

City Hall
Fayette, Alabama
August 13, 2024

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock p.m. on August 13, 2024, 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 Junior Mayor Sean White.

The opening prayer was given by Junior Mayor Sean White.

The Pledge of Allegiance was led by Junior Mayor Sean White.

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 July 23, 2024, be approved. Upon it being seconded by Councilmember Campbell it was unanimously approved.

POLICE DEPARTMENT REPORT

Police Chief Danny Jenkins presented the police report for July 2024. The report was as follows: 36 incidents investigated; 10 accidents; 44 traffic citations; 47 traffic warnings and 43 arrests.

FIRE DEPARTMENT REPORT

Fire Chief Shannon Taylor presented the fire report for July 2024. The Fire Department received 27 calls.

ORDINANCE 2024-04

Mayor Northam presented Ordinance 2024-04 to the Council for their consideration. Ordinance 2024-04 is as follows:

ORDINANCE NO. 2024-04

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. Sunset provision. The three and one-half (3½) percent tax levied and imposed in § 10-36 and § 10-43 shall revert to three (3%) percent **on October 1, 2027** unless the said three and one-half (3½) percent rate is renewed by the Council through adoption of an ordinance providing for the three and one-half (3½) percent rate to continue and remain in effect.

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

SECTION 7. This ordinance shall be effective as of October 1, 2024.

Adopted this the _____ day of August, 2024.

Mayor

ATTEST:

City Clerk

It was proposed that Ordinance 2024-04 be adopted by the Council. No action was taken. The Council will vote on Ordinance 2024-04 at the next Council meeting.

COMPREHENSIVE PLAN AGREEMENT

Mayor Northam presented the Comprehensive Plan Agreement to the Council. No action was taken. The Council will vote on the agreement at the next Council meeting.

AIRPORT RUNWAY ANALYSIS

Mayor Northam said the Airport Runway analysis inspection found the current runway was in good shape. The voids have been created by the lifting holes in the pipes being improperly sealed.

APPROVAL OF FINANCIAL STATEMENT

Councilmember Campbell moved the City's financial statement be approved. Upon the motion being seconded by Councilmember Hughes-Monroe, 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 Hughes-Monroe 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 welcomed Mr. Sean White as the new Junior City Council Mayor.

Mayor Northam said Mr. Steven Cook had been hired to work in the Street & Sanitation Dept.

Mayor Northam said there would be a ceremony held on August 24th at Shady Grove Missionary Baptist Church recognizing the designation of Freeman Lake and Shady Grove Missionary Baptist Church as historic sites by the Alabama Historical Commission.

Mayor Northam said the annual Arts Festival will be held on September 14th at the Civic Center.

Mayor Northam stated the Frog Level Festival will be held on October 4th – October 5th.

REPORT OF CITY CLERK

City Clerk Dawn Clapp reported for the month of July 2024, the City received \$314,643.88 in non-designated sales tax and the ½¢ sales tax for the hospital generated \$37,976.51 for a combined total of \$352,620.39. She reported the City received \$7,774.42 in alcohol taxes. She also reported the City received \$29,464.92 in online sales tax.

REPORT OF JUNIOR MAYOR

Junior Mayor Sean White said he looked forward to serving and working with the City Council.

EXECUTIVE SESSION

Councilmember Whiteside moved the Council go into executive session to discuss the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease or market value of real property. Upon the motion being seconded by Councilmember Williams, it was unanimously approved.

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

Mayor

Attest:

City Clerk