

**MEETING MINUTES
March 6, 2018**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, March 6, 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 Vickey Carter Johnson, 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., and City Clerk Melony Lee.

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

Reverend Ralph Wooten, of United Methodist Church came forward to deliver the invocation.

Councilmember Day led the pledge of allegiance to the United States Flag.

Mayor Lowe presented the minutes of the February 20, 2018 work session and February 21, 2018 council 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: Councilmember Day, Johnson, 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 Resolution No. 2018-61 to be ratified in reference to authorizing the Mayor and City Manager to sign documents to approve the assignment of the Tower Cloud, Inc. Franchise Agreement to Southern Light, LLC.

RESOLUTION NO. 2018-61

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

Mayor Lowe presented a resolution rescinding Resolution No. 2018-61.

RESOLUTION NO. 2018-62

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to sign documents to approve the assignment of the Tower Cloud, Inc. Franchise Agreement to Southern Light, LLC.

RESOLUTION NO. 2018-63

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

Mayor Lowe presented a resolution in reference to opposing SB213.

RESOLUTION NO. 2018-64

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

Mayor Lowe presented a resolution in reference to accepting the audited financial statement as presented by Robinson, Grimes and Company, P.C. for the fiscal year ended September 30, 2016.

RESOLUTION NO. 2018-65

Councilmember Gordy 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, Johnson, 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 enter into an easement agreement with Southern Natural Gas Company for the 5th Street South Improvement Project.

RESOLUTION NO. 2018-66

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

Mayor Lowe presented a resolution in reference to accepting the dedication of any right-of-ways dedicated by the "Right of Way Dedication of a Portion of Randell Street and Orchard Street for Edgar Hughston Builders, Inc. Orchard Hills Phase II & III Located in Section 21, Township 17 North, Range 30 East", Edgar Hughston Builders, Inc., Owners.

RESOLUTION NO. 2018-67

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

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to remove two existing 400watt MH Cobra Head street lights at the intersections of Crawford Road and 9th Avenue and Crawford Road and Broad Street.

RESOLUTION NO. 2018-68

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, Johnson, 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 enter into an agreement with David Jason Whitten and Tammy Renee Whitten for a Permanent Drainage and Utility Easement on a portion of Lot 23, Section one, Saddlebrook Subdivision.

RESOLUTION NO. 2018-69

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, Johnson, 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 enter into an agreement with David Jason Whitten and Tammy Renee Whitten for a Temporary Access and Construction Easement on a portion of Lot 23, Section one, Saddlebrook Subdivision.

RESOLUTION NO. 2018-70

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, Johnson, 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 enter into an agreement with David Allen Smith and Deondra Kay Smith for a Permanent Drainage and Utility Easement on a portion of Lot 24, Section one, Saddlebrook Subdivision.

RESOLUTION NO. 2018-71

Councilmember Johnson 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, Johnson, 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 enter into an agreement with David Allen Smith and Deondra Kay Smith for

a Temporary Access and Construction Easment on a portion of Lot 24, Section one, Saddlebrook Subdivision.

RESOLUTION NO. 2018-72

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

Mayor Lowe next presented two (2) resolutions and public notices in reference to setting public hearing dates and fixing demolition costs associated with the following properties located in Phenix City at

1. 2107 2nd Avenue

RESOLUTION NO. 2018-73
PUBLIC NOTICE

2. 1249 Pierce Road

RESOLUTION NO. 2018-74
PUBLIC NOTICE

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

Mayor Lowe presented a resolution in reference to declaring one Hot Point Dishwasher as surplus to be sold as scrap or disposed of at the City Landfill.

RESOLUTION NO. 2018-75

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

Mayor Lowe presented a resolution in reference to declaring one Police K-9 "NIM" to be disposed of for the consideration of the nominal sum of \$1.00 and other valuable considerations to Officer Robert Isabel.

RESOLUTION NO. 2018-76

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

Mayor Lowe presented a letter of request from the Planning Commission, public notice and ordinance to rezone 14.00 acres of land located at US Highway 80 West, to a C-4 Zone, Girard Partners, LP, owner.

