

**MEETING MINUTES
MAY 3, 2016**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled meeting at 6:00 p.m., Tuesday, May 3, 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, Councilmember Jim W. Cannon, Councilmember Johnny Barfield, and Mayor Eddie N. Lowe. Councilmember Gail Head was out of town and not present at the meeting. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, and City Clerk Charlotte L. Sierra. Department Heads in attendance were as follows: Assistant Chief of Police Gail Green, Engineering and Public Works Director Angel Moore, Utilities Director Roger Conner, Finance Director Stephen C. Smith, Fire Chief Kris Kennedy, Chief Building Official Gil Griffith, Parks and Recreation Director Todd Hughes, Library Director Michele Kilday, Human Resources Director Stephanie Chastain, IT Manager Mike Bauer, Lakewood Golf Course Manager Lenard "Bubba" Patrick, Economic Development Manager Shaun Culligan, John Spraggins, Graduate Utilities Engineer and Angie Lumpkin, Utilities Office Manager.

There being a quorum established, Mayor Lowe declared the meeting open and invited Reverend Jim Eberhardt to step forward to lead the invocation.

Councilmember Day led the Pledge of Allegiance to the Flag of the United States.

City Manager Hunter and Human Resources Director Stephanie Chastain came forward to present an Employee Service Recognition Certificate to David Butler of the Phenix City Police Department.

Mayor Lowe next called for a motion to approve the minutes of the April 18, 2016 work session and the April 19, 2016 Council Meeting. Councilmember Cannon moved to approve the minutes of the April 18, 2016 work session and the April 19, 2016 Council Meeting as presented, which motion was seconded by Councilmember Day. Upon said motion being put to

a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

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

Mayor Lowe next presented a resolution in reference to ensuring companies contracting with the City Of Phenix City provide evidence of liability and workers compensation insurance.

RESOLUTION NO. 2016-126

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

Mayor Lowe stated that Agenda Item VI.B.1.b. a resolution in reference to authorizing the Mayor and City Manager to enter into a contract with Concrete Monument Company, Inc. for repairs to graves in an amount not to exceed \$29,600 was being deleted from the agenda at this time.

Mayor Lowe presented a resolution authorizing the Mayor and City Manager to enter into a contract with Pyrotechnico for fireworks at the Amphitheatre on July 4, 2016 in an amount not to exceed \$11,680.00.

RESOLUTION NO. 2016-127

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

Mayor Lowe next stated that now was the time and place for four (4) public hearings in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of special assessments upon for the following properties: 109 15th Avenue South, 1212 16th Avenue, 1208 2nd Street South and 1007 4th Street South. Mayor Lowe stated anyone wishing to address council on any of the properties should come forward and do so at this time. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a resolution in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of a special assessment upon the property located at:

109 15th Avenue South

RESOLUTION NO. 2016-128

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

Mayor Lowe presented a resolution in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of a special assessment upon the property located at:

1212 16th Avenue

RESOLUTION NO. 2016-129

Councilmember Day motioned to approve said resolution which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was

recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None.
ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of a special assessment upon the property located at:

1208 2nd Street South

RESOLUTION NO. 2016-130

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

Mayor Lowe presented a resolution in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of a special assessment upon the property located at:

1007 4th Street South

RESOLUTION NO. 2016-131

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

Mayor Lowe presented a resolution and public notice in reference to setting the public hearing dates and fixing the demolition costs associated with the property located at 1303 2nd Street South.

RESOLUTION NO. 2016-132

PUBLIC NOTICE

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

Mayor Lowe presented a resolution and public notice in reference to setting the public hearing adate and fixing the demolition costs associated with the property located at 1305 2nd Street South.

RESOLUTIONNO. 2016-133

PUBLIC NOTICE

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

Mayor Lowe presented a resolution and public notice in reference to setting the public hearing adate and fixing the demolition costs associated with the property located at 918 19th Street.

RESOLUTION NO. 2016-134

PUBLIC NOTICE

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

Mayor Lowe presented a resolution in reference to rejecting a bid received for the demolition of a structure located at 402 Seale Road South.

RESOLUTION NO. 2016-135

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

Mayor Lowe presented a resolution in referenced to rejecting bids received for the demolition of a structure located at 700 Seale Road.

RESOLUTION NO. 2016-136

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

Mayor Lowe presented a resolution in reference to rejecting bids received for the demolition of a structure located at 2001 5th Street South.

RESOLUTION NO. 2016-137

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

recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None.
ABSTAINS: None. The motion thus carried.

