

City Hall
Fayette, Alabama
August 27, 2024

A regular meeting of the City Council of the City of Fayette met at 5:00 o'clock p.m. on August 27, 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 and Jerry Nichols. Also present were City Clerk Dawn Clapp, Police Chief Danny Jenkins, Fire Chief Shannon Taylor, City Attorney Dale Lawrence. Junior Mayor Sean White, Airport Manager Kip Madison and Park & Recreation Director Chris Champion. Councilmember Aliska Hughes-Monroe was absent.

The opening prayer was given by Ms. Ann Carsyn Cowart.

The Pledge of Allegiance was led by Ms. India Sudduth.

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 August 13, 2024, be approved. Upon it being seconded by Councilmember Campbell, it was unanimously approved.

FROG LEVEL FESTIVAL

Chamber of Commerce Executive Emily Montague spoke to the Council concerning funding for the Frog Level Festival. She said \$30,660.00 was spent last year on the festival and she expects to spend a little more than that this year.

REQUEST TO APPROVE FAYETTE COUNTY SOLID WASTE PLAN

Mr. Luke Porter presented the Fayette County Solid Waste Plan to the Council for their approval. The plan provides for the collection, disposal and recycling of all waste in the municipalities and rural areas within Fayette County. He said the plan must be updated every ten years. Councilmember Williams moved the City approve and participate in the Fayette County Solid Waste Plan as presented. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

REQUEST TO APPROVE PURCHASE OF FUEL HOSE AT AIRPORT

Airport Manager Kip Madison asked the Council to approve the purchase of a fuel hose for one of the fuel pumps at the airport. He estimated the cost for the new fuel hose to be \$2,500.00. Councilmember Williams moved the Council approve up to \$3,000.00 for the purchase of a replacement fuel hose and a replacement nozzle. Upon the motion being seconded by Councilmember Nichols, the same was unanimously approved.

2024 AQUATIC CENTER REPORT

Park & Recreation Director Chris Champion reported to the Council on the 2024 Season at the Aquatic Center. The report is as follows:

Total Attendance 2024	25,400 (336 fewer than last year)
Total Attendance 2023	25,736

Average Daily Attendance 2024	353 (4 fewer than last year)
Average Daily Attendance 2023	357

*One company purchased 350 single day passes in 2023.

Days closed early due to weather 2024	3
Days closed early due to weather 2023	5

P/L as of today for 2024 season	\$12,791.37
P/L 2023 season	\$6,860.05

Admissions Income 2024	\$251,747.70 (\$8,451 less)
Admissions Income 2023	\$260,198.70

Concessions Income 2024	\$134,334.68 (\$3,885.12 more)
Concessions Income 2023	\$130,449.56
Store Income 2024	\$5,166.16 (\$1,321.40 more)
Store Income 2023	\$3,844.76
Season Pass Income 2024	\$11,795.67 (\$2,802.99 more)
Season Pass Income 2023	\$8,992.68
Private Party Income 2024	\$62,144.20 (\$937.55 more)
Private Party Income 2023	\$61,206.65

Started the season with 112 employees; finished with 103
 Started the season with 63 lifeguards; finished with 55.

Mr. Champion said, as of today, the Aquatic Center has about \$4,000.00 less expenses for the season, but there are three bill cycles to go.

Mr. Champion reported on June 22, 2024, there were 1,045 attendees at the Aquatic Center. This was the highest number of customers on one day in the Aquatic Center's history.

Mr. Champion and the Council discussed whether to keep the Aquatic Center open on the weekends once school starts. It was suggested that it may be more effective to be open for parties on weekends between the start of school and Labor Day.

GRASS ABATEMENTS

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

<u>Address</u>	<u>Type</u>
1715 1 st Terrance NW	Grass
526 4 th Avenue NE	Grass

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.

ORDINANCE 2024-04

Mayor Northam presented Ordinance 2024-04 to the Council to consider its adoption. 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 27th day of August 2024.

s/Rod Northam

Mayor

ATTEST:

s/Dawn Clapp

City Clerk

Councilmember Campbell moved the Council adopt Ordinance 2024-04. Upon the motion being seconded by Councilmember Nichols, the same was unanimously adopted.

