

**MEETING MINUTES**  
**April 17, 2018**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, April 17, 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 Steve Pace, of the Summerville Baptist Church, delivered the invocation.

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

Mayor Lowe presented the proclamation Recognizing Donate Life Month.

**PROCLAMATION**

Ms. Amy McTier with Regional Rehabilitation Hospital came forward to accept the proclamation.

Mayor Lowe presented the minutes of the April 2, 2018 work session and April 3, 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: Councilmembers 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. 2018-105 to be ratified in reference to authorizing the Mayor and City Manager to enter into a Right of Way acquisition agreement with the Estate of Mary L. Kelley, Sherry Tharpe Oliver, Exectrix.

**RESOLUTION NO. 2018-105**

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

Mayor Lowe presented Resolution No. 2018-106 to be ratified in reference to accepting a proposal from Wayne Tice Electric, Inc. for the replacement of a Generac 20kw generator and transfer switch in an amount not to exceed \$8,525.56.

**RESOLUTION NO. 2018-106**

Councilmember Gordy 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: Councilmembers 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 extended modified agreement with Redflex Traffic Systems for the Red Light Safety Program.

**RESOLUTION NO. 2018-107**

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: Councilmembers 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 maintenance agreement with Oracle Elevator for the parking garage elevator at a cost of \$162.00 per month.

**RESOLUTION NO. 2018-108**

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

Mayor Lowe presented a resolution in reference to the satisfaction of a Special Assessment on property located at 2207 16<sup>th</sup> Place, William and Cornelia Perdue, Owners.

**RESOLUTION NO. 2018-109**

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

Mayor Lowe presented a resolution in reference to the satisfaction of a Special Assessment on property located at 2209 16<sup>th</sup> Place, William and Cornelia Perdue, Owners.

**RESOLUTION NO. 2018-110**

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

Mayor Lowe presented a resolution in reference to authorizing the takeover of monthly payments to Alabama Power Company for one (1) street light located at 2909 21<sup>st</sup> Avenue.

**RESOLUTION NO. 2018-111**

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: Councilmembers 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, City Manager, and Police Chief Ray Smith to enter into an agreement with Pro-Vision, Inc. for new personal body cameras.

#### **RESOLUTION NO. 2018-112**

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

Mayor Lowe presented a resolution in reference to the Municipal Water Pollution Prevention Annual Report.

#### **RESOLUTION NO. 2018-113**

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

Mayor Lowe presented for first reading an ordinance to exempt certain items from Municipal Sales and Use Tax during the third full weekend of July, 2018, referred to as the "Back-To-School" Sales Tax Holiday. Councilmember Day moved to 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 next declared that now was the time and place for a public hearing to annex 14.00 acres of land lying in Section 13, Township 17 North, Range 29 East, Russell County, Alabama, into a C-4 Zone located at US Highway 80 West, Girard Partners LP, Owner. Anyone wishing to address council regarding this matter should come forward now. Ernie Smallwood came forward on behalf of owner Girard Partners. Council had no questions. Neither hearing nor seeing anyone else come forward, Mayor Lowe declared the public hearing closed.

Mayor Lowe presented an ordinance for second reading to annex 14.00 acres of land lying in Section 13, Township 17 North, Range 29 East, Russell County, Alabama, into a C-4 Zone located at US Highway 80 West, Girard Partners LP, Owner.

#### **ORDINANCE 2018-05**

Councilmember Gordy 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 an ordinance for second reading amending The Code of Ordinances of the City of Phenix City, Alabama, Chapter 2 – Administration, Article VII –

Boards, Commissions and Authorities, Division 1 – Generally to Establish a Policy for Appointments to Boards and Committees, Section 2-182A – Nominations/Qualifications.

### **ORDINANCE 2018-06**

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

Mayor Lowe presented one opening on the Personnel Review Board and one opening on the Zoning Adjustment and Appeals Board. Mayor Lowe asked for a motion to table the appointments. Councilmember Day moved to table both appointments, 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 carried.

Mayor Lowe presented two itemized statements of expense for Mckinley Bass of the Fire Department in the total amount of \$80.37. Councilmember Day moved to approve the itemized statements of expense, 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 itemized statements of expense for Michael Brent Paul of the Fire Department in the total amount of \$72.62. Councilmember Johnson moved to approve the itemized statements of expense, 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 itemized statements of expense for Casey Pinder of the Fire Department in the total amount of \$80.74. 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: Councilmembers 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 and Off Premise Wine License submitted by Vijay B. Desai of Seven Square, LLC for Liberty Food Mart located at 1412 14<sup>th</sup> Street, Phenix City, Alabama. Councilmember Johnson 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: Councilmembers Day, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented for first reading an application for an Off Premise Whiskey/Wine License (Retail Package Store) submitted by Griggs, Inc. dba Stagecoach Package located at 98 Stagecoach Drive, Phenix City, Alabama. Councilmember Day moved to suspend the rules, 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. Councilmember Gordy moved to approve the applications, 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 for first reading applications for an Off Premise Beer License and an Off Premise Wine License submitted by Griggs, Inc. dba Marathon #111 located at 100 Stagecoach Drive, Phenix City, Alabama. 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, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried. Councilmember Gordy moved to approve the application, which motion was seconded by Councilmember Day. 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Tanisha Melton. City Attorney Graham stated that Ms. Melton's rims and tires were damaged when she ran over a pothole on South Seale Road. City Attorney Graham advised the city was not notified of the pothole until after Ms. Melton's incident. City Attorney Graham recommended denying the claim. Councilmember Day moved to approve 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, 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 Holly Jones who lives at 2015 46<sup>th</sup> Street. City Attorney Graham stated that Ms. Jones alleges that the City of Phenix City is responsible for damages done to her house window, blinds, and dog. City Attorney Graham stated the claim states city workers were weed eating in the area and a rock hit the front right window causing the dog to get upset. Public Works did have a crew in the area working. Statements from the crew advised the dog cracked the window while trying to get out. City Attorney Graham recommended denying the claim. Councilmember Gordy moved to approve the City Attorney's recommendation to deny the claim, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Norris Randall. City Attorney Graham stated that the claim alleges that the City of Phenix City is responsible for damages to the plate glass window at 911 13<sup>th</sup> Street by mowers. City Attorney Graham stated that city workers were mowing in the area and a rock hit the front window. City Attorney Graham recommended approving the claim paying the amount of the lowest estimate of \$300.00. Councilmember Gordy moved to approve the City Attorney's recommendation to approve the claim in the lowest estimate of \$300.00, which motion was seconded by Councilmember Day. 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.

Councilmember Johnson spoke in regards to the new program at the public library.

Mayor Lowe thanked all the department heads and employees of the city.

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 10:09 a.m. until May 1, 2018.