Mayor Lowe presented nine (9) resolutions awarding bids for the demolition and removal of structures on the following properties

1.) **RESOLUTION NO. 2016-138**

2402 5th Avenue

2.) **RESOLUTION NO. 2016-139**

316 15TH Avenue South

3.) **RESOLUTION NO. 2016-140**

522 22ND Avenue

4.) **RESOLUTION NO. 2016-141**

103 14TH Court

5.) **RESOLUTION NO. 2016-142**

110 14TH Court South

6.) **RESOLUTION NO. 2016-143**

1605 8TH Place South

7.) **RESOLUTION NO. 2016-144**

502 Seale Road

8.) **RESOLUTION NO. 2016-145**

1011 4TH Street South

9.)

RESOLUTION NO. 2016-146

606 North Railroad Street

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

Mayor Lowe presented a resolution in reference to purchasing a 500 galloon double wall fuel storage tank from Whatley Oil Company in an amount not to exceed \$1,865.75.

RESOLUTION NO. 2016-147

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

Mayor Lowe presented a resolution in reference to purchasing a jack hammer and bits from United Rentals in an amount not to exceed \$1,203.02.

RESOLUTION NO. 2016-148

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

Mayor Lowe presented a resolution in reference to purchasing a Welder Generator Gas Engine Mini Welding Machine from AirGas USA, LLC in an amount not to exceed \$3,759.94.

RESOLUTION NO. 2016-149

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

Mayor Lowe presented a resolution in reference to purchasing one 2016 Ford F-350 Regular Cab and Chassis Pickup Truck from Tallassee Automotive, Inc. in an amount not to exceed \$56,549.00.

RESOLUTION NO. 2016-150

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

Mayor Lowe presented a resolution in reference to approving the lowest price quote to replace the HVAC Units, clean the duct work, and replace exterior glass and replace interior metal doors at Fire Station Four for a total combined amount of \$33,843.79.

RESOLUTION NO. 2016-151

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

Mayor Lowe presented a resolution in reference to accepting the lowest price quote from Darton Enterprises, LLC to replace the lower roof at Fire Station Four in an amount not to exceed \$29,579.00.

RESOLUTION NO. 2016-152

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into a contract with Pound Construction Company for Snack Bar Renovations to Lakewood Golf Course in an amount not to exceed \$20,736.11.

RESOLUTION NO. 2016-153

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

Mayor Lowe presented a resolution in reference to purchasing one infield groomer from Beard Equipment Company in an amount not to exceed \$13,338.74.

RESOLUTION NO. 2016-154

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

Mayor Lowe presented a resolution in reference to purchasing two John Deere lawnmowers from Sunsouth, LLC in an amount not to exceed \$15,980.00.

RESOLUTION NO. 2016-155

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

Mayor Lowe presented a resolution in reference to rejecting bids received for the Glenwood GST Maintenance Project.

RESOLUTION NO. 2016-156

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

Mayor Lowe presented eight (8) resolutions in reference to awarding bids for chemicals to the following companies:

1.) **RESOLUTION NO. 2016-157**

Aluminum Sulfate

2.) **RESOLUTION NO. 2016-18**

Soda Ash

3.) **RESOLUTION NO. 2016-159**

Potassium Permanganate

4.) **RESOLUTION NO. 2016-160**

Liquid Chlorine

5.) **RESOLUTION NO. 2016-161**

Dry Polymer

6.) **RESOLUTION NO. 2016-162**

Liquid Polymer

7.) **RESOLUTION NO. 2016-163**

Sulfur Dioxide

8.) **RESOLUTION NO. 2016-164**

Hydrofluosilicic Acid

Councilmember Cannon moved to approve the eight (8) resolutions as presented, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented for second 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.

ORDINANCE NO. 2016-06

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

Mayor Lowe presented for second 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. Mayor Lowe advised council will delete this ordinance from the agenda. He stated further research will be conducted and an ordinance

regarding discharging firearms inside the city limits will be presented at a later time. He explained the council is concerned for the safety and welfare of all its citizens. Councilmember Barfield moved to delete this ordinance from the agenda, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an ordinance authorizing the issuance of \$13,825,000.00 principal amount of Water and Sewer Revenue Warrants, Series 2016-A.