COMPREHENSIVE PLAN CONTRACT

Mayor Northam presented the Agreement with Leavell Design Consulting, LLC to update the City's 2010 Comprehensive Plan to the Council for their consideration. Councilmember Nichols moved the City enter into the agreement with Leavell Design Consulting, LLC. Upon the motion being seconded by Councilmember Whiteside, the same was unanimously approved.

PARADE PERMIT

Mayor Northam presented a Parade Permit request for the Reunion for the Classes of the 70's to be held from 4:00 p.m. to 11:00 p.m. on October 12, 2024. The street will be blocked off in front of the Courthouse. Councilmember Whiteside moved to approve the Parade Permit. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

REQUEST TO PURCHASE PROPERTY

Mayor Northam discussed with the Council the purchase of property from the Larry Bowen Testamentary Trust. He said grant funds would be used to purchase the property. Councilmember Whiteside moved the City purchase the property and authorize the Mayor to sign all necessary documents

for the purchase on the City's behalf. Upon the motion being seconded by Councilmember Williams, the same was unanimously approved.

RESOLUTION 2024-11

Mayor Northam presented Resolution 2024-11 to the Council for their consideration. Resolution 2024-11 is as follows:

**RESOLUTION 2024-11
A RESOLUTION ADOPTING TRANSPORTATION PLAN PURSUANT TO THE
REBUILD ALABAMA ACT (ACT 2019-2)**

WHEREAS, the 2019 Alabama Legislature has passed an HB2 to levy an additional excise tax on gasoline and diesel fuel; and,

WHEREAS, the City of Fayette is to receive a portion of said tax based on the ratio of population of each municipality to the total population of all municipalities of the state; and,

WHEREAS, the City of Fayette pledges to keep this money in a separate fund and expend it only for the maintenance, improvement, replacement and construction of roads as mandated by the law passed; and,

WHEREAS, the City of Fayette shall adopt an annual transportation plan no later than August 31 for the next fiscal year – 2025- based on an estimate of revenues;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Fayette estimates that its anticipated allocation from the Rebuild Alabama Act fund for the Fiscal Year 2025 will be approximately \$100,000.00 to be used for street maintenance, improvement, replacement and construction of roads within the City of Fayette, with the increasing allocations for each fiscal year thereafter.

ADOPTED AND APPROVED by the City Council of the City of Fayette, Alabama, on this 27th day of August 2024.

Mayor

ATTEST:

City Clerk

Councilmember Nichols moved the Council adopt Resolution 2024-11. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

SCHOOL SECURITY OFFICER MEMORANDUM OF UNDERSTANDING

Mayor Northam presented the School Security Officer Memorandum of Understanding (MOU) to the Council for their consideration. Councilmember Whiteside moved the Council approve the School Security Officer MOU as presented. Upon the motion being seconded by Councilmember Campbell, the same was unanimously approved.

FINANCIALS

Mayor Northam reviewed with the Council the City financials, Municipal Court financials, Park & Recreation financials, Waste Water financials and Transportation financials. He said the Budget Committee is working on developing a way to more easily show the revenues and expenses of the Park & Recreation Department. He reported the Transportation Department collected \$357.00 for the month and averaged eight passengers per day.

REPORT OF MAYOR

Mayor Northam said the City may be eligible for grants for charging stations for electric vehicles.

Mayor Northam reported the unemployment rate for Fayette County is 3.8%.

Mayor Northam stated the Arts Festival will be held on September 14th.

Mayor Northam said the Frog Level Festival will be held on October 4th and October 5th.

Mayor Northam said the 70's Class Reunion will be held on October 12th.

WORK SESSION

Mayor Northam said a Budget Work Session would be held on September 10, 2024, following the regular meeting.

REPORT OF JUNIOR MAYOR

Junior Mayor Sean White announced the next Junior City Council meeting will be held on September 2, 2024.

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 Williams, it was unanimously approved.

Mayor

Attest:

City Clerk