

**APRIL 5, 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, April 5, 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, Councilmember Johnny Barfield, and Mayor Eddie N. Lowe. Also present were Acting City Manager Stephen Smith, City Attorney James P. Graham, Jr. and City Clerk Charlotte Sierra. City Manager Wallace B. Hunter was not present.

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

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

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

Acting City Manager Stephen Smith and Human Resources Director Stephanie Chastain presented Certificates of Appreciation to the following employees for Years of Dedicated Service: Brenda Sanders and William Lowman.

Mayor Lowe presented a proclamation recognizing National Service Recognition Day.

PROCLAMATION

Bridgette Woodyard came forward to accept the Proclamation.

Mayor Lowe presented a proclamation recognizing Southern Gospel Music Day.

PROCLAMATION

Sharon Spivey came forward along with others to accept the Proclamation.

Mayor Lowe presented a proclamation recognizing National Library Week.

PROCLAMATION

Ruth Ann Powers, and Library Director Michele Kilday, along with staff, came forward to accept the Proclamation.

Mayor Lowe presented a proclamation recognizing April 2016 as Fair Housing Month.

PROCLAMATION

Heike Horning and Members of Phenix City Cultural Diversity and Ethics Committee came forward to accept the Proclamation.

Mayor Lowe presented for approval the minutes of the March 14, 2016 work session and the March 15, 2016 council meeting. 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, Barfield, 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 Resolution No. 2016-92 to be ratified in reference to authorizing and directing the Mayor and City Manager to enter into a State-Local Disaster Assistance Agreement with the State of Alabama.

RESOLUTION NO. 2016-92

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

Mayor Lowe presented Resolution No. 2016-93 to be ratified in reference to opposing House Bill 375.

RESOLUTION NO. 2016-93

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 Day, 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 temporary sanitary sewer easement agreement for the Mill Creek Sanitary Main Project.

RESOLUTION NO. 2016-94

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

Mayor Lowe presented a resolution in reference to awarding a bid to Southern Contractors, LLC for the Mill Creek Sanitary Sewer Crossing improvements in an amount not to exceed \$80,000.00.

RESOLUTION NO. 2016-95

Councilmember Barfield 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, 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 Constantine Engineering, Inc. to perform smoke testing of sanitary mains in an amount not to exceed \$52,143.00.

RESOLUTION NO. 2016-96

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

Mayor Lowe presented three (3) resolutions in reference to the satisfaction of Special Assessments on the following properties:

- 1.) 512 7th Avenue, owner Curtis A. Courtney

RESOLUTION NO. 2016-97

- 2.) 103 South Seale Road, owner Annie Clarke

RESOLUTION NO. 2016-98

- 3.) 412 South Seale Road, owner State of Alabama (2011 Taxes)

RESOLUTION NO. 2016-99

Councilmember Head moved to approve the resolutions, 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, Barfield, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented four (4) resolutions and public notices in reference to setting public hearing dates and fixing demolitions costs associated with the following properties located in Phenix City:

- 1.) 109 15th Avenue South

RESOLUTION NO. 2016-100

PUBLIC NOTICE

- 2.) 1212 16th Avenue

RESOLUTION NO. 2016-101

PUBLIC NOTICE

- 3.) 1208 2nd Street South

RESOLUTION NO. 2016-102

PUBLIC NOTICE

- 4.) 1007 4th Street South

RESOLUTION NO. 2016-103

PUBLIC NOTICE

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

Mayor Lowe presented a resolution in reference to purchasing one 2016 Ford Interceptor from Stivers Ford Lincoln, Inc. in an amount not to exceed \$25,453.00.

RESOLUTION NO. 2016-104

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

Mayor Lowe presented a resolution rescinding Resolution No. 2013-236 in reference to declaring property as surplus to be sold to the highest bidder at a public auction.

RESOLUTION NO. 2016-105

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

Mayor Lowe presented a resolution in reference to declaring property as surplus to be sold as scrap or be disposed of at the City Landfill.

RESOLUTION NO. 2016-106

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

Mayor Lowe presented a resolution in reference to declaring property as surplus to be sold as scrap or be disposed of at the City Landfill.

RESOLUTION NO. 2016-107

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

Mayor Lowe presented a resolution in reference to purchasing fifteen (15) Stealth Carbon Fiber Spare Cylinders from Sunbelt Fire in an amount not to exceed \$16,635.00.

RESOLUTION NO. 2016-108

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, 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 lease agreement with Best Copy Products for a Sharp MX-5141N Color Series Document System.

RESOLUTION NO. 2016-109

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

Mayor Lowe presented a resolution in reference to accepting a proposal from Burleson Pool Company, Inc. for the renovation of Southside Pool in an amount not to exceed \$153,552.00.

RESOLUTION NO. 2016-110

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

Mayor Lowe presented a resolution in reference to purchasing one White Ford F150 Crew Cab for the Water Distribution Division from Stivers Ford Lincoln, Inc. in an amount not to exceed \$26,131.00.

RESOLUTION NO. 2016-111

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

Mayor Lowe presented a resolution in reference to purchasing one White Ford F150 Crew Cab for the Wastewater Treatment Plant from Stivers Ford Lincoln, Inc. in an amount not to exceed \$26,131.00.

RESOLUTION NO. 2016-112

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

Mayor Lowe presented a letter of request from the Planning Commission, public notice and ordinance to rezone a 0.085 acre tract of land located on Day Lily Court, from an R-2 Zone

to an A-O Zone, and from an A-O Zone to an R-2 Zone, Harding Builders, LLC and McIntosh Homeowners Association, owners.