ORDINANCE NO. 2016-07

Mayor Lowe asked for a motion to Suspend the Rules and Dispense with the Reading. Councilmember Cannon moved to Suspend the Rules and Dispense with the Reading, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried. Mayor Lowe asked for a motion for approval. Councilmember Day moved to approve the ordinance, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented one opening on the Phenix City Housing Authority Board. Councilmember Day nominated Bobby Stallings to be re-appointed. There were no other nominations. Mayor Lowe declared the nominations closed. Mayor Lowe asked for a motion to re-appoint Bobby Stallings to the Phenix City Housing Authority Board. Councilmember Cannon moved to re-appoint Bobby Stallings, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS:

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

Mayor Lowe presented one opening on The City of Phenix City Planning Commission. Mayor Lowe asked for a motion to table this appointment. Councilmember Barfield moved to table this appointment, which motion was seconded by Councilmember Cannon. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented one opening on the Zoning Adjustment and Appeals Board. Mayor Lowe asked for a motion to table this appointment. Councilmember Day moved to table this appointment, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading applications for an Off Premise Beer License and an Off Premise Wine License submitted by Azair Tariq for AzairMaryam, Inc. d/b/a Lucky Store located at 322 10th Avenue South, Phenix City, Alabama. Councilmember Barfield moved to place the applications 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, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Sarah Browder. City Attorney Jimmy Graham advised the claim alleges that the City of Phenix City is responsible for damages to the claimant's fence and peach tree located at 51 Chatman Drive. City Attorney Jimmy Graham stated that the claim alleges that a tree on City property fell and damaged part of the claimant's fence and peach tree. He further stated when Public Works went to clean up the fallen tree they also cut the peach tree due to it being damaged. City Attorney Graham stated the City had no prior notification of the tree being dead or diseased; 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 Day. Upon said motion being put to a vote, the following vote was recorded. YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a Notice of Claim filed by Foy and Associates for Philip Kennedy verses The City of Phenix City and Phenix City Public Schools. City Attorney Jimmy Graham advised this claim is in regards to an accident between an individual and a Phenix City School Bus; Foy and Associates is under the impression that the City runs the School System, which the City does not. City Attorney Jimmy Graham recommended denying the claim, and stated his office will send out notification to Foy and Associates directing them to the Phenix City School Board. Councilmember Day moved to take the City Attorney's recommendation and deny the claim, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a resolution in reference to negotiation of a settlement with National Subrogation Services, LLC in the matter of Christina and Barry Tilton. City Attorney Jimmy Graham stated the city is at fault, and he and the City Manager need the authority to negotiate the settlement.

RESOLUTION NO. 2016-165

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

Mayor Lowe asked Finance Director Steve Smith to explain the Ordinance Warrant and cost savings for the City. Mr. Smith spoke on the Ordinance Warrant and wanted to let the

public know that the City is not issuing any new debt. Mr. Smith stated the City is just refinancing some existing debt to lower interest rates and to save the City \$600,000 in interest cost over the next sixteen years. Mr. Smith advised that there will be no increase to any debt of the City and the terms of the debt will stay the same. Mr. Smith added that the principle will be paid off at the same rate as under the previous ones. Mr. Smith stated he spoke with Council and the public before and because of the serial nature of the debt the City can come back every six to eight years and refinance that debt, lower interest rates, and that will save the City substantial amounts of money. Mr. Smith added that there will be no new debt, and the terms will remain the same it will be just lowering interest rates.

City Manager Wallace Hunter stated he appreciated the hard work of all of the Department Heads.

Parks and Recreation Director Todd Hughes wanted to remind the public on Friday night there will be two events going on at Garrett Stadium. He stated that the Relay for Life Annual event and the 2nd round of the Alabama High School Baseball Playoffs will start this Friday and he advised the public to be careful because it will be congested in that area.

Mayor Lowe stated there was an elderly woman almost 90 years of age who called him and stated that in all of her life she has never seen as much action going on in Phenix City. Mayor Lowe stated she spoke on the infrastructure, the buildings, maintenance, and all the great things that are going on in Phenix City and how proud she is.

Councilmember Cannon thanked Economic Development for all of their help with the book that he is working on and stated how professional they are and how good of a job they are doing.

Councilmember Day stated he had a chance to sit with Mr. Stratford with Stratford Automotive and he was very pleased with the replacement of the dead trees on Seale Road. Mr. Day also stated that he is proud of Public Works for replacing some of the dead trees on

Seale Road but he has said in the past that we also have to do something about the sidewalks. Mr. Day also commented on the new Phenix City Magazine that came out and how proud he is of it.

Councilmember Barfield commented on how polite the Department Heads and employees are and how good of a job they are doing.

Mayor Lowe thanked CTV 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 18, 2016 at 6:00 pm.