

**MEETING MINUTES
May 1, 2018**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, May 1, 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 Vickey Carter Johnson, Councilmember Steve Bailey, Councilmember R. Griff Gordy, and Mayor Eddie N. Lowe. Councilmember Arthur L. Day, Jr. was not present. 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 Reneau with Trinity United Methodist was not present. Mayor Lowe asked Councilmember Johnson to deliver the invocation.

Councilmember Johnson 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: Kerry Brag (15 years of service), Brandon Corbett (15 years of service), Daniel Johnson (15 years of service), Steve Nolin (20 years of service), and Andy Williams (25 years of service).

Mayor Lowe presented a proclamation to City Clerk Melony Lee for Municipal Clerk's Week.

PROCLAMATION

Melony Lee and members of her family came forward to accept the proclamation.

Mayor Lowe presented the minutes of the April 16, 2018 work session and April 17, 2018 council meeting for approval. Councilmember Gordy moved to approve the minutes, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember 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 a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the "A Resubdivision of All of Block 171, Lots 1-8, Block 172, Lots 3-10, Block 201, and Lot 2, Block 202, Phenix City Totten's Map Located in Section 11, Township 17 North, Range 30 East", Housing Authority of Phenix City, owner.

RESOLUTION NO. 2018-114

Councilmember Johnson 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 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 land, right-of-ways and easements dedicated by the "Willingham Subdivision, Section 32, Township 18 North, Range 30 East", Jimmy C. and Pamela H. Willingham, owners.

RESOLUTION NO. 2018-115

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 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 a Subordination, Non Disturbance and Attornment Agreement between the City of Phenix City, Altera Development Company, LLC and Wells Fargo Bank Northwest, N.A.

RESOLUTION NO. 2018-116

Councilmember Gordy moved to approve said resolution, which motion was seconded by Councilmember Johnson. Mayor Lowe asked Council if there were any comments or questions. Councilmember Bailey asked that Utilities Director Stephen Smith to address Mayor, Council and audience to clarify Resolutions 2018-116 and 2018-117. Utilities Director Stephen Smith advised that Altera is closing on their financing this week with Wells Fargo Bank Northwest, N.A. Resolution 2018-116 gives Wells Fargo the authority should there be future problems. Wells Fargo could step in and be the landlord if Altera defaults on anything. Resolution 2018-117 is just certifying that there are no buildings built yet and no rent is due. Councilmember Bailey advised Mayor, Council and the audience that the City of Phenix City has spent no money in the project yet. Councilmember Bailey also advised that there has been a rumor floating around town that the project is going slower than expected and it is not the city's fault. Utilities Director Stephen Smith discussed with Mayor, Council and the audience that this is coming from a disgruntled ex-employee, who hates the city, and is constantly putting out lies and misinformation to people. Utilities Director Stephen Smith said he tries to stir things up. Utilities Director Stephen Smith further advised that this project is going to one of the finest developments in Phenix City. The project will bring in a substantial amount of revenue to the city and provide a shopping area to an area that is great need of this kind of retail. Mayor Lowe advised Council and the audience that nothing has been done wrong or accusing anyone of doing anything wrong and that the project is part of economic development. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember 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 Tenant Estoppel Certificate with Altera Development Company, LLC.

RESOLUTION NO. 2018-117

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

Mayor Lowe presented a resolution in reference to accepting the proposal from Building and Earth to perform soil test borings and soil analyses of Downing Drive and the AlaTrade Service Road in an amount not to exceed \$10,400.00.

RESOLUTION NO. 2018-118

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

Mayor Lowe presented a Public Notice setting the date for a public hearing in reference to a request to vacate a portion (0.06) Acres of the right-of-way of Riverchase Drive.

PUBLIC NOTICE

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

Mayor Lowe presented a Public Notice setting the date for a public hearing in reference to a request to vacate a portion (0.02) Acres of the right-of-way of Riverchase Drive.

PUBLIC NOTICE

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

Mayor Lowe presented a resolution in reference to accepting the proposal from Southern Rewinding for the replacement of Water Pump #4 at the Raw Water intake for the Water Filtration Plant in an amount not to exceed \$46,235.56.

RESOLUTION NO. 2018-119

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 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 agreement with Uptown Whitewater Management, LLC for professional marketing and media services for Whitewater Alabama, Phenix City in an amount not to exceed \$30,000.00.

RESOLUTION NO. 2018-120

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

Mayor Lowe presented a resolution in reference to rejecting all bids received for the demolition of a structure located at 807 6th Street South.

RESOLUTION NO. 2018-121

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

Mayor Lowe presented four (4) resolutions in reference to awarding bids for the demolition and removal of structures on the following properties:

1. 1006 11th Avenue – Miles Excavating - \$1,234.00

RESOLUTION NO. 2018-122

2. 700 Seale Road – J&J Land Development, Inc. - \$1,500.00

RESOLUTION NO. 2018-123

3. 805 6th Street – J&J Land Development, Inc. - \$1,500.00

RESOLUTION NO. 2018-124

4. 921 20th Street – J&J Land Development, Inc. - \$549.00

RESOLUTION NO. 2018-125

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

Mayor Lowe presented five (5) Resolutions and Public Notices in reference to setting public hearing dates and fixing demolition costs associated with the following properties located in Phenix City:

1. 1904 14th Avenue

RESOLUTION NO. 2018-126
PUBLIC NOTICE

2. 1208 18th Avenue

RESOLUTION NO. 2018-127
PUBLIC NOTICE

3. 1203 Knowles Road

RESOLUTION NO. 2018-128

PUBLIC NOTICE

4. 2905 South Railroad Street

**RESOLUTION NO. 2018-129
PUBLIC NOTICE**

5. 3 Trafford Trail

**RESOLUTION NO. 2018-130
PUBLIC NOTICE**

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

Mayor Lowe presented a resolution in reference to awarding a bid to Foley Products Company for Reinforced Concrete Pipe.

RESOLUTION NO. 2018-131

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

Mayor Lowe presented eight (8) resolutions in reference to awarding bids received for chemicals to the following companies:

1. Aluminum Sulfate (Dry) – C&S Chemicals - \$0.1025/Dry LB, \$205 Dry Ton

RESOLUTION NO. 2018-132

2. Granular Soda Ash – Univar - \$0.18/LB (Min 24 Tons)

RESOLUTION NO. 2018-133

3. Hydrofluosilicic Acid – Univar - \$0.73/Dry LB (23% Basis)

RESOLUTION NO. 2018-134

4. Potassium Permanganate – Shannon Chemical - \$1.74/LB

RESOLUTION NO. 2018-135

5. Liquid Chlorine (CL₂) – Allied Universal - \$499.94/Ton

RESOLUTION NO. 2018-136

6. Dry Polymer – Solenis (853BC) - \$1.59/LB, 19.6% Dry, \$203.18/Ton

RESOLUTION NO. 2018-137

7. Liquid Polymer – Cedar Chemical (334) - \$1.09/LB (4.5% Dry)

RESOLUTION NO. 2018-138

8. Sulfur Dioxide (SO₂) – Allied Chemical - \$684.44/Ton

RESOLUTION NO. 2018-139

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

Mayor Lowe presented for the second reading an ordinance to exempt certain items from the Municipal Sales and Use Tax during the first full weekend of July, 2018, referred to as the “Back-To-School” Sales Tax Holiday.

ORDINANCE 2018-07

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

Mayor Lowe presented an opening on the Personnel Review Board which was tabled from the April 17, 2018 meeting. Mayor Lowe asked for nominations and Councilmember Gordy nominated Terry Baker. There being no other nominations, Mayor Lowe called for the vote. Councilmember Johnson moved to appoint Terry Baker, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an opening on the Phenix City Housing Authority Board. Councilmember Gordy moved to reappoint Steve Pace, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented 2 (two) openings on the Tree Commission. Councilmember Johnson moved to table the appointments, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an opening on the Zoning Adjustment and Appeals Board. Councilmember Gordy moved to table the appointment, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded:

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

Mayor Lowe presented an Itemized Statement of Expense for McKinley Bass of the Fire Department in the amount of \$33.71. Councilmember Johnson moved to approve the Itemized Statement of Expense, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense for McKinley Bass of the Fire Department in the amount of \$46.25. Councilmember Gordy moved to approve the Itemized Statement of Expense, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense for Brent Paul of the