

**MEETING MINUTES
JULY 18, 2017**

The members of the City Council of the City of Phenix City, Alabama met for a regularly scheduled meeting at 9:00 a.m. Eastern Time, Tuesday, July 18, 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, Jr., Councilmember Steve Bailey, Councilmember Griff Gordy, and Mayor Eddie N. Lowe. Councilmember Johnnie C. Robinson, Jr. was not present. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, and City Clerk Charlotte L. Goodrich.

Upon a quorum being present, Mayor Lowe called the meeting to order.

Councilmember Arthur L. Day, Jr. came forward to lead the invocation.

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

Mayor Lowe presented the minutes of the July 3, 2017 Work Session meeting for approval. 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, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented the minutes of the July 3, 2017 Council meeting for approval. Councilmember Day moved to approve the minutes; which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

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

Mayor Lowe next declared that now was the time and place for a public hearing in reference to authorizing a development agreement between the City of Phenix City and Second Street of Phenix City, LLC for the property located at 1407 US Highway 280 Bypass. 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 in reference to authorizing a development agreement between the City of Phenix City and Second Street of Phenix City, LLC for the property located at 1407 US Highway 280 Bypass.

RESOLUTION NO. 2017-175

Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Gordy. Upon said motion having been put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution and public notice in reference to a public hearing on the 2017-2018 Proposed Fiscal Year Budget.

RESOLUTION NO. 2017-176

Councilmember Gordy moved to approve the resolution, which motion was seconded by Councilmember Day. Upon said motion having been put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor, City Manager, and Chief of Police to enter into a contract with the City of Auburn for Professional Services.

RESOLUTION NO. 2017-177

Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Gordy. Upon said motion having been put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor and City Manager to enter into a Transportation Alternatives Program (TAP) Grant Agreement with ALDOT for the 14th Street Downtown Streetscapes & ADA Improvements Project with partial funding by the Federal Highway Administration, estimated project cost is \$423,377.00.

RESOLUTION NO. 2017-178

Councilmember Day moved to approve the resolution, which motion was seconded by Councilmember Gordy. Upon said motion having been put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution in reference to granting an easement to Alabama Power Company to provide power for the restroom along the Riverwalk.

RESOLUTION NO. 2017-179

Councilmember Gordy moved to approve the resolution, which motion was seconded by Councilmember Day. Upon said motion having been put to a vote, the following vote was

recorded: YEAS: Councilmembers Day, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the Administrative Replat 7.29 +/- acres long 18th & 19th Avenue between 24th and 25th Street, Housing Authority of the City of Phenix City, owners.

RESOLUTION NO. 2017-180

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, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the Administrative Replat 0.40 +/- acres at 810 & 812 20th Street, F&M Bank, owners.

RESOLUTION NO. 2017-181

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, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe presented a resolution in reference to declaring (1) one Hewlett Packard Laserjet 8000N, Serial Number USBB023727 as surplus to be disposed of at the City Landfill.

RESOLUTION NO. 2017-182

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, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Mayor Lowe next declared that now was the time and place for a public hearing to rezone a 3.10 acre tract of land located at 600 Fontaine Road, from an R-1 Zone to a R-1B Zone, City of Phenix City, owner. 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 for second reading an ordinance to rezone a 3.10 acre tract of land located at 600 Fontaine Road, from an R-1 Zone to a R-1B Zone, City of Phenix City, owner. (First Reading 6/6/17)

ORDINANCE NO. 2017-18

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

Mayor Lowe presented for second reading an Ordinance to de-annex 26.05 acre tract of land lying in Section 27, Township 18 North, Range 30 East, Lee County, Alabama (Summerville Road), Jay B. Shepherd, T. Bruce Wade, II, and J. Gilbert Dyer, Jr. Owner. (First Reading 7/3/17)

ORDINANCE NO. 2017- 19

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

Mayor Lowe presented an ordinance authorizing the issuance of the City's Limited Obligation Special Commercial Facilities Revenue Warrant, Series 2017A with regard to the Development Agreement by and between the City of Phenix City and Second Street of Phenix City, LLC.

ORDINANCE 2017-20

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

Mayor Lowe presented for first reading an Amendment to Ordinance No. 2004-32 relating to Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Phenix City, Alabama, to add Division 4. Entertainment District to Article 111. Retail Sales. Councilmember

Day moved to place the ordinance 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, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an ordinance and public notice in reference to establishing an Entertainment District in the City of Phenix City.

PUBLIC NOTICE

Councilmember Day moved to approve the public notice and place the ordinance 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, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an application for an On Premise Beer License, an On Premise Wine License, an On Premise Whiskey/Wine License, a Billiard or Pool Room License, and Dancing with a Juke Box License submitted by Thao Ngoc Dinh for AJ's Sports Bar & Grill located at 1700 East Highway 280 Bypass, 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, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim filed by Ms. Lauren Crooks. City Attorney Graham stated that Ms. Crooks alleges that the City of Phenix City is responsible for damage done to the front windshield of the claimant's 2008 Toyota Highlander. The claimant stated she was driving to work on the morning of Wednesday, June 28, 2017 and passed by Girard Cemetery while city workers were cutting grass near 8th Street and 8th Place and a rock

was thrown and struck the front windshield. Mr. Graham stated the Public Works Cemetery Division did have a crew working in the area on Wednesday, June 28, 2017. City Attorney Graham recommended paying the lowest estimate in the amount of \$200.00. Councilmember Gordy moved to take the city attorney's recommendation to pay the lowest estimate of \$200.00, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented a resolution in reference to entering into a Contract with the Alabama Department of Transportation in relation to relocating utility facilities during the resurfacing of Highway 80 from Woodland Drive to US 431, Project No. NH-0008(589).

RESOLUTION NO. 2017- 183

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, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN. None. The motion carried.

Utilities Director Steve Smith commented on the formal signing of the documents for the Warrants Issues General Obligations and the 431 Development project. Mr. Smith also spoke on the reports received from the Alabama Department Environmental Management. Mr. Smith stated that ADEM does an analysis of all of the water and sewer systems throughout the state. Mr. Smith further stated that there are four areas that they look for which are the following:

- 1) How our bills compare to other Water and Sewer Agencies
- 2) How we manage high volume cost
- 3) Financial Management

4) Affordability

Mr. Smith stated the City of Phenix City has the lowest utility rates in the entire State of Alabama.

Randy Rushton with Frazier Lanier commended the Mayor, Council and City Manager on a job well done with keeping great credit ratings for the City of Phenix City.

City Manager Wallace Hunter spoke on the history of Phenix City. Mr. Hunter also expressed his concerns with the Phenix City Board of Education and the malicious attacks the city has had to face regarding pamphlets that were mailed out pertaining to Ordinance 2017-04. Mr. Hunter also commented on the budget meetings and thanked Department Heads for their hard work and dedication and thanked Mayor and Council as well.

Councilmember Day thanked Parks and Recreation Director Todd Hughes and the Parks and Recreation Department for the 4th of July events. He also thanked the citizens for attending the Let's Talk Sessions in District 3, and reminded citizens the Let's Talk programs are held on the third Saturday of the month.

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 August 1, 2017 at 9:00 a.m.