

**FEBRUARY 2, 2016
MEETING MINUTES**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled meeting at 9:00 a.m. Eastern Time on Tuesday, February 2, 2016 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, 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 Robert Dickerson, Pastor of Shiloh Missionary Baptist Church led the invocation.

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

City Manager Wallace Hunter and Human Resources Director Stephanie Chastain presented Certificates of Appreciation to the following employees for Years of Dedicated Service: Allen Motley, Chris Benison, Brenda Thomas, Joshua Carter, Tilly Frazier, William Clanton, James Langley, and James Oszust.

Mayor Lowe presented a proclamation recognizing 2-1-1 Day.

PROCLAMATION

Scott Ferguson President of United Way came forward to accept the Proclamation.

Mayor Lowe presented a proclamation recognizing Career Technical Education Week.

PROCLAMATION

Bobby Cook and Christy Baker with Career Technical Education came forward to accept the proclamation.

Mayor Lowe presented for approval the minutes for the January 19, 2016 work session meeting, January 20, 2016 council meeting minutes, and the January 21, 2016 State of the City

minutes. Councilmember Cannon moved to approve the minutes, 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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe asked if there was any unfinished business. Councilmember Day moved to nominate Johnny Barfield as Councilmember At Large due to the resignation of Councilmember Chris Blackshear. Mayor Lowe asked for a motion to approve the nomination of Johnny Barfield as Councilmember At Large. Councilmember Day moved to approve the nomination, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried. Johnny Barfield was appointed as Councilmember At Large to fill the unexpired term of Councilmember Blackshear, who was elected to District 80 of the Alabama House of Representatives. Councilmember Cannon moved to nominate Councilmember Day as Mayor Pro-Tem. Mayor Lowe asked for a second motion to approve the nomination of Councilmember Day as Mayor Pro-Tem. Councilmember Cannon moved to approve the nomination, 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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to appointing Councilmember Arthur L. Day, Jr. as Mayor Pro-Tem.

RESOLUTION NO. 2016-26

Councilmember Cannon 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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to accepting a proposal from AECOM to develop an ADA Transition Plan to comply with ALDOT regulations in the amount of \$48,440.01.

RESOLUTION NO. 2016-27

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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one street light at 3006 14th Avenue .

RESOLUTION NO. 2016-28

Councilmember Cannon 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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to the purchase of one White 2016 Ford F150 Crew Cab 4x4 Pick Up Truck from Stivers Ford Lincoln Mercury in the amount of \$28,879.00.

RESOLUTION NO. 2016-29

Councilmember Head 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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a resolution in reference to the purchase of one White 2016 Ford F550 Regular Cab & Cassis Truck from Tallassee Automotive, Inc. in the amount of \$52,916.00.

RESOLUTION NO. 2016-30

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

Mayor Lowe presented a resolution in reference to awarding a bid to Central Pipe & Supply for four (4) Mag Meters in an amount not to exceed \$14,840.00. (Funds allocated from Warrant 2014-A)

RESOLUTION NO. 2016-31

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into an agreement with Thompson Power Systems for annual maintenance for nine emergency generators in an amount not to exceed \$13,570.00. (Budgeted Item)

RESOLUTION NO. 2016-32

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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented one opening on the Downtown Redevelopment Authority Board. Mayor asked for a motion to reappoint David Jones. Councilmember Head moved to reappoint David Jones, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Cannon, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented two openings on the Zoning Adjustment and Appeals Board. Mayor Lowe asked for a motion to reappoint John Donohue and Gloria Hughes. Councilmember Day moved to reappoint John Donohue and Gloria Hughes, 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, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Broderick M. Nelson. City Attorney Graham advised the claim alleges that the city is responsible for damages on the claimant's vehicle rim and tire from a utility cut that he hit located on 30th Street at Summerville Road. City Attorney Graham advised that the utility cut was made by Alagasco. City Attorney Graham stated that the claimant submitted three estimates as provided by state law; also the City of Phenix City was notified by Alagasco that the cut was made and there was a temporary patch but due to the weather the City of Phenix City was not able to patch the cut. City Attorney Graham stated that damages were made to the claimant's vehicle and his recommendation is to get with the City Manager and negotiate a settlement. Councilmember Cannon moved to take the city attorney's recommendation to negotiate the claim, 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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Willie A. Thomas of 815 Gateway Drive, Phenix City, Alabama. City Attorney Graham advised on December 24, 2015 a tree fell during a storm that damaged Willie A. Thomas's fence and the memorandum stated it was on the city easement; however under Alabama Law if the City does not have prior notice that a tree has decayed or is dead, the city is not liable. City Attorney Graham stated under Alabama law it is considered an Act of God. City Attorney Graham recommended denying the claim. Councilmember Head moved to take the city attorney's recommendation to deny the

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

City Attorney Jimmy Graham presented a claim filed by Progressive Insurance on behalf of Joshua Geiger. City Attorney Graham advised that Joshua Geiger was involved in automobile accident with a city vehicle. Instead of going through the claim process, he chose to have Progressive fix his vehicle and send the City of Phenix City a bill. City Attorney Graham stated Progressive is seeking reimbursement for the total amount of \$4,527.64. This amount includes \$500 for the insured's deductible and his out of pocket car rental fee of \$31.27. City Attorney Jimmy Graham stated State Law is strict on the claim filing process and he would like to respond to Progressive and let them know:

- 1.) The procedure to file a claim
- 2.) What the City of Phenix City will and will not pay for

City Attorney Graham recommended allowing him to contact them. Councilmember Day moved to take the city attorney's recommendation to allow the City Manager to contact Progressive by letter to let them know:

- 1.) The procedure to file a claim
- 2.) What the City will and will not pay for

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, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Manager Wallace Hunter spoke on the duties and powers of the City Manager.

Mayor Lowe and Councilmember Day spoke on citizens comments regarding Councilmember At Large appointment.

Councilmember Day thanked council for appointing him as Mayor Pro-Tem.

Mayor Lowe thanked Department Heads for all of their hard work.

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 February 17, 2016 at 6:00 p.m.