

**APRIL 19, 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 Tuesday, April 19, 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 City Manager Wallace Hunter, City Attorney James P. Graham, Jr. and City Clerk Charlotte Sierra.

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

Pastor Ladaris Hood, Pastor of Bethlehem Missionary Baptist Church, led the invocation.

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

Mayor Lowe presented a proclamation recognizing Power of Purple.

**PROCLAMATION**

Mrs. Dimple Davis came forward to accept the Proclamation.

Mayor Lowe presented a proclamation recognizing "No Bully Zone" Entertainers, Organizers, Educators and Administrators Appreciation Day.

**PROCLAMATION**

Latisha Littleton came forward to accept the Proclamation.

Mayor Lowe presented for approval the minutes of the April 4, 2016 work session and the April 5, 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.

Councilmember Barfield spoke on the untimely death of David Pollard, the Carver High School Baseball Coach that passed away as a result of a hit and run accident in Columbus, Georgia. Councilmember Barfield asked for a point of privilege asking for prayers for the family.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor and City Manager to enter into a Right-of-Way Acquisition Agreement with ALDOT for the 5<sup>th</sup> Street South Resurfacing and Improvements, Project No. STPPC-UR13 (605).

**RESOLUTION NO. 2016-114**

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 awarding insurance contracts for Property, Inland Marine, and Auto Coverage to the Flower Insurance Agency.

**RESOLUTION NO. 2016-115**

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 the Municipal Water Pollution Prevention (MWPP) Annual Report.

**RESOLUTION NO. 2016-116**

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

Mayor Lowe presented a resolution in reference to purchasing a Manitowoc Ice Machine from Equipment Service Company, LLC in an amount not to exceed \$6,764.39.

**RESOLUTION NO. 2016-117**

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 a Dual Frequency Pipehorn from Utility Tool Company, Inc. in an amount not to exceed \$1,374.00.

**RESOLUTION NO. 2016-118**

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 accepting a bid from Forterra Pipe and Precast, LLC for Reinforced Concrete Pipe.

**RESOLUTION NO. 2016-119**

Councilmember Head moved to approve the resolutions, 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 purchasing a 200 Gallon Tank Skid Sprayer from Valley Hotsy in an amount not to exceed \$4,202.38.

**RESOLUTION NO. 2016-120**

Councilmember Barfield moved to approve the resolutions and public notices, 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 two (2) 8 Phase Pole Mount Traffic Control Cabinets from Temple, Inc. in an amount not to exceed \$11,332.00.

**RESOLUTION NO. 2016-121**

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 two (2) 2016 Ford Explorers from Stivers Ford in a total amount not to exceed \$51,876.00.

**RESOLUTION NO. 2016-122**

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 purchasing two (2) 2016 Ford F150 from Stivers Ford in a total amount not to exceed \$41,002.00.

**RESOLUTION NO. 2016-123**

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 rejecting bids for two trench compactors.

**RESOLUTION NO. 2016-124**

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. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an ordinance to exempt certain items from the municipal sales and use tax during the first full weekend of August, 2016, referred to as the "Back-to-School" Sales Tax Holiday. Councilmember Head moved to place the ordinance on first reading, 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 for first reading an ordinance to amend the Code of Ordinances of the City of Phenix City, Alabama, Chapter 15 – Offenses and Miscellaneous Provisions, Section 15-16 – Discharging Firearms. Councilmember Cannon moved to place the ordinance on first reading, 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.

City Attorney James Graham, Jr. presented a claim filed by Phil Kernodle. City Attorney Graham advised that the claim alleges the city is responsible for damages to the claimant's tire. City Attorney Graham stated the claimant reported he was driving on Crawford Road where the city was doing construction and an object sliced the side of his tire. City Attorney Graham stated that the contractor was not working on that side of the road on the day of April 7, 2016;

Mr. Kernodle did not provide pictures to show proof of damage to the tire. City Attorney Graham also stated the police report was not made the day of the alleged accident but was made on April 12, 2016. City Attorney Graham also stated that if something falls off another vehicle and damage is done, it is called a road hazard. City Attorney Jimmy Graham recommended denying the claim. 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, Barfield, and Mayor Lowe. NAYS: None. Abstains: None. The motion carried.

Mayor Lowe presented a resolution in reference to requesting the Alabama Legislature to pass a local act calling for a referendum for an elected school board.

#### **RESOLUTION NO. 2016-125**

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

Councilmember Head stated that she is opposed to an elected school board but she also feels that the people need to have a choice.

Councilmember Barfield thanked the Engineering Department and employees involved with the Subdivision Regulations.

Councilmember Day commented on how proud he was about the Compassion Day and how it has started something great for the City.

Mayor Lowe commented that it was an Act of Kindness to show the citizens of Phenix City that they are loved.

Councilmember Day thanked the schools who performed at the Compassion Day.

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

Mayor Lowe thanked the department heads for their work.

There being no further business to come before council, the meeting adjourned until May 3, 2016 at 9:00 am.