

MEETING MINUTES
April 3, 2018

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, April 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 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 Joycelyn Carrell, of the Russell County Baptist Association, delivered the invocation.

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

City Manager Wallace Hunter and Human Resources Director Stephanie Chastain presented employee service recognition to the following: Mike Bauer (10 years of service), Eddie Miles (20 years of service), Scott Singletary (20 years of service), Ethan Amon (5 years of service), Tramella Brown (5 years of service), and Timothy Davis (20 years of service).

City Manager Wallace Hunter called upon City Clerk Melony Lee recognized the city clerk's office personnel.

Mayor Lowe presented the minutes of the March 19, 2018 work session and March 20, 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. 2018-90 to be ratified in reference to authorizing and directing the Mayor and City Manager to sign a contract with EarthLink, DBA Windstream for Internet Services for the WWTP in an annual cost of \$25,741.32 for 36 months.

RESOLUTION NO. 2018-90

Councilmember Day moved to ratify the 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 rescinding Resolution No. 2018-90 in reference to Internet Services for the WWTP.

RESOLUTION NO. 2018-91

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 authorizing and directing the Mayor and City Manager to sign a contract with EarthLink, DBA Windstream for Internet Services for the WWTP in an annual cost of \$25,741.32 for 36 months.

RESOLUTION NO. 2018-92

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 stated that now was the time and place for a Public Hearing in reference to a request to vacate a portion of the right-of-way of 5th Avenue. Mayor Lowe stated anyone wishing to address council on this property should come forward and do so at this time. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a resolution in reference to a request to vacate a portion of the right-of-way of 5th Avenue.

RESOLUTION NO. 2018-93

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 accept a proposal from Warr Grading Contractor, Inc. to complete installation of a Sanitary Sewer forced main under US Highway 80 at Riverchase Drive.

RESOLUTION NO. 2018-94

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 stated that now was the time and place for two (2) public hearings in the reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of specials assessments upon the following properties: 2107 2nd Avenue and 1249 Peirce Road. Mayor Lowe stated anyone wishing to address council on any of the properties should come forward and do so at this time. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented two (2) resolutions in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of special assessments upon properties located at:

1. 2107 2nd Avenue

RESOLUTION NO. 2018-95

2. 1249 Pierce Road

RESOLUTION NO. 2018-96

Councilmember Day moved to approve said resolutions, 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 sign the amended contract with Peach Engineering in an amount not to exceed \$1,107,250.00 to design a new heating and air (HVAC) for Central Activities Center.

RESOLUTION NO. 2018-97

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 sign document(s) to purchase a 2018 Grasshopper Model 225 Zero Turn Mower for the Cemetery Division from US Communities, Government Purchasing Alliance in an amount not to exceed \$8,290.05.

RESOLUTION NO. 2018-98

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 declaring various items as surplus to be disposed of at the City Landfill.

RESOLUTION NO. 2018-99

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 declaring one (1) Canon Powershot Digital Camera, Model SX110IS and two (2) White Wicker Rocking Chairs as surplus to be disposed of at the City Landfill.

RESOLUTION NO. 2018-100

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 declaring obsolete computer equipment as surplus to be disposed of at the City Landfill.

RESOLUTION NO. 2018-101

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 the Mayor and City Manager to enter into a contract with Red 11 Music for Jaime Wyatt to perform at the Amphitheater on May 18, 2018 in an amount not to exceed \$500.00.

RESOLUTION NO. 2018-102

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 authorizing the Mayor and City Manager to enter into a contract with Intrepid Artists, Inc. for Blues Beatles to perform at the Amphitheater on June 23, 2018 in an amount not to exceed \$6,000.00.

RESOLUTION NO. 2018-103

Councilmember Johnson 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.

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to accept a proposal from J.A. Dawson & Company for the purchase and installation of the Spencer Recreation Center Splash Pad in an amount not to exceed \$95,575.97.

RESOLUTION NO. 2018-104

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 next declared that now was the time and place for a public hearing regarding the rezone of a 27.9 acre tract of land located on 6th Avenue and 16th Street from a R-3 Zone to a C-1 Zone, The Housing Authority of Phenix City, Alabama and The City of Phenix City, Alabama, owners. Anyone wishing to address council regarding this matter should come forward now. Neither hearing or seeing anyone come forward to address council, Mayor Lowe declared the public hearing closed.

