

**DECEMBER 15, 2015
MEETING MINUTES**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled meeting at 6:00 p.m. Eastern Time on Tuesday, December 15, 2015 in the Council Chambers located within the Public Safety Building at 1111 Broad Street, Phenix City, Alabama. Upon roll call the following members were present: Councilmember Arthur L. Day, Jr., Councilmember Gail N. Head, Councilmember Jim Cannon, Councilmember Chris Blackshear and Mayor Eddie N. Lowe. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, Jr. and City Clerk Charlotte Sierra.

There being a quorum established, Mayor Lowe called the meeting to order.

Reverend David Wilson, Pastor of The Way Church led the invocation.

Councilmember Day led the Pledge of Allegiance to the US Flag.

Mayor Lowe presented for approval the minutes for the November 30, 2015 work session meeting and the December 1, 2015 council meeting minutes. Councilmember Cannon moved to approve the minutes, which motion was seconded by Councilmember Blackshear. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe stated there was no unfinished business to address at this time.

Mayor Lowe presented a resolution in reference to approving Change Order No. 1 with J&P Construction for Phase 1 of the Waste Water Treatment Plant Improvements Project in the amount of (+) \$41,945.00, and an additional 12 days.

RESOLUTION NO. 2015-336

Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded:

YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None.
ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to the satisfaction of a Special Assessment on property located at 726 12th Court, Warner & Mary Noles, owners.

RESOLUTION NO. 2015-337

Councilmember Head moved to approve the resolution, which motion was seconded by Councilmember Blackshear. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to the satisfaction of a Special Assessment on property located at 1107 15th Place, Daniel Lipscomb, owner.

RESOLUTION NO. 2015-338

Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Blackshear. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor, City Manager, and Fire Chief to sign documents for a Wal-Mart Community Grant in the amount of \$1,000.00.

RESOLUTION NO. 2015- 339

Councilmember Cannon moved to approve the resolution, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor, City Manager, and Police Chief to sign documents for a Wal-Mart Community Grant in the amount of \$1,000.00.

RESOLUTION NO. 2015- 340

Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Blackshear. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor and City Manager to enter into an agreement with Southeast Alabama Regional Highway Safety Office-Enterprise State Community College for the administration of grant funds.

RESOLUTION NO. 2015- 341

Councilmember Blackshear moved to approve the resolution, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to awarding a bid to Southern Pipe & Supply for water main improvements on 15th Avenue South in the amount of \$52,644.60.

RESOLUTION NO. 2015-342

Councilmember Blackshear moved to approve the resolution, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented an application for conditional use approval submitted by Thomas Muhall for a Canoe and Kayak Rental and a Retail Store and Tours located at 400 Brickyard Road. Councilmember Cannon moved to approve the conditional use, which motion was

seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe asked for a motion to approve the appointment of Councilmember Arthur L. Day, Jr. to the Planning Commission Board. Councilmember Head moved to approve the appointment of Arthur L. Day, Jr. to the Planning Commission Board, which motion was seconded by Councilmember Blackshear. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Blackshear and Mayor Lowe. NAYS: None. ABSTAIN: Councilmember Day. The motion carried.

Mayor Lowe presented for first reading an application for an Off Premise Beer License and an Off Premise Wine License, submitted by Alabama CVS Pharmacy, LLC for CVS/Pharmacy #4934 located at 1430 Hwy 280 & 431 North, Phenix City, Alabama. Councilmember Blackshear moved to approve the applications, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Blackshear, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Cannon. The motion carried.

Mayor Lowe presented for first reading an application for an Off Premise Beer License and an Off Premise Wine License, submitted by Walmart Stores East, LP for Walmart Market #5903 located at 3864 US Hwy 80 West, Phenix City, Alabama. Councilmember Cannon moved to approve the applications, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an application for an Off Premise Beer License and an Off Premise Wine License, submitted by Walmart Stores East, LP for Walmart Market #5903 (Fuel Kiosk) located at 3864A US Hwy 80 West, Phenix City, Alabama. Councilmember

Blackshear moved to approve the applications, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented a resolution in reference to approving a proposal settlement agreement in the Matter of Duane and Janet Peacock versus the City of Phenix City, Alabama, Case No. 43-CV-2015-9000.

RESOLUTION NO. 2015-343

City Attorney Graham advised another Resolution will come before Council at a later date with the amount. Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Graham presented a claim filed by Diane Blake. City Attorney Graham advised the claim alleges that the City of Phenix City is responsible for a bent rim and damaged tire that was caused by hitting an asphalt cut located at 2006 Opelika Road. City Attorney Graham stated the memorandum from the Utilities Engineer sets out the time frame of what happened and showed that the City was not notified that the asphalt was washed out due to the rain prior to Ms. Blake hitting the asphalt cut. City Attorney Graham stated the state law requires notice in order for the city to be liable; we did not have prior notice therefore he recommended denying the claim. Councilmember Cannon moved to take the City Attorney's recommendation to deny the claim, which motion was seconded by Councilmember Blackshear. Upon said motion being put to a vote, the following vote was recorded. YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Graham presented a claim filed by Ted Gilbert. City Attorney Jimmy Graham advised the claim alleges that the City of Phenix City is responsible for damages to the claimant's passenger side door and fender. City Attorney Jimmy Graham stated that the claimant drove through an area that was clearly marked with cones and flashing vehicle lights where the City crew was working; and struck a valve key. City Attorney Graham stated the Utilities Engineer gave sequence of events that happened. City Attorney Graham recommended denying the claim; he also advised the City send the claimant a bill and seek reimbursement for the destroyed valve key. Councilmember Day moved to take the City Attorney's recommendation to deny the claim, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded. YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Taylor Seckinger. City Attorney Jimmy Graham advised the claim alleges that the City of Phenix City is responsible for damages to the tire, rim, broken hubcap and alignment to her vehicle. City Attorney Jimmy Graham stated that the memorandum from the Utilities Engineer stated that we received notice that the asphalt cut had been washed out by the rain prior to the claimant reporting her claim. City Attorney Jimmy Graham stated under state law if we have notice; we are liable. City Attorney Graham recommended paying the lowest estimate in the amount of \$410.83. Councilmember Day moved to take the City Attorney's recommendation to approve the claim in the amount of \$410.83, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded. YEAS: Councilmembers Day, Head, Cannon, Blackshear, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Manager Wallace Hunter discussed how notifications of potholes are handled and how the issues that the city receives get priority treatment.

City Engineer Angel Moore stated that there is construction on Riverchase and Summerville Road and advised everyone to be patient until the project is completed; which will allow traffic to flow better in that area once it is complete.

Councilmember Gail Head stated that Superintendent of Education Thomas Bice was in town and he was very impressed with everything that is going on with the Phenix City School System. Councilmember Head added that she received a lot of positive comments on the Christmas activities and the comments should go to the people that worked so hard to put them together.

Councilmember Day stated that he attended the Christmas Parade and Moon Lake events and he was very impressed with the turn out.

Mayor Lowe thanked the Department Heads for all that they do.

Mayor Lowe thanked CTVEA for donating their time and resources for the recording of the city's council meeting.

There being no further business to come before council, the meeting adjourned until January 5, 2016 at 9:00 a.m.