

**MEETING MINUTES
OCTOBER 18, 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, October 18, 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 Cannon, Councilmember Gail N. Head, 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 Ed Sunday-Winters, Pastor of First Baptist Church came forward to lead the invocation.

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

Mayor Lowe presented a proclamation recognizing National Domestic Violence Awareness Month.

PROCLAMATION

Executive Director Gina Guthrie and Shelby Stan of The Crisis Center of Russell County came forward to accept the Proclamation.

Mayor Lowe next called upon the Corley Family and Bane Family to come forward. Mayor Lowe explained that the Corley's met the Bane family while they were visiting Scotland. The Bane's decided to visit the Corley's and Phenix City, Alabama on their vacation. Mayor Lowe presented Mr. and Mrs. Bane with city pins and Chief Smith presented their son Logan with memorabilia from the Police Department.

Mayor Lowe presented for approval the minutes of the October 3, 2016 work session and the October 4, 2016 council meeting. Councilmember Day 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, Barfield and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Cannon. 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 accepting the dedication of land, right-of-ways and easements dedicated by the "Plat of Property Division for Maria Taylor Lots 78, 79, 80, 81, & 82, Auburn Heights Subdivision located in Section 8, Township 17 North, Range 30 East, Russell County, Alabama", Maria Taylor, owner.

RESOLUTION NO. 2016-329

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 authorizing and directing the Mayor and City Manager to enter into a contract with Ramjack for repairs to the foundation at 4206 Silver Terrace Court in the amount of \$11,400.00.

RESOLUTION NO. 2016-330

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 authorizing and directing the Mayor and City Manager to sign Change Order Number 7 in the amount of (-) \$950.90 with CAM Builders, LLC for the construction of a Parking Garage.

RESOLUTION NO. 2016-331

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 the renewal of a lease agreement between the City of Phenix City and ALAGASCO for antenna space on the Bailey Hill Water Tower in the amount of \$1,200 per year for five years.

RESOLUTION NO. 2016-332

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 for second reading an ordinance to exempt certain items from Municipal Sales and Use Tax during the last full weekend in February 2017, referred to as the Severe Weather Preparedness Tax Holiday. (First Reading 10/04/16)

ORDINANCE NO. 2016-16

Councilmember Cannon moved to approve the ordinance, 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 first reading an ordinance granting a Non-Exclusive Franchise to Tower Cloud, Inc., for the purpose of constructing and maintaining a fiber-optic transmission line within certain public rights-of-way.

ORDINANCE NO. 2016-17

Mayor Lowe asked for a motion to Suspend the Rules. Councilmember Day moved to Suspend the Rules, 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. Councilmember Head moved to Dispense with the 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.

ABSTAINS: None. The motion thus carried. Councilmember Head moved to approve the ordinance contingent upon a payment for \$42,798.87, 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 one opening on the Historic Preservation Commission. Councilmember Head nominated Jeremy Suchman. Mayor Lowe then declared the nomination closed. Councilmember Cannon moved to appoint Jeremy Suchman, 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 one opening on the Zoning Adjustment and Appeals Board. Councilmember Day nominated Debbie James Andrews. Mayor Lowe then declared the nomination closed. Councilmember Barfield moved to appoint Debbie James Andrews, 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 five (5) openings on the Housing Code Abatement Board. Mayor Lowe stated that the five openings will be tabled. Councilmember Day moved to table the openings, 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.

Mayor Lowe presented one opening on the Improvement District – Grand Reserve Project. Councilmember Head nominated Jeanne Adams. Mayor Lowe then declared the nomination closed. Councilmember Cannon moved to appoint Jeanne Adams, 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.

Mayor Lowe presented two (2) openings on the City of Phenix City Planning Commission. Mayor Lowe asked for a motion to table the two (2) openings. Councilmember Barfield moved to table the openings, 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.

Mayor Lowe presented one opening on the Tree Commission. Councilmember Day nominated Charles Evans. Mayor Lowe then declared the nomination closed. Councilmember Cannon moved to reappoint Charles Evans, 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 Mr. Darren Daniels who lives at 2106 South Seale Road, Phenix City, Alabama. City Attorney Graham stated that after the discussion at the Work Session regarding the claim, the Utilities and Engineering Department will do further investigation of the claim. City Attorney Graham's recommendation is to table the claim until the next council meeting. Councilmember Day moved to take the city attorney's recommendation to table 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 Linda M. Hurt who lives at 4208 Silver Terrace Court. City Attorney Graham stated that Ms. Hurt is claiming that her house was damaged by the City of Phenix City. City Attorney Graham's recommendation is to allow the City Manager Wallace Hunter, City Attorney Jim McKoon and himself to negotiate the

settlement of the claim. City Attorney Jimmy Graham also stated that once they reach a proper settlement, they will come back before council for approval at a later date. Councilmember Head moved to take the city attorney's recommendation to allow the City Manager Wallace Hunter, City Attorneys Jimmy Graham and Jim McKoon 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: Day, Head, Cannon, Barfield, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Kelvin Thomas. City Attorney Graham stated that Mr. Thomas claims he hit a pothole on Brickyard Road in Phenix City, Alabama and damaged three rims and the front right tire of his vehicle. City Attorney Graham further stated that the city had no prior knowledge of the pothole; therefore by Alabama State Law if no prior notice was given the City is not liable. City Attorney Graham's recommendation is to deny 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: Day, Head, Cannon, Barfield, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

City Manager Wallace Hunter wanted to congratulate all of the Departments especially Parks and Recreation, Economic Development, Building, and Engineering for having worked together on the Fall Concert Series. Mr. Hunter also stated that he looks forward to the Spring Series coming up as well.

City Manager Wallace Hunter also wanted to congratulate Central High School for their winning performance this year.

Economic Development Manager Shaun Culligan informed the public about the Phenix City History picture books being sold at various locations around the city for \$45.00. He also stated there are leather books available for purchase for \$100.00.

Division Chief of Engineering Mike Patillo discussed construction being held up on Whitewater Avenue and how the problem is not with the City. He stated that the City has been

dealing with the Zayo Company, which is a fiber optic provider who needs to take their lines off of three power poles. Mr. Patillo stated that the situation will be resolved soon.

Councilmember Cannon spoke on the Phenix City's pictorial history book and wanted to let the citizens know that it took over a year to compile the information in the books. Councilmember Cannon stated the all of the proceeds from the sale of the books are going to the establishment of a museum in Phenix City.

Councilmember Day thanked the employees who worked on the water main break on Knowles Road.

Mayor Lowe thanked the Department Heads for their hard work and dedication.

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 November 1, 2016 at 9:00 a.m.