Mayor Lowe presented for the second reading an ordinance to rezone a 27.9 acre tract of land located on 6th Avenue and 16th Street from a R-3 Zone to a C-1 Zone, The Housing Authority of Phenix City, Alabama and The City of Phenix City, Alabama, owners.

ORDINANCE 2018-03

Councilmember Day moved to approve the ordinance, 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 an Ordinance providing for the Elimination of an At-Grade Railroad Crossing on 6th Avenue between South Railroad Street and North Railroad Street.

ORDINANCE 2018-04

Councilmember Day moved to approve the ordinance, which motion was seconded by Councilmember Johnson. 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 for the first reading an ordinance amending the code of ordinance of the City of Phenix City, Alabama, Chapter 2-Administration, Article VII- Boards, Commissions and Authorities Division I-Generally to Establish a Policy for Appointments to Boards and Committees, Section 2- 182A-Nominations/Qualifications. 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, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an itemized statement of expense for Richard Carlson, Jr. of the Building Department in the amount of \$314.27. Councilmember Gordy moved to approve the itemized statement of expense, 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 an itemized statement of expense for Ray Rogers of the Building Department in the amount of \$282.31. Councilmember Johnson moved to approve the itemized statement of expense, 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 for second reading an application for an Off Premise Beer License, an Off Premise Wine License, and Off Premise Whiskey/Wine license submitted by Kirtikumar G. Patel for Harry's Package located at 109-A US Highway 431 South, Phenix City, Alabama. Councilmember Day moved to approve the applications, which motion was seconded by Councilmember Gordy. 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 an an Off Premise Beer License and an Off Premise Wine License submitted by Vijay B. Desai of Seven Square, LLC for Liberty Food Mart located at 1412 14th Street, Phenix City, Alabama. Councilmember Johnson moved to place the application on first reading, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Angela Middleton. City Attorney Graham stated that Mrs. Middleton's house was flooded when a sewage pipe was clogged on the city side. City Attorney Graham asked Council to allow the City to cut a \$1,000 check for the deductible. He advised the balance would be paid by utilities insurance. Councilmember Day moved to approve the City Attorney's recommendation to allow the City to cut a \$1,000 check for the deductible with the balance being paid by the insurance company, 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 Charles Broomfield. City Attorney Graham stated that Charles Broomfield alleges that the City of Phenix City cut his water service off after he paid his utility bill. Charles Broomfield had to spend the night in a hotel due to not having any water. City Attorney Graham recommended paying the claim in the lowest estimate of \$165.11. Councilmember Gordy moved to approve the City Attorney's recommendation to pay the claim in the lowest estimate of \$165.11, 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 Jimmy Graham presented a notice of claim against the City of Phenix City, Alabama filed by Kenneth S. Nugent on behalf of Joel W. & Pearl Barlow. City Attorney Graham stated that the claim alleges that the City of Phenix City is responsible for damages to the front and driver's side of the claimant's 2016 Toyota Tundra when a patrol car collided with the vehicle. City Attorney Graham asked Council to allow the City Manager Wallace Hunter, Police Chief Ray Smith, and himself to negotiate a settlement. Councilmember Johnson moved to approve the City Attorney's recommendation to allow the City Manager, Police Chief, and City Attorney to negotiate, 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.

Parks and Recreation Director Todd Hughes reminded Mayor and Council of DSOS playing at the Amphitheater on April 7, 2018 at 8p.m.

Fire Chief Kris Kennedy discussed the ISO rating with Mayor and Council.

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

Councilmember Johnson thanked the Mayor, Council and public for their support. Councilmember Johnson also reminded everyone of National Service Day.

Councilmember Bailey thanked all the department heads and employees of the city. Councilmember Bailey also thanked the citizens of Phenix City.

Councilmember Day thanked the department heads, city clerk/city manager office staff, and employees for doing such a great job.

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 10:14 a.m. until April 17, 2018.