

**MEETING MINUTES
June 7, 2016**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled meeting at 9:00 a.m., Tuesday, June 7, 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 Gail N. Head, Councilmember Jim W. Cannon, Councilmember Johnny Barfield, and Mayor Eddie N. Lowe. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, and City Clerk Charlotte L. Sierra.

Reverend Lawrence Jefferson, Pastor of Phillips Temple CME Church came forward to lead the invocation.

Mayor Lowe led the Pledge of Allegiance to the Flag of the United States.

City Manager Wallace Hunter and Human Resources Director Stephanie Chastain presented Certificates of Appreciation to the following employees for Years of Dedicated Service: Deshawn Brown, Charlotte Baker, Jeremiah Caldwell, and Andre Moffett.

Mayor Lowe presented for approval the minutes of the May 18, 2016 work session and the May 18, 2016 council meeting. Councilmember Cannon moved to approve the minutes, 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 thus carried.

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

Mayor Lowe presented a resolution in reference to renaming Idle Hour Park to Martin-Idle Hour Park in honor of the Martin Family.

RESOLUTION NO. 2016-178

Councilmember Barfield moved to approve said 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 thus carried.

Mayor Lowe presented a resolution in reference to naming the hall at Idle Hour Park Community Center as "The Max E. Wilkes Fellowship Hall at Idle Hour Park Community Center".

RESOLUTION NO. 2016-179

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 thus carried.

Mayor Lowe presented a resolution in reference to approving the final settlement in the matter of Duane Peacock and Janet Peacock verses the City of Phenix City, Case No. 43-CV-2015-900003 in the amount of \$122,500.00.

RESOLUTION NO. 2016-180

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

Mayor Lowe presented a resolution in reference to requesting the State Legislative Delegation to petition ALDOT for a review of the intersection at Highway 431 and 5th Street South for the installation of a traffic signaling device.

RESOLUTION NO. 2016-181

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

Mayor Lowe presented a resolution in reference to authorizing, adopting, and directing the use of DS200 Precinct Scanner and Tabulator electronic vote counting system for use in all elections held in Phenix City.

RESOLUTION NO. 2016-182

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

Mayor Lowe presented a resolution in reference to accepting a quote from ZWood Construction to replace the roof on the Arts Building located at 1002 Airport Road in an amount not to exceed \$15,322.00.

RESOLUTION NO. 2016-183

Councilmember Cannon moved to approve said 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 thus carried.

Mayor Lowe presented a resolution and public notice in reference to making application to the Bureau of Justice for a Justice Assistance Grant (JAG) for purchasing equipment for the Police Department.

PUBLIC NOTICE

RESOLUTION

Councilmember Day moved to approve said public notice 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 thus carried.

Mayor Lowe presented a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the "Final Plat for Record Gatewood Subdivision Phase VI located in Section 5, Township 17 North, Range 30 East, Phenix City, Russell County, Alabama", P&D LLC, owner.

RESOLUTION NO. 2016-184

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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the "Plat of Property Division for Addition of Easement for MSB LTD Lots 20, 21, & 22, Rock Island Landing, Phase VII located in Section 27, Township 18 North, Range 30 East, Phenix City, Lee County, Alabama", MSB LTD, owner.

RESOLUTION NO. 2016-185

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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to granting an encroachment to Ivy Creek, LLC to install ramps on city right-of-way on Lot 72, Ivy Creek Subdivision.

RESOLUTION NO. 2016-186

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 thus carried.

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to remove one street light at 1016 12th Place.

RESOLUTION NO. 2016-187

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 thus carried.

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into a contract with Whitewater Express for the purchase, design, development and maintenance of an 18 hole Riverwalk Disc Golf Course.

RESOLUTION NO. 2016-188

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, 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 partner with Whitewater Express and enter into a contract with Media Marketing and More! to promote Whitewater Alabama, Phenix City.

RESOLUTION NO. 2016-189

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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to offering an incentive of \$55,000.00 to The Game Corporation to retain their business and current employment in Phenix City.

RESOLUTION NO. 2016-190

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 thus carried.

Economic Development Specialist, Jennifer Lowman spoke on how it is a great benefit to Phenix City to keep The Game Corporation here in Phenix City, Alabama.

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into an agreement with Tuskegee University for the Third Annual Whitewater Classic Football Game at Garrett-Harrison Stadium against Albany State University on September 10, 2016.

RESOLUTION NO. 2016-191

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: Councilmember Head. ABSTAINS: None. The motion thus carried.

Finance Director Steve Smith spoke on the economic impact the Annual Whitewater Classic has on Phenix City, Alabama. Mr. Smith also stated the city received \$800,000.00 during the event and how it puts Phenix City on the regional map. Mr. Smith stated he believes this game brings prestige to the City of Phenix City as well.

Councilmember Head explained why she voted no to the Whitewater Classic Resolution. She stated she did not feel comfortable with paying an outside school \$125,000.00 to play one game, when the city charges the schools in the city to play in the stadium.

