

MEETING MINUTES
July 6, 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, July 6, 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 Rick Thorne, Pastor of Bethany Baptist Church came forward to lead the invocation.

Councilmember Cannon 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: David Bensema, Rebecca O'neal, Thomas Teel, Yancy Evans, Lieutenant Angela Clark, Joe Mack, and Captain Robert J. Bowden.

Mayor Lowe presented for approval the minutes of the June 20, 2016 work session and the June 21, 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. ABSTAINS: None. The motion thus carried.

Mayor Lowe presented for approval the minutes of the June 20, 2016 budget work session meeting. Councilmember Day moved to approve the minutes, 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 stated there was no unfinished business to address at this time.

Mayor Lowe presented a public notice setting the date for public hearing in reference to a request to vacate of a portion of 26th Street.

PUBLIC NOTICE

Councilmember Barfield moved to approve the public notice, 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 Resolution No. 2016-221 to be ratified in reference to authorizing the Mayor and City Manager to enter into an agreement with ALDOT for the maintenance of widening the Riverchase Drive and US Highway 80 West Bound Ramp.

RESOLUTION NO. 2016-221

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 Associated Mechanical Contractors for improvements at the Wastewater Treatment Plant in the amount of \$317,123.00 and to accept a grant from the Delta Regional Authority in the amount of \$143,480.00 to help with said improvements.

RESOLUTION NO. 2016-222

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 install one street light at 3013 Silver Lake Drive.

RESOLUTION NO. 2016-223

Councilmember Barfield moved to approve 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 eleven (11) resolutions in reference to authorizing and directing the Mayor and City Manager to take all actions necessary to acquire the following properties from the State of Alabama in an amount not to exceed \$100.00 per property:

- 1.) 912 3rd Street South, Parcel #: 57-05-07-26-2-002-003.000

RESOLUTION NO. 2016-224

- 2.) 908 3rd Street South, Parcel #: 57-05-07-26-2-002-002.001

RESOLUTION NO. 2016-225

- 3.) 222 Seale Road, Parcel #: 57-05-05-22-4-401-046.000

RESOLUTION NO. 2016-226

- 4.) 1014 5th Street South, Parcel #: 57-05-08-27-1-017-021.001

RESOLUTION NO. 2016-227

- 5.) 1219 12th Court, Parcel #: 57-05-05-15-1-101-076.000

RESOLUTION NO. 2016-228

- 6.) 1102 16th Avenue, Parcel #: 57-05-05-15-1-103-052.001

RESOLUTION NO. 2016-229

- 7.) 600 Fontaine Road, Parcel #: 57-05-07-26-3-003-001.000

RESOLUTION NO. 2016-230

- 8.) 2401 7th Street, Parcel #: 57-05-05-21-1-001-002.001

RESOLUTION NO. 2016-231

9.) 901 10th Avenue, Parcel #: 57-05-06-14-3-303-033.000

RESOLUTION NO. 2016-232

10.) 312 Seale Road, Parcel #: 57-05-05-22-4-032-002.003

RESOLUTION NO. 2016-233

11.) 915 15th Place, Parcel #: 57-05-01-11-3-303-099.000

RESOLUTION NO. 2016-234

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

Mayor Lowe presented a resolution and public notice in reference to setting a public hearing date and fixing demolition costs associated with 1605 8th Place South located in Phenix City.

RESOLUTION NO. 2016-235

PUBLIC NOTICE

Councilmember Barfield moved to approve 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 rejecting bids received pertaining to Sanitary Sewer Casing Boring on Riverchase Drive.

RESOLUTION NO. 2016-236

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 one opening tabled on the Industrial Development Board. Councilmember Barfield moved to table the one opening, 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 one opening on the Downtown Redevelopment Board. Councilmember Head nominated Jim Lynn to be appointed, said motion being seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Head and Barfield. NAYS: Councilmembers Day, Cannon, and Mayor Lowe. The motion thus failed. Councilmember Day nominated J.W. Brannen to be appointed, 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 Councilmember Barfield. ABSTAIN: None. The motion carried.

Mayor Lowe presented for second reading applications for a Pawnbroker's License submitted by Advance America located at 1105 280 Bypass, Phenix City, Alabama. Councilmember Barfield moved to approve the applications, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Cannon. The motion carried.

Mayor Lowe presented for second reading applications for a Pawnbroker's License submitted by Advance America located at 2032 280 Bypass, Phenix City, Alabama. Councilmember Head moved to approve the applications, which motion was seconded by Councilmember Barfield. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Barfield, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Cannon. The motion carried.

Mayor Lowe presented for second reading applications for a Pawnbroker's License submitted by First American Cash Advance located at 1807 Stadium Drive, Suite 2, Phenix City, Alabama. Councilmember Barfield moved to approve the applications, which motion was seconded by Councilmember Head. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Head, Barfield, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Cannon. The motion carried.

Mayor Lowe presented for first reading applications for Advance America located at 3922 Highway 80 West, Suite C, Phenix City, Alabama. Councilmember Head 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.

City Attorney Jimmy Graham presented a claim filed by Pastor Dr. Joseph Appiah of Grace Baptist Church. City Attorney Jimmy Graham advised the claim alleges that the church was torn down by the City without proper notice to the church or Dr. Appiah. City Attorney Graham further stated that due to memorandum and notices that were sent to Dr. Appiah in 2009. City Attorney Jimmy Graham recommended denying 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 Day, Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Victoria Kirkley. Jimmy Graham advised the claim alleges that a tree limb on the City right of way fell off and damaged Ms. Kirkley's power line meter and box located on the side of her home. City Attorney Graham stated that per State Law if there is no notice that a tree or any other object of the right of way is dying, the City is not liable. 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 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 Jimmy Graham presented a claim filed by Larry W. Mancil. Jimmy Graham advised the claim alleges that the Public Works Department damaged his fence when a Public Works employee was using a Grab All to pick up limbs. City Attorney Graham stated that after the investigation by the Department Head and after reviewing the memorandum from the Director of Public Works, it was determined that the fence was not damaged by the City Grab All. City Attorney Jimmy Graham recommended denying the claim. Councilmember Barfield 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. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by John W. Robertson. Jimmy Graham advised the claim alleges that the roots from the tree that was on the right of way of City property damaged his driveway causing Mr. Robertson's driveway to crack. City Attorney Graham stated that Attorney Jim McKoon and himself had a discussion and asked Council if they could give the City Manager Wallace Hunter, Attorney Jim McKoon, and himself authority to resolve the matter with Mr. Robertson. City Attorney Jimmy Graham stated that if it is determined that the tree roots are under City property, the City will be responsible but if not Mr. Robertson will be responsible. Councilmember Cannon moved to take the City Attorney's recommendation to negotiate 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, Head, Cannon, Barfield and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Arainia and Dorroll Stinson. Jimmy Graham advised the claim alleges that the City is responsible for damages to their

vehicle. City Attorney Graham stated that the Stinson's were stopped on 13th Street waiting to turn left onto Broad Street and the Stinson's believe they hit a manhole cover to a waterline. City Attorney Jimmy Graham further stated there was no knowledge or notice that the object was in the road. City Attorney Graham stated that the Utilities Director Roger Conner's memorandum showed that no one called in to report the object in the road. 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 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.

Councilmember Head commented on the citizens enjoying the Fireworks on the Fourth of July.

Councilmember Day commented on the entertainment of the Fireworks on the Fourth of July.

Mayor Lowe thanked the Department Heads for their hard work.

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 July 19, 2016 at 6:00 p.m.