

**MEETING MINUTES  
January 3, 2018**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, January 3, 2018 at 9:00 a.m. in the Council Chambers within the Public Safety Building located at 1111 Broad Street, Phenix City, Alabama. Upon roll call, the following members of Council were present: Councilmember Arthur L. Day, Jr., Councilmember Steve Bailey, Councilmember R. Griff Gordy and Mayor Eddie N. Lowe. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, Jr., Acting City Clerk Melony Lee and Kelly Newcomb.

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

Reverend Brady Baird Summerville United Methodist Church came forward to deliver the invocation.

Mayor Lowe led the pledge of allegiance to the United States Flag.

City Manager Wallace Hunter and HR Director Stephanie Chastain presented employee service recognition to the following: Patrick Pickard (5 years of service), Irvin Miller (10 years of service), Steve Rigdon (10 years of service), Markeuis Sanks (10 years of service), Randy Austin (15 years of service), Wallace Walton (15 years of service), Justin Gaus (5 years of service), Matthew Rector (5 years of service), and Brandon Smith (5 years of service).

Mayor Lowe presented the minutes of the December 18, 2017 work session and the December 18, 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: Councilmember Day, Bailey, and Mayor Lowe. NAYS: None. ABSTAIN: Gordy. The motion carried.

Mayor Lowe presented the minutes of the December 27, 2017 special called Municipal Runoff Election 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: Councilmember Day, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion carried.

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

Mayor Lowe presented a resolution in reference to resolution in reference to removing the current City Clerk.

**RESOLUTION NO. 2018-001**

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: Councilmember Day, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented a resolution in reference to resolution in reference to appointing Melony Lee as City Clerk.

**RESOLUTION NO. 2018-002**

Councilmember Bailey moved to approve said resolution, 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 a Resolution in reference to authorizing and directing the Mayor and City Manager to sign the Supplemental Agreement Number 1 documents with AECOM for the Bridge Replacement on Opelika Road and Cutrate Road.

**RESOLUTION NO. 2018-003**

Councilmember Day moved to approve said resolution, 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 a Resolution in reference to authorizing and directing the Mayor and City Manager to sign a Memorandum of Understanding with Halpern Enterprises, Inc. to provide economic assistance for the development of a tract of land on U.S. Highway 280/431.

**RESOLUTION NO. 2018-004**

Councilmember Gordy moved to approve said resolution, which motion was seconded by Councilmember Day. 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 a resolution declaring personal property as surplus and disposing of for the nominal sum of \$1.00 and other valuable considerations to James Oszust in recognition of his 22 years of public service.

**RESOLUTION NO. 2018-005**

Councilmember Day moved to approve said resolution, which motion was seconded by Councilmember Bailey. 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 two openings on the personnel review board. Councilmember Day moved to table Forestine S. Alexander's position until next council meeting, 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. Councilmember Day moved to reappoint Dr. William Brooks, 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 an itemized statement of expense for Austin Hodge of the Fire Department in the amount of \$77.62. Councilmember Day moved to approve the itemized

statements of expense, 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 Graham presented a claim against the City of Phenix City, Alabama filed by C.J. Morrow Carraway Baker Law LLC for Charlie and Donna Parish dba A+ Heating & Air. City Attorney Graham stated the Parish Family claim alleges the city is responsible for wrongful government harassment & wrongful arrest due process violation(s) & "Takings" without just compensation, Acts of Harassment by Code Enforcement Officials, Police Department and City Magistrate. City Attorney Graham advised that this situation has been going on since 1997 and the situation stems from neighbors not liking each other. The city has handled the situation and has not violated their constitution rights and they are asking for \$300, 000. City Attorney Graham advised there is no basis for the claim. City Attorney Graham recommended Council to deny the claim. Councilmember Gordy moved to approve the City Attorney's recommendation and deny the claim, which motion was seconded by Councilmember Day. 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 Graham presented a claim against the City of Phenix City, Alabama by C.F. Floyd, II, DMD located at 1007 Broad Street. City Attorney Graham stated that Dr. Floyd filed a claim because city vehicles had damaged his parking lot. He only submitted one estimate and the city requires three. City Attorney Graham recommended Council to table the claim until the first meeting in February so Dr. Floyd can submit two more estimates. Councilmember Day moved to approve the City Attorney's recommendation and table the claim until February 6<sup>th</sup>, 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 Graham presented a claim against the City of Phenix City, Alabama by Ronald Sumbry. City Attorney Graham stated that Ronald Sumbry's claim alleges that his vehicle was damaged when it was involved in an accident with a city employee. Mr. Sumbry's vehicle was driven by Ronald Brooks Jr. and the collision damaged his rear passenger side of his 2005 Kia Amanti at 10<sup>th</sup> Avenue and William Boddie Street. His insurance company, Metlife, only submitted one estimate and the city requires three. City Attorney Graham recommended that Council table the claim until the first meeting in February so Metlife can get two more estimates and submit to the city. Councilmember Gordy moved to approve the City Attorney's recommendation and table the claim until February 6<sup>th</sup>, which motion was seconded by Councilmember Bailey. 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 Graham presented a claim against the City of Phenix City, Alabama by Chris Taylor. City Attorney Graham stated that Chris Taylor's claim alleges the city is responsible for damages to his vehicle because the city put up improper barriers to block traffic off at one of the city's events during Christmas at Idle Hour Lake. Mr. Taylor struck the barrier.

His lowest estimate is \$1,158.40 plus the rental car fee. City Attorney Graham recommended Council to approve the claim for the lowest estimate of \$1,158.40 minus the rental car fee. Councilmember Gordy moved to approve the City Attorney's recommendation and approve the claim of for the lowest estimate of \$1,158.40 minus the rental car fee, which motion was seconded by Councilmember Bailey. 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 Graham presented a claim against the City of Phenix City, Alabama filed by Matthew N. Pope for Jodi Wisor. City Attorney Graham stated the claim stems from an event of July 4, 2017 which her husband has already filed a claim. This claim alleges a supposed assault on the Dillingham Bridge during a fireworks show. City Attorney Graham advised that she was not included in the initial claim filed by her husband. City Attorney Graham advised Mayor and Council that no city employee or personnel was responsible for the alleged assault. If anyone was responsible it was the firework's company contracted by the city. City Attorney Graham recommended Council to deny the claim. Councilmember Gordy moved to approve the City Attorney's recommendation and approve the denial of the claim, which motion was seconded by Councilmember Day. 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 Graham presented a claim against the City of Phenix City, Alabama filed by Elton Suragh. Elton Suragh's claim alleges that the garage was flooded due to the water being turned on while the house was winterized. All faucets were open and there was damage to the sheetrock on the ceiling and garage. City Attorney Graham advised the city is not responsible for what goes on at a house once we get an order to connect water. City Attorney Graham's understanding is that the hot water heater valve in the garage was the cause of the damage. City Attorney Graham recommended Council to deny the claim. Councilmember Gordy moved to approve the City Attorney's recommendation and deny the claim, which motion was seconded by Councilmember Bailey. 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 Manager Wallace Hunter thanked all the department heads and congratulated Melony Lee as the new city clerk.

Councilmember Bailey is looking forward to a new year and thanked the department heads for doing a great job. Councilmember Bailey congratulated Melony Lee as the new city clerk.

Councilmember Day congratulated Melony Lee on her appointment as the new city clerk and thanked the department heads for doing a great job. Councilmember Day advised every one of the luncheon, Monday, January 8<sup>th</sup>. Councilmember Day also commented that he enjoyed working with each councilmember.

Councilmember Gordy wished everyone a Happy New Year and thanked the department heads for doing a great job. Councilmember Gordy also thanked Melony Lee for the appointment to City Clerk. Councilmember Gordy advised that he is looking forward to Ms. Vickey Carter-Johnson's swearing in tomorrow at 9 a.m.

Mayor Lowe congratulated Vickey Carter Johnson. Mayor Lowe advised that we should continue to do our best and the State of the City will be at the Community Activities Center on January 18<sup>th</sup> at 6 p.m. He also thanked CTV Beam for their dedication of recording the council meetings.

There being no further business to address, the meeting thus adjourned at 9:43 a.m. until January 17, 2018.