

City Hall  
Fayette, Alabama  
June 13, 2023

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock, p.m. on June 13, 2023, 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, City Attorney Dale Lawrence and Junior City Council Mayor Ben Olive. Councilmember Aliska Hughes-Monroe was absent.

The opening prayer was given by Councilmember Williams.

The Pledge of Allegiance was led by Councilmember Williams.

Mayor Rod 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 May 23, 2023, be approved. Upon it being seconded by Councilmember Williams, it was unanimously approved.

Councilmember Nichols moved the minutes of the special meeting held on May 30, 2023, be approved. Upon it being seconded by Councilmember Campbell, it was unanimously approved.

#### APPROVAL OF BID ON COMMERCIAL ZONE INFRASTRUCTURE PROJECT

Mr. Terry Acuff spoke to the Council concerning the Commercial Zone Infrastructure Project (sewer upgrade/rehabilitation) at SHOWA. He said the City had received a \$700,000.00 ARC grant for the project. He stated the project was under budget. One bid was received from the advertisement for bids for the project. It was from Morrison Land Company in the amount of \$553,966.72.

#### RESOLUTION 2023-09

Mayor Northam presented Resolution 2023-09 to the Council for their consideration. Resolution 2023-09 is as follows:

#### **RESOLUTION 2023-09**

#### **A RESOLUTION AUTHORIZING THE CITY OF FAYETTE TO ENTER INTO A CONTRACT WITH MORRISON LAND CONTRACTING FOR THE CONSTRUCTION OF THE SEWER PHASE TO SERVE THE FAYETTE INDUSTRIAL ZONE**

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**WHEREAS**, the City of Fayette has received an Appalachian Regional Commission (ARC) Grant to construct water and sewer improvements to serve the Fayette Industrial Zone located along State Highway 171 in the southern section City of Fayette; and

**THEREFORE**, in accordance with ARC regulations the City of Fayette has solicited and received bids from qualified construction companies to construct the above referenced sewer system improvements in accordance with the approved plans and specifications;

**NOW, THEREFORE**, be it resolved that the City of Fayette and Porter Higginbotham, Incorporated have evaluated the bids received and have determined that Morrison Land Contracting is the low bidder for the sewer phase of this project; and

**THAT**, Rod Northam, Mayor, be and is hereby authorized to award and enter into a contract with Morrison Land Contracting in the amount of \$553,966.72 for the construction of the sewer phase of this project.

**READ AND ADOPTED** this the 13<sup>th</sup> day of June 2023.

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Mayor

ATTEST:

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City Clerk

Councilmember Whiteside moved the Council adopt Resolution 2023-09. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted.

## PROJECT UPDATES

Mr. Luke Porter gave an update on the City's different projects. The updates were as follows:

### WWTP Rehab -

- Application approved
- Currently in Design Process
- Target Letting Date: September 2023

### Highway 18/171 Intersection Improvement

- Preconstruction Conference 6/14/2023

### Fayette City Park Pumping Station

- Pump is operating
- Still needs fencing and dressing up
- Estimated Completion Date: June 30, 2023

### Rails to Trails Project

- Bid Opening July 2023

### MLK Sidewalk Improvement Project

- Awaiting Clearance from ALDOT
- Target Letting Date: August 2023

### SR-159 Pumping Station

- Design is 50% complete
- Target letting date: August 2023

### Fayette Commercial Zone Gravity Sewer Relocation Project (SHOWA)

- Construction to Begin July

### Fayette Park Paving Project

- Begin Advertising next week

## TOWING COMPANY'S ROTATION SYSTEM REQUEST

Mr. Corey Gann, owner of Gann's Towing, appeared before the Council to ask the Council to consider having a wrecker rotation system for calling wreckers to the scene of an accident when the driver of the vehicle does not have a preference as to which wrecker service to use. He said he was on the rotation for the State Troopers.

## ACE ANNEXATION COMMITTEE REPORT

Mr. Floyd Rodgers updated the Council on the work of the ACE Annexation Committee. He stated the committee is almost ready to send letters to property owners whose land lies just outside the city limits. He said the benefits for being inside the city limits were the Air Evac service, police protection, fire protection, lower home insurance rates, sewer services, natural gas services, garbage pickup and access to the future public transportation system.

## PUBLIC TRANSPORTATION

Ms. Valerie Branyon spoke to the Council concerning the proposed local public transportation system. A public hearing was held on this matter on May 30<sup>th</sup>. She said the application is completed and needs approval by the Council. The proposed transportation system would be limited to the city limits for now. Councilmember Williams said there is a need for this system.

## RESOLUTION 2023-07

Mayor Northam presented Resolution 2023-07 to the Council for their consideration. Resolution 2023-07 is as follows:

**RESOLUTION 2023-07  
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH DEPARTMENT  
OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE ALABAMA  
DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE FEDERAL TRANSIT  
ACT.**

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**WHEREAS** the Secretary of U.S. Department of Transportation and Director of the Alabama Department of Transportation are authorized to make grants for a public transportation program;

**WHEREAS** the contract for financial assistance will impose certain obligations upon the Applicant, including the provision of its local share of the project costs in the program;

**WHEREAS** it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, it is the goal of the Applicant that disadvantaged business enterprises (minority business enterprises and woman business enterprises) be utilized to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged business enterprises (DBEs) shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FAYETTE**

1. That Mayor Rod Northam is authorized to execute and file (an) application(s) on behalf of the City of Fayette, Alabama with the Alabama Department of Transportation to aid in the financing of administration, planning, capital and/or operating assistance projects pursuant to 49 USC Section 5311, the Alabama Public Transportation Grant Program, and the Alabama Elderly and Disabled Transit Fare Assistance Program.
2. That Mayor Rod Northam is authorized to execute and file with such applications an assurance, or any other document required by the U.S. Department of Transportation and the Alabama Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That Mayor Rod Northam is authorized to furnish such additional information as the U.S. Department of Transportation and the Alabama Department of Transportation may require in connection with the application for the Program of Projects submitted to FTA.
4. That Mayor Rod Northam is authorized to set forth and execute affirmative disadvantaged business enterprise policies in connection with any procurements made as part of the project.
5. That Mayor Rod Northam is authorized to execute grant agreements on behalf of the City of Fayette, Alabama with the Alabama Department of Transportation for aid in the financing of the administration, planning, capital, and/or operating assistance projects.

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Mayor

Attest:

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City Clerk

Councilmember Whiteside moved the Council adopt Resolution 2023-07. Upon the motion being seconded by Councilmember Williams, the same was unanimously adopted.

**RESOLUTION 2023-08**

Mayor Northam presented Resolution 2023-08 to the Council for their consideration. Resolution 2023-08 is as follows:

**RESOLUTION 2023-08**

**A RESOLUTION AUTHORIZING THE CITY OF FAYETTE TO MATCH FUNDS FOR THE SECTION 5311 RURAL AREA PUBLIC TRANSPORTATION PROGRAM**

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**WHEREAS** the City of Fayette recognizes the need for a public transportation program; and

**WHEREAS** the City of Fayette is recognized as a member of the City of Fayette Transportation Steering Committee; and

**WHEREAS** the City of Fayette recognizes that the requirements to obtain Section 5311 funds from the Alabama Department of Transportation include a local match of 50% for operating expenses and 20% for administration, planning, and capital expenses; and

**WHEREAS** the City of Fayette recognizes that the local match will be a shared cost with other participating municipalities being responsible for providing an appropriate allocation of local non-federal funds to secure the operating of the Section 5311 Rural Area Public Transportation Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Fayette hereby commits the amount of \$110,429.00 as local non-federal match for operations, administration, planning, and capital

expenditures under the Section 5311 Rural Area Public Transportation Program during Fiscal Year 2024.  
**READ AND ADOPTED** this the 13<sup>th</sup> day of June 2023.

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Mayor

ATTEST:

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City Clerk

Councilmember Whiteside moved the Council adopt Resolution 2023-08. Upon the motion being seconded by Councilmember Williams, the same was unanimously adopted.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for May 2023. The report was as follows: 44 incidents investigated; 4 accidents; 224 traffic citations; 165 traffic warnings and 39 arrests.

TRAFFIC STUDY ON 4<sup>th</sup> AVENUE SW

Police Chief Danny Jenkins reported on the traffic study at 4<sup>th</sup> Avenue SW. Chief Jenkins said the speed table on the street is slowing the speed on the street. The posted speed limit is 25 mph and the percentage of vehicles above the limit was 4.2%.

TRAFFIC STUDY ON 9<sup>th</sup> STREET NW

Police Chief Danny Jenkins reported on the traffic study at 9<sup>th</sup> Street NW near the Episcopal Church. The posted speed limit is 25 mph and the percentage of vehicles above the limit was 25.5%.

FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for May 2023. The Fire Department received 13 calls.

GRASS ABATEMENTS

Fire Chief Shannon Taylor presented the following grass nuisances to the Council for abatement:

<u>Address</u>	<u>Type</u>	<u>Notes</u>
202 10 <sup>th</sup> Street NW	Grass	Repeat
413 10 <sup>th</sup> Street NW	Grass	Repeat
528 6 <sup>th</sup> Street NE	Grass	Repeat
Parcel 22 <sup>nd</sup> Street NW	Grass	Repeat
Lot 8 <sup>th</sup> St & 7 <sup>th</sup> Ave SE	Grass	Repeat

Councilmember Nichols moved the above grass nuisances be abated on the above properties. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

LEASE RENEWAL FOR OLD CITY HALL

Mayor Northam reviewed with the Council the proposed lease renewal with Fayette Medical Center HomeCare, LLC. No action was taken.

BIDS FOR OUTDOOR SPEAKERS

Mayor Northam said he was seeking bids on an outdoor speaker system for downtown.

PUBLIC HEARING FOR ALCOHOL TRANSFER

Mayor Northam stated a public hearing needed to be set concerning the alcohol license transfers at Shree Mart and Tiger Mart. Councilmember Campbell moved public hearings be set on June 27, 2023, at 5:00 p.m. concerning the alcohol license transfers. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

BOARD OF EQUALIZATION NOMINATION

Councilmember Campbell moved the Council nominate Mr. Larry Humber for a position on the Board of Equalization. Upon the motion being seconded, the same was unanimously approved.

RESOLUTION 2023-06

Mayor Northam presented Resolution 2023-06 to the Council for their consideration. Resolution 2023-06 is as follows:

**RESOLUTION 2023-06  
A RESOLUTION AMENDING THE PERSONNEL RULES  
AND REGULATIONS OF THE CITY OF FAYETTE, ALABAMA,  
AS ADOPTED IN RESOLUTION 1997-01.**

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***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 SECTION VI.A. HIRING OF RELATIVES as adopted in Resolution 2006-05 of the Personnel Rules and Regulations of the City of Fayette, Alabama, be and the same is hereby stricken in its entirety and the following substituted therefor, viz:

**“SECTION VI.A. CONDITIONS OF EMPLOYMENT CONCERNING CERTAIN RELATED PERSONS.** Any fulltime employee of the City of Fayette who has a familial relationship (defined as: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, nephew, niece, grandfather, grandmother, grandson, granddaughter, or any of the previous as an in-law) with another fulltime city employee shall not have any direct or indirect administrative or operational authority over that relative. This restriction would apply to either direct supervision or through the chain of command for that department. No City of Fayette employee can conduct performance reviews or sign checks for another employee (fulltime or part-time) who falls within the familial relationships mentioned above.

City of Fayette employees who marry during their employment will be allowed to remain but if in the same department one may be reassigned to another department.

No City of Fayette job applicant who has a familial relationship to the Mayor may be hired during the Mayor’s term of office. If any fulltime employee is employed by the City of Fayette at the time the Mayor is elected, that employee would be allowed to remain employed with the City but would require that the Mayor Pro Tempore handle any decisions concerning the employee regarding pay, discipline, transfer, or reassignments to another department.

This policy shall be effective upon the adoption of this resolution.

ADOPTED this the \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Councilmember Nichols moved the Council adopt Resolution 2023-06. Upon the motion being seconded by Councilmember Campbell, the same was unanimously adopted.

BUDGET COMMITTEE

Mayor Northam said the members of the Budget Committee for this year would be Councilmember Campbell, Councilmember Williams and himself.

APPROVAL OF FINANCIAL STATEMENT

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

REPORT OF MAYOR

Mayor Northam stated five Park and Recreation All-Star teams had made it to the state tournament.

Mayor Northam stated \$302,099.00 in business license revenue had been collected for this year.

Mayor Northam stated Showa is having a mass layoff in July. He said 128 employees would be laid off. The anticipation is Showa will start back after the first of the year. There will be a job fair for the Showa employees.

Mayor Northam recommended the Council have a work session concerning vacancies on the City's boards.

Mayor Northam said Ms. Tina Moore is leading a program from the University of Alabama Research and Economic Development Group. There will be a meeting on July 13, 2023, at City Hall.

#### REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of May, the City received \$285,416.00 in non-designated sales tax and the  $\frac{1}{2}\%$  sales tax for the hospital generated \$46,793.00 for a combined total of \$332,209.00. She reported the City received \$7,243.86 in alcohol taxes. She also reported the City received \$26,330.00 in online sales tax.

#### REPORT OF JUNIOR CITY COUNCIL MAYOR

Junior City Council Mayor Ben Olive stated the Junior City Council had an event at the Aquatic Center and had a lot of people show up to the point they had to turn people away.

#### REPORT OF COUNCILMEMBER WILLIAMS

Councilmember Williams asked the Council to consider having a work session to discuss the steps for annexing property adjacent to the city limits.

#### REPORT OF COUNCILMEMBER NICHOLS

Councilmember Nichols stated annexation was the key to moving Fayette forward.

#### 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.

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Mayor

Attest:

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City Clerk