Mr. Hunter stated that there is no comparison when it comes to Central High School and The Whitewater Classic. Mr. Hunter also stated how there are seventy events that cover more than just the games and the economic impact can't be compared. Mr. Hunter added that the Parks and Recreation Department also goes out and does cleanup and the Phenix City Police Department does security for the schools as well.

Mr. Cannon also added that the lights have to be paid at the Stadium as well and things should be handled as a business, so there should be no comparison to the Whitewater Classic.

Mayor Lowe next stated that now was the time and place for three (3) 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: 1303 2nd Street South, 1305 2nd Street South, and 918 19th Street. 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 three (3) resolutions 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 properties located at:

- 1.) 1303 2nd Street South, owner George Richard Miller, owner

RESOLUTION NO. 2016-192

- 2.) 1305 2nd Street South, owner George R. & Dorothy W. Miller

RESOLUTION NO. 2016-193

- 3.) 918 19th Street, owner State of Alabama (2011 Taxes)

RESOLUTION NO. 2016-194

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

Mayor Lowe presented a resolution in reference to accepting a quote from EGPS Solutions for a GPS Rover System in an amount not to exceed \$11,170.00.

RESOLUTION NO. 2016-195

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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to purchasing a 2017 Freightliner M2 106 Truck from Ingram Equipment through the National Joint Purchasing Alliance (NJPA) contract in an amount not to exceed \$111,615.00.

RESOLUTION NO. 2016-196

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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to approving the purchase of two (2) 2016 Ford Explorers, from Stivers Ford in a total amount not to exceed \$53,592.00.

RESOLUTION NO. 2016-197

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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented a resolution in reference to awarding a bid to HD Supply for the Riverchase Drive Force Main materials in an amount not to exceed \$112,702.00.

RESOLUTION NO. 2016-198

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. ABSTAINS: None. The motion thus 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 Day 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. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an ordinance in reference to the use of Electronic Vote Counting Devices. Councilmember Head moved to place the ordinance on first reading, 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 one opening on the Industrial Development Board. Mayor Lowe stated that the City Clerk's office was unsuccessful with contacting Dewayne Richard who is currently serving on the board and asked council to turn in any names of anyone that they feel is deemed for the position to the City Clerk's office. Mayor Lowe then asked for a motion to table this appointment. Councilmember Barfield moved to table the opening, 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 thus carried.

Mayor Lowe presented for first reading applications for an Off Premise Beer License and an Off Premise Wine License submitted by Fred's Store of Tennessee, Inc. d/b/a Fred's Store #2178 located at 3920 US Highway 80 West, Phenix City, Alabama. Councilmember Day moved to place the applications 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. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense from Councilmember Johnny Barfield in the amount of \$7.00. Councilmember Day moved to approve the expense, 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 an Itemized Statement of Expense from City Clerk Charlotte Sierra in the amount of \$7.00. Councilmember Head moved to approve the expense, 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. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Elbert Ash. City Attorney Graham stated that Mr. Ash was traveling on Knowles Road in Phenix City, Alabama. City Attorney Graham stated the claim alleges the city is responsible for damages to the windshield of the claimant's vehicle due to city workers weed eating near Knowles Road. City Attorney Graham stated Public Works did have a crew working in this area on May 23, 2016. He further stated that Mr. Ash submitted three estimates as required, with the lowest being \$326.45. City Attorney Graham recommended paying the lowest estimate in the amount of \$326.45. Councilmember Cannon moved to take the city attorney's recommendation to pay the lowest estimate of \$326.45, 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.

City Attorney Jimmy Graham presented a claim filed by Brian Dunaway. City Attorney Graham stated that Mr. Dunaway was involved in a vehicle accident with a city employee, who rear-ended him; Mr. Dunaway submitted personal damages in the amount of \$1906.76, which includes \$31.27 for a rental car. City Attorney Graham advised the city does not pay for rental cars. City Attorney Graham recommended paying the claim for personal damages minus the rental car fee of \$31.27. Councilmember Head moved to take the city attorney's recommendation to pay the claim for personal damages minus the rental car fee of \$31.27, 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 Marie W. Eden. City Attorney Graham advised the claim alleges that the city is responsible for damages to the front tire and rear wheel of the claimant's vehicle due to a pothole as the claimant was traveling in the area of Spencer Recreation Center near 4th Place and 9th Avenue on May 11, 2016. City Attorney Graham stated there was two potholes in that area but the city had no constructive notice prior to the incident and under the law if the city has no notice they are not liable; 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 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.

City Manager Wallace Hunter spoke on the ribbon cuttings at the 10th Avenue and 12th Avenue Bridge Replacements.

Councilmember Day stated that he will be kicking off his re-election campaign on June 9th at the Holiday Inn Express.

Mayor Lowe thanked the Department Heads and citizens for helping make the Mayor's Ball a success and they were able to raise \$100,652.00.

Mayor Lowe also 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 June 21, 2016 at 6:00 p.m.