LETTER OF REQUEST

PUBLIC NOTICE

ORDINANCE

Councilmember Day moved to accept the letter, approve the public notice and place the ordinance on first reading, 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, Barfield, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

Mayor Lowe presented a letter of request from the Planning Commission, a public notice, and ordinance to annex 4.57+/- acres of land lying in Section 28, Township 18 North, Range 30 East, Lee County, Alabama, into a R-1B Zone, located at 4380 Lee Road 248, JD Real Properties, LLC, owner. (Previously deleted from the 06/02/2015 Agenda per owner's request).

LETTER OF REQUEST

PUBLIC NOTICE

ORDINANCE

Councilmember Cannon moved to accept the letter, approve the public notice, and place the ordinance on first reading, 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, Barfield, and Mayor Lowe. NAYS: None. Abstains: None. The motion carried.

Mayor Lowe presented two (2) openings on the Phenix City Board of Education for the positions of Brad Baker and Kelvin Redd. Mayor Lowe called for nominations for the position of Brad Baker. Councilmember Head nominated Brad Baker to be reappointed. Councilmember Cannon nominated John Donohue to be appointed. Mayor Lowe then declared the nominations

closed. Councilmember Head moved to reappoint Brad Baker, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, and Barfield. NAYS: Councilmembers Day, Cannon, and Mayor Lowe. ABSTAINS: None. The motion failed. Mayor Lowe called for the vote for John Donohue. Councilmember Cannon moved to appoint John Donohue, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, and Mayor Lowe. NAYS: Councilmembers Head, and Barfield. ABSTAINS: None. The motion carried. Mayor Lowe called for nominations for the position of Kelvin Redd. Councilmember Head moved to reappoint Kelvin Redd, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Head, and Barfield. NAYS: Councilmembers Day, Cannon, and Mayor Lowe. ABSTAINS: None. The motion failed. Mayor Lowe called for another nominee. Councilmember Day moved to appoint Will Lawrence, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, and Mayor Lowe. NAYS: Councilmembers Head, and Barfield. ABSTAINS: None. The motion carried.

City Attorney James Graham, Jr. presented a claim filed by Rex Woods. City Attorney Graham advised that the claim alleges that the city is responsible for damages to the windshield of the vehicle. City Attorney Graham stated the vehicle was traveling on South Rail Road Street and 21st Street, and the city did have a crew out at that location, when a rock was thrown from a weed eater operated by a city employee. City Attorney Graham recommended approving the claim in the lowest estimate of \$150.00. Councilmember Cannon moved to take the city attorney's recommendation and approve the claim in the lowest estimate of \$150.00, 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, Barfield, and Mayor Lowe. NAYS: None. Abstains: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by National Subrogation Services for Nationwide Mutual Fire Insurance Company for Christina and Barry Tilton. City Attorney Graham stated this claim has been pending since 2015. City Attorney Jimmy Graham stated he spoke with Recovering Analyst Jeff Williams with National Subrogation Services regarding the claim. City Attorney Graham stated he spoke with the City Manager Wallace Hunter regarding the pending claim and his recommendation is for Council to give the City Attorney and City Manager the authority to negotiate a settlement for the claim. Councilmember Head moved to take the city attorney's recommendation to negotiate the settlement with the claimant, which was seconded by Councilmember Barfield. 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 Cooper & Cooper Attorney for Brandon Stinson and wife Barbara Stinson. City Attorney Graham stated that Brandon Stinson was pulled over by a city police officer and the police officer's gun accidentally discharged striking Mr. Stinson. City Attorney Graham's recommendation is to allow himself and the City Manager to negotiate a settlement for the claim. Councilmember Day moved to take the city attorney's recommendation to negotiate the settlement with the claimant, which was seconded by Councilmember Barfield. 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 the Mayor and City Manager to enter into a contract with The Donning Company Publishers to produce a pictorial history of Phenix City in an amount not to exceed \$65,000.00.

RESOLUTION NO. 2016-113

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

YEAS: Councilmembers Day, Barfield, and Mayor Lowe. NAYS: Councilmember Head.
Abstains: Councilmember Cannon. The motion carried.

Councilmember Cannon commented on the pictorial history of Phenix City and to let the citizens know that he will not be making a profit from the publishing of the pictures that Councilmember Cannon will be lending.

Acting City Manager Steve Smith advised City Manager Wallace Hunter was out due to attending a funeral.

Parks and Recreation Director Todd Hughes advised the Cliff Farrar Tennis Center Grand reopening will be at 11:00 a.m. today.

Councilmember Head recognized City Clerk Charlotte Sierra's birthday.

Councilmember Day announced that Pleasant Grove Church will hold a Town Hall Meeting on April 16, 2016 at 8:30.

Councilmember Day announced that State Officials will be at the Central Activity Center from 2:00 to 4:00 on Saturday.

Councilmember Day thanked Steve Smith for filling in for City Manager Hunter.

Mayor Lowe recognized former Councilmember/Planning Commission Member John Storey's time spent serving the City of Phenix City.

Mayor Lowe invited everyone out to the 1st Annual Compassion Day on Saturday, April 9, 2016 from 11:00 to 3:00 at the Amphitheater.

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

There being no further business to come before council, the meeting adjourned until April 19, 2016 at 6:00 pm.