

**FEBRUARY 17, 2016
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 Wednesday, February 17, 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 Johnny Barfield, Councilmember Gail N. Head, Councilmember Jim Cannon, and Mayor Eddie N. Lowe. Councilmember Arthur L. Day, Jr. was not present. 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 Ladaris Hood, Pastor of Bethlehem Missionary Baptist Church led the invocation.

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

Mayor Lowe presented a proclamation recognizing retiring Assistant District Attorney Joe Edwards.

PROCLAMATION

Joe Edwards and his wife came forward to accept the Proclamation.

Mayor Lowe presented for approval the minutes for the February 1, 2016 work session meeting 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 Head, Cannon, and Mayor Lowe. NAYS: None. ABSTAIN: Barfield. The motion carried.

Mayor Lowe presented for approval the minutes for the February 2, 2016 council meeting minutes. Councilmember Head moved to approve the minutes, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote

was recorded: YEAS: Councilmembers Head, Cannon, and Mayor Lowe. NAYS: None. ABSTAIN: Barfield. The motion carried.

Mayor Lowe asked for a motion to approve the Appeal of Condemnation minutes for the February 2, 2016 meeting; however a quorum or majority cannot approve the vote because Councilmember Head was not present at this meeting and Councilmember Barfield had not been sworn in at the time of the meeting. Mayor Lowe then asked for another motion to table the February 2, 2016 Appeal of Condemnation meeting minutes. Councilmember Head moved to table the minutes, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, and Mayor Lowe. NAYS: None. ABSTAIN: Barfield. The motion carried.

Mayor Lowe presented for approval the minutes for the February 4, 2016 Oath of Office 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 Head, Cannon, and Mayor Lowe. NAYS: None. ABSTAIN: Barfield. The motion carried.

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

Mayor Lowe presented Resolution No. 2016-33 to be ratified in reference to approving Peoples & Quigley, Inc. to conduct site inspections on various dams located in the city in an amount not to exceed \$15,000.00.

RESOLUTION NO. 2016-33

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

Mayor Lowe presented Resolution No. 2016-34 to be ratified in reference to approving Peoples & Quigley, Inc. to perform professional engineering services on Lakewood Park Dam and Silver Lake Dam in an amount not to exceed \$54,500.00.

RESOLUTION NO. 2016-34

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

Mayor Lowe presented Resolution No. 2016-35 to be ratified in reference to authorizing and directing the Mayor and City Manager to enter into a contract with Kelley Outdoor Media, LLC for billboard advertisement space from February 1, 2016 to December 31, 2016 for \$1,300.00 per month.

RESOLUTION NO. 2016-35

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

Mayor Lowe presented a resolution in reference to purchasing two (2) Wacker Neuson Vibroplates from Southland Machinery for an amount not to exceed \$3,369.02 .

RESOLUTION NO. 2016-37

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

Mayor Lowe presented a resolution in reference to purchasing two (2) Wacker Neuson Rammers from United Rentals for an amount not to exceed \$4,036.26.

RESOLUTION NO. 2016-38

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

Mayor Lowe presented a resolution in reference to purchasing a Wacker Neuson Asphalt Roller from Southland Machinery in an amount not to exceed \$13,850.29.

RESOLUTION NO. 2016-39

Councilmember Cannon moved to approve the resolution, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield 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 908 15th Street, Myrtle Mathews, % Byron & Carolyn Kent, owners.

RESOLUTION NO. 2016-40

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

Mayor Lowe presented ten (10) resolutions in reference to declaring property a public nuisance and authorizing and directing the Housing Abatement Board to take necessary action to demolish, remove and clear all building materials, trash, and debris from property at the following locations:

1. 316 15th Avenue South

RESOLUTION 2016-41

2. 522 22nd Avenue

RESOLUTION 2016-42

3. 103 14th Court

RESOLUTION 2016-43

4. 110 14th Court South

RESOLUTION 2016-44

5. 402 Seale Road South

RESOLUTION 2016-45

6. 502 Seale Road

RESOLUTION 2016-46

7. 700 Seale Road

RESOLUTION 2016-47

8. 1011 4th Street South

RESOLUTION 2016-48

9. 2001 5th Street South

RESOLUTION 2016-49

10. 606 North Railroad Street

RESOLUTION 2016-50

Councilmember Cannon moved to approve the resolutions, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield 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 a contract with East Coast Entertainment for 7 Bridges to

perform at the Phenix City Amphitheater on June 4, 2016 in an amount not to exceed \$7,500.00. (Budgeted Item)

RESOLUTION NO. 2016-51

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

Mayor Lowe presented a resolution declaring personal property as surplus and disposing of for the nominal sum of \$1.00 and other valuable considerations to Curtis Mitchell in recognition of his 25 years of public service.

RESOLUTION NO. 2016-52

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

Mayor Lowe presented a resolution in reference to purchasing two (2) 2016 Ford F-150, Crew Cab Trucks from Stivers Ford in Montgomery, Alabama in a total amount not to exceed \$47,920.00.

RESOLUTION NO. 2016-53

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

Mayor Lowe presented a resolution in reference to purchasing four (4) 2016 Ford Explorer, Four Door Police Interceptor Utility Vehicles from Stivers Ford in Montgomery, Alabama in a total amount not to exceed \$103,752.00.

RESOLUTION NO. 2016-54

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

Mayor Lowe presented one opening on the Planning Commission Board. Mayor Lowe stated that Councilmember Barfield will remain on the Board but not as President and Councilmember Day will need to resign from the Board due to the fact that two Councilmembers cannot serve on the Board at the same time; however Councilmember Day is not present to resign, so Mayor Lowe asked for a motion to table. Councilmember Head moved to table the opening, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented Itemized Statements of Expense from Steven Mathew Johnston, of the Fire Department, in the amounts of \$17.89 and \$14.07 which totals \$31.96. Councilmember Cannon moved to approve the expenses, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense from Ronald Reynolds, of the Engineering/Public Works Department, in the amount of \$10.00. Councilmember Head moved to approve the expense, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Deaven Shephard. City Attorney Graham advised the claim alleges that the City of Phenix City is responsible for damages to the

claimant's 1996 Grand Marquis Mercury. The claim alleges that a City Trash Truck struck the vehicle while changing lanes on Downing Drive, located inside the Industrial Park, on January 24, 2016; the vehicle driven by the claimant's brother, Keyon Clancy. City Attorney Jimmy Graham's recommendation is to approve the claim in the lowest estimate of \$1,483.56. Councilmember Barfield moved to take the city attorney's recommendation to pay the lowest estimate of \$1,483.56, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Attorney Fred Gray, Jr. on behalf of Tiffany McClain against the Phenix City Police Department. City Attorney Graham advised that the officer was off duty and was working under an independent contractor for Piggly Wiggly Stores. City Attorney Graham advised that based on the fact that the Police Officer was off duty, the city is not liable. City Attorney Graham's recommendation is to deny the claim. Councilmember Cannon 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 Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Jewel Styles. City Attorney Graham advised that Ms. Jewel Styles alleges that the city is responsible for damages to her rental property at 2324 Delbrock Drive. City Attorney Graham stated that our law enforcement had a warrant to search the premises. City Attorney Graham further stated the Police Department kicked the door in; however the owner of the property was not notified and could have been identified and contacted prior to the officer's executing the search warrant. City Attorney Jimmy Graham's recommendation is to pay the lowest estimate in the amount of \$792.00. Councilmember Barfield moved to take the city attorney's recommendation to pay the lowest estimate of \$792.00, which motion was seconded by Councilmember Cannon. Upon said

motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented Resolution No. 2016-36 to be ratified in reference to authorizing and directing the Mayor and City Manager to sign Change Order Number One with Robinson Paving Company, Inc. for intersection improvements at Riverchase Drive and Summerville Road in an amount not to exceed \$57,376.50.

RESOLUTION NO. 2016-36

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

Mayor Lowe presented a resolution in reference to rescinding Resolution 2016-36 in reference to authorizing and directing the Mayor and City Manager to sign Change Order Number One with Robinson Paving Company, Inc. for intersection improvements at Riverchase Drive and Summerville Road in an amount not to exceed \$57,376.50.

RESOLUTION NO. 2016-55

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

Councilmember Cannon thanked Economic Development for working with potential future businesses coming to the city.

City Manager Wallace Hunter asked the citizens to get to the truth of negative comments about the city. Mr. Hunter also thanked Steve Smith and Finance for their hard work on the Audit.

Mayor Lowe spoke on how important Council creditability is, and he also thanked CTVEA for donating their time and resources for the recording of the city's council meeting.

Mayor Lowe reminded everyone of the March 10, 2016 Mayor's Prayer Breakfast.

There being no further business to come before council, the meeting adjourned until March 1, 2016 at 9:00 a.m.