the assent of the Mayor and the City Council of the City of Fayette, Alabama, a municipal corporation, to such action is hereby given.

It is hereby determined and declared that convenient means of ingress and egress to and from their property has been afforded to all property owners owning property who are entitled to such.

ALSO BE IT FURTHER RESOLVED, that pursuant to §23-4-20 of the Code of Alabama, entities with utility lines, equipment, or facilities in place within or crossing the above described right-of-way at the time of vacation, shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. The entities may continue to move across and along the vacated street to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the vacation had not occurred

Adopted this the _____ day of October, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Campbell moved the Council adopt Resolution 2021-22. Upon the motion being seconded by Councilmember Nichols, the following vote was taken:

AYES: Mayor Northam, Councilmembers Whiteside, Campbell and Nichols

NAYS: Councilmember Hughes-Monroe

ABSTAIN: Councilmember Williams

Mayor Northam stated the motion passed.

RESOLUTION 2021-23

Mayor Northam presented Resolution 2021-23 to the Council for their consideration. Resolution 2021-23 is as follows:

RESOLUTION 2021-23
A RESOLUTION APPROVING THE
VACATING OF A PORTION OF THE STREET OR ALLEY
NEAR GOLDEN EAGLE SYRUP COMPANY

WHEREAS, Golden Eagle Syrup Company, LLC, and Temple Bowling Syrup Company, LLC, have presented to the Mayor and the City Council of the City of Fayette Alabama, their statement in writing, duly executed and acknowledged setting forth that they are the owners of all of the lands abutting upon the hereinafter described part or portion of the hereinafter right of way and that it desires to vacate said right of way and it does, by said Statement, vacate same.

WHEREAS, the Mayor and the City Council of the City of Fayette, Alabama, a Municipal Corporation, do assent to and approve the vacation thereof and the annulment of the dedication of the following described right of way to the use of the public.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and the City Council of the City of Fayette, Alabama, a municipal corporation that the act of the aforementioned parties in vacating and annulling the following described right-of-way in the City of Fayette, Fayette County, Alabama, to wit:

All that part or portion of the street or alley lying North of Lots 1, 2, 3, and the West half of Lot 4 and South of Lots 10, 11, 12 and the West half of Lot 9, all in Block 6 of J. S. James Survey of Town of Fayette, Alabama, according to the map or plat of said survey which is on file and record in the Office of the Judge of Probate of Fayette County, Alabama, in Deed Book 66 at page 601. Said lands being located within the City of Fayette, Fayette County, Alabama.

Be and the same is hereby ratified, approved and confirmed and the assent of the Mayor and the City Council of the City of Fayette, Alabama, a municipal corporation, to such action is hereby given.

It is hereby determined and declared that convenient means of ingress and egress to and from their property has been afforded to all property owners owning property who are entitled to such.

ALSO BE IT FURTHER RESOLVED, that pursuant to §23-4-20 of the Code of Alabama, entities with utility lines, equipment, or facilities in place within or crossing the above described right-of-way at the time of vacation, shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. The entities may continue to move across and along the vacated street to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the vacation had not occurred

Adopted this the ____ day of October, 2021.

Mayor

ATTEST:

City Clerk

Councilmember Campbell moved the Council adopt Resolution 2021-23. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously adopted

NORTHWEST ALABAMA MENTAL HEALTH BOARD APPOINTMENT

Mayor Northam stated he had received a request from the Northwest Alabama Regional Mental Health Authority requesting that he and Mrs. Denese Marion be appointed to the board for a six year term to fill the vacancies left by Kathy Reed and Belinda Watts. Councilmember Whiteside moved that Mayor Rod Northam and Mrs. Denese Marion be appointed to the Northwest Alabama Mental Health Board. Upon the motion being seconded by Councilmember Hughes Monroe, it was unanimously approved.

ACE COORDINATOR EXTENSION

Mayor Northam recommended extending the ACE Coordinator position for six months. Councilmember Campbell moved that the ACE Coordinator position be extended for six months. Upon the motion being seconded by Councilmember Hughes-Monroe, the same was unanimously approved.

WORK SESSION

Mayor Northam stated a Work Session had been set for Monday, October 18, 2021, at 5:00 p.m.

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

REPORT OF MAYOR

Mayor Northam stated 5,439 people in Fayette County had completed the COVID vaccination series. He stated over the last seven days, there had been a 12.7% positivity rate.

Mayor Northam thanked everyone who helped to make the Frog Level Festival a success.

Mayor Northam stated an Open House will be held at the Timber Valley Lodge on Friday, October 15th.

Mayor Northam stated the opening of the time capsule from 1971 would be held at the Fayette Memorial Library on October 17, 2021, at 2:00 p.m.

Mayor Northam stated he is trying to set a work session with the Fayette County Commission.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of September, the City received \$256,003.00 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$41,394.00 for a combined total of \$297,397.00. She reported the City received \$8,357.00 in alcohol taxes. She also reported the City received \$19,672.00 in online sales tax.

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 Hughes-Monroe, it was unanimously approved.

Mayor

Attest:

City Clerk