LETTER OF REQUEST

PUBLIC NOTICE

ORDINANCE

Councilmember Day moved to accept the letter, approve the public notice, and place the ordinance on first reading, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented two (2) openings on the Historic Preservation Commission. Councilmember Johnson moved to reappoint Elizabeth Richards and Larry Brown, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented a previously tabled opening on the Zoning Adjustment and Appeals Board. Councilmember Day nominated Oliver Williams to the unexpired term of Hoyt Gamble. Councilmember Gordy moved to appoint Oliver Williams, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading applications for an Off Premise Beer License and an Off Premise Wine License submitted by Tracy Sayers for Liberty Foods located at 3915-B US Highway 80 West, Phenix City, Alabama. Councilmember Gordy moved to suspend the rules, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Day, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried. Councilmember Day moved to approve the applications, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Day, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an application for a Junk Dealers License, Gold & Silver Buyers submitted by Shane A. Brewer for The Gold Man located at 3740 – B Opelika Road, Phenix City, Alabama. Councilmember Gordy moved to place the application on first reading, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Day, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Dr. C.F. Floyd, II D.M.D. City Attorney Graham stated that Dr. Floyd alleges that City

trucks damaged his parking lot. City Attorney Graham asked Council to allow the City Manager and himself to get together and negotiate a settlement. Councilmember Gordy moved to approve the City Attorney's recommendation to allow the City Manager and City Attorney to negotiate, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by MetLife on behalf of Ronald E. Sumbry. City Attorney Graham stated that Ronald and Tessie Sumbry alleges that the City of Phenix City is responsible for damages which involved their vehicle and a Public Works truck. City Attorney Graham stated that MetLife has paid for the damages and three estimates were submitted by Ronald and Tessie Sumbry. City Attorney Graham recommendation is to pay the claim in the lowest estimate of \$2,142.40. Councilmember Day moved to approve the City Attorney's recommendation to pay the claim in the lowest estimate of \$2,142.40, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Gary and Patricia Parrish. City Attorney Graham stated that the claim allege that the City of Phenix City is responsible for damages to the right rear tire, rim, and axle of the claimant's 2015 White Ford F250 Truck resulting from an incident that occurred at the intersection of 7th Avenue and 13th Street on December 12, 2017. City Attorney Graham stated that the claimant stated in the police report that he was making a right turn onto 13th Street from 7th Avenue when his right back tire went off the roadway and collided with the storm drain and damaged his back right tire and rim. City Attorney advised that the Engineering/Public Works Department did investigate the area and determined that the inlet is located in the gutter line and not in the travel lane. City Attorney Graham's recommendation is to deny the claim. Councilmember Johnson 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: Councilmember Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Laura Lubin. City Attorney Graham stated that the claim alleges that the City of Phenix City is responsible for damage done to the front windshield of the claimant's white 2008 Honda Civic. City Attorney Graham stated the claimant stated that City workers were weed eating in the area and a rock hit the front windshield. City Attorney Graham stated that the Public Works Limbs/Debris Division did have a crew in the area on Thursday February 15, 2018 working. City Attorney Graham's recommendation is to approve the claim in the lowest estimate of \$160.00. Councilmember Day moved to approve the City Attorney's recommendation to pay the claim in the lowest estimate of \$160.00, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day,

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

City Attorney presented a Sworn Notice of Claim filed by Sidni Virginia Carter against the City of Phenix City. City Attorney Graham stated that Sidni Virginia Carter alleges that an incident took place with one of the City of Phenix City Police Officers and it is the City responsibility. City Attorney Graham stated that the law states that if the Police Officer acts outside of the line and scope of his duties the City is not liable. City Attorney Graham recommendation is to deny the claim. Councilmember Gordy moved to take the City Attorney recommendation to 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, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

City Attorney Graham presented a resolution in reference to authorizing the City Attorney to file a Petition for condemnation for property owned by Gordon J. Tharpe (deceased) and Sherry Oliver, executrix located at 1903 5th Street South, Phenix City, Alabama.

RESOLUTION NO. 2018-77

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

City Manager Wallace Hunter thanked all employees for doing a great job.

Councilmember Bailey thanked the Department Heads and congratulated Mr. Hunter on his certificate from Auburn University. Councilmember Bailey also thanked the citizens for keeping Council informed.

Councilmember Day thanked Mr. Hunter for doing a great job along with having such great employees and always having the City at heart.

Mayor Lowe thanked the department heads for all their hard work. Mayor Lowe reminded everyone of the Unity Prayer Breakfast on March 8, 2018 @ 7:00 a.m.

Mayor Lowe thanked CTV Beam for their dedication of recording the council meetings.

There being no further business to address, the meeting thus adjourned at 10:00 a.m. until March 20, 2018.