

**MEETING MINUTES
FEBRUARY 22, 2017**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled meeting at 9:00 a.m., Wednesday, February 22, 2017 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 Johnnie Robinson, Councilmember Steve Bailey, Councilmember Griff Gordy, and Mayor Eddie N. Lowe. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, and City Clerk Charlotte Goodrich.

Reverend Tom Weise, Retired Pastor of St. Patrick and Mother Mary Mission led the invocation.

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

Representative of the MDA program Katie Holloway did a presentation on Muscular Dystrophy and presented the Golden Axe Award to the Phenix City Fire Department. Fire Chief Kris Kennedy accepted the award.

City Manager Wallace Hunter spoke on the City of Phenix City winning the Company of the Year award presented by United Way.

Mayor Lowe presented for approval the minutes of the February 6, 2017 work session meeting and the February 7, 2017 council meeting. Councilmember Day moved to approve the minutes, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

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

Mayor Lowe presented Resolution No. 2017-48 to be ratified in reference to approving the negotiated settlement in the matter of National Subrogation Services for Nationwide Mutual Fire Insurance Company for the Christina and Barry Tilton Claim in the amount of \$1,517.17.

RESOLUTION NO. 2017- 48

Councilmember Robinson moved to ratify 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, Robinson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented a resolution in reference to the satisfaction of a Special Assessment on property located at 918 8th Avenue, Dillingham Development, LLC, Attn Howard Jefferson, owner.

RESOLUTION NO. 2017- 49

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

Mayor Lowe presented a resolution in reference to the satisfaction of an Assessment on property located at 604 North Railroad Street, State of Alabama (2015 Tax), owner.

RESOLUTION NO. 2017- 50

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

Mayor Lowe presented a resolution in reference to amending Resolution No. 2017-22 in reference to a tax abatement to JVL Laboratories, Inc.

RESOLUTION NO. 2017- 51

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

Mayor Lowe presented a resolution in reference to granting a tax abatement to AIS America, LLC.

RESOLUTION NO. 2017- 52

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

Mayor Lowe presented a resolution in reference to directing the Mayor and City Manager to enter into a contract with Scenic Properties, LLC, for lobbyist services in an amount not to exceed \$17,500.00 annually.

RESOLUTION NO. 2017-53

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into a donation lease agreement with the American Red Cross for the use of property located at 1208 8th Avenue for a period of 24 months.

RESOLUTION NO. 2017- 54

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager, and Police Chief to sign an MOU with the Office of the Alabama Law Enforcement Agency to participate in the Alabama Internet Crimes Against Children collaborative.

RESOLUTION NO. 2017- 55

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

Mayor Lowe presented a resolution in reference to awarding a bid to Robinson Paving Company for Hot Mix Asphalt.

RESOLUTION NO. 2017- 56

Councilmember Gordy 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, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented a resolution in reference to accepting a negotiated bid from Robinson Paving Company for turn lane improvements on Riverchase Drive at US Highway 80.

RESOLUTION NO. 2017-57

Councilmember Gordy 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, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented a resolution declaring personal property as surplus and disposing of for the nominal sum of \$1.00 and other valuable considerations to George Walker in recognition of his 20 years of public service.

RESOLUTION NO. 2017-58

Councilmember Robinson 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, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented a resolution in reference to declaring a 2009 Harley Davidson Police Motorcycle as surplus to be sold to the highest bidder at a public auction or sold as scrap if not purchased.

RESOLUTION NO. 2017- 59

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

Mayor Lowe presented for first reading an ordinance to amend the Code of Ordinances of the City of Phenix City, Alabama, Chapter 17, Article II. Rates and Charges, Section 17-17, relating to establishment of water rates schedule and Article II, Section 17-18, Relating to the establishment of sewer rates schedule. Councilmember Day moved to place the ordinance on first reading, which motion was seconded by Councilmember Robinson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Gordy, and Mayor Lowe. NAYS: Councilmember Bailey. ABSTAINS: None. The motion thus passed.

Mayor Lowe next declared that now was the time and place for a public hearing regarding an ordinance to rezone a 24.21 acre tract of land located at the Intersection of 33rd Avenue and 7th Street, from a PRD Zone to a R-1 Zone, T. Bruce Wade, III, owner. (First Reading – 01/18/17) Anyone wishing to address council regarding this matter should come forward now. Neither hearing nor seeing anyone come forward to address council, Mayor Lowe declared the public hearing closed.

Mayor Lowe presented a resolution an ordinance to rezone a 24.21 acre tract of land located at the Intersection of 33rd Avenue and 7th Street, from a PRD Zone to an R-1 Zone, T. Bruce Wade, III, owner. (First Reading – 01/18/17)

ORDINANCE NO. 2017-03

Councilmember Gordy moved to approve the ordinance contingent upon a 50 ft. right of way dedicated for the future continuation of 5th Street South to Orchard Hills Subdivision, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Bailey. The motion thus passed.

Mayor Lowe presented for first reading an application for an Off Premise Beer License and an Off Premise Wine License submitted by Jashvantbhai Vadilal Patel for Shiv Shakti Food, LLC d/b/a Big Cat located at 3858 US Highway West, Phenix City, Alabama. Councilmember Day moved to place the applications on first reading, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day, Robinson, Gordy, Bailey, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Mr. Darren Daniel that was tabled in October of 2016 to allow City Manager Wallace Hunter and Mr. Graham to negotiate. City Attorney Graham stated that the city pipe burst causing damage to Mr. Daniel's driveway. City Attorney's Graham's recommendation is to pay the lowest estimate in the amount of \$4000.00. Councilmember Day moved to take the city attorney's recommendation to pay the lowest estimate of \$4000.00, which motion was seconded by Councilmember Robinson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Attorney Jimmy Graham presented a claim filed by David Floyd of 441 16th Avenue South who stated that his home was flooded and now has mildew damage due to a severe storm on January 2, 2017. City Attorney stated that the Director of Engineering and Public Works Department provided a memorandum and records showing that over 8 inches of rain fell from December 31, 2016 through January 2, 2017. City Attorney Graham further stated that on January 2, 2017 approximately 4 inches of rain fell in a two hour period. City Attorney Graham

advised this portion of the total rainfall is considered to be a 100 year storm event and by Alabama Law is considered an Act of God. City Attorney Graham's recommendation is to deny the claim. Councilmember Gordy moved to take the city attorney's recommendation to deny the claim, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Attorney Jimmy Graham presented a claim filed by William Newman for Chandler Newman. City Attorney advised that Chandler Newman alleges that the city is responsible for damages to his tire and rim due to road construction on US Highway 80 near Ladonia on January 16, 2017 between 8:58 pm and 9:03 pm. City Attorney Graham stated that on January 16, 2017 the city placed more crushed stone in the asphalt cut due to a call they received from a citizen at 7:20 pm. City Attorney Graham states the damage occurred between 8:58 pm and 9:03 pm and the city received no calls between the time the stone was placed and the time the claimant stated the damage was done. City Attorney Graham further stated that a police officer took pictures at 10:27 pm which shows the asphalt cut filled with rock in a manner that would not have damaged westbound traffic. City Attorney Graham's recommendation is to deny the claim. Councilmember Day moved to take the city attorney's recommendation to deny the claim, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Attorney Jimmy Graham presented a claim filed by Mr. Jarrad Chance Oakes. City Attorney advised that Mr. Oakes alleges that the city is responsible for his front passenger wheel that was damaged due to a pot hole on US Highway 80 near Ramsey Road on January 16, 2017 between 7:32 pm and 7:37 pm. City Attorney Graham stated that since the claim states the damage occurred between 7:32 pm and 7:37 pm on January 16, 2017 after we had received a call reporting a hole and before we placed more crushed stone in the asphalt cut, his recommendation is to approve the claim in the amount of the lowest estimate of \$100.00.

Councilmember Robinson moved to take the city attorney's recommendation to approve the claim in the amount of the lowest estimate of \$100.00, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Attorney Jimmy Graham presented a claim filed by USAA General Indemnity Company a/s/o Paula Outlaw. City Attorney Graham stated that a claim was filed previously by USAA General Indemnity a/s/o Paula Outlaw that had two different amounts. City Attorney Graham stated that he was able to talk to the Law office of Clerkin, Sinclair & Mahfouz, LLP and they stated \$5,695.94 is the correct amount for property damages only. City Attorney Graham also stated that the Law office of Richard Cross, Jr. also filed a claim on Ms. Outlaw's behalf but had no knowledge that a claim was filed by the Law office of Clerkin, Sinclair & Mahfouz, LLP. City Attorney Graham's recommendation is to table the claim filed by the Law office of Richard Cross, Jr. Councilmember Gordy moved to take the city attorney's recommendation to table the claim filed by the Law office of Richard Cross, Jr., which motion was seconded by Councilmember Robinson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried. City Attorney's Graham's recommendation is to approve the claim filed by USAA General Indemnity Company a/s/o in the amount of \$5,695.94. Councilmember Day moved to take the city attorney's recommendation to approve the claim filed by USAA General Indemnity Company a/s/o in the amount of \$5,695.94, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Attorney Jimmy Graham presented a claim filed by Martha Davis of 1307 8th Street who stated that her home and personal items were damaged due to the storm on January 2, 2017. City Attorney stated that the Director of Engineering and Public Works Department

provided a memorandum and records showing that over 8 inches of rain fell from December 31, 2016 through January 2, 2017. City Attorney Graham further stated that on January 2, 2017 approximately 4 inches of rain fell in a two hour period. City Attorney Graham advised this portion of the total rainfall is considered to be a 100 year storm event and by Alabama Law is considered an Act of God. City Attorney Graham's recommendation is to deny the claim. Councilmember Gordy moved to take the city attorney's recommendation to deny the claim, which motion was seconded by Councilmember Robinson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Robinson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Manager Wallace Hunter commented on the Comprehensive plans, Highway 431, and the growth of Phenix City, Alabama. Mr. Hunter thanked the Department Heads for their hard work.

Councilmember Robinson commented on BRAC and the Engineering Department.

Mayor Lowe thanked the Department Heads and CTV – Beam Television for their filming of the meeting.

There being no further business to come before council, the meeting adjourned until March 7, 2017 at 9:00 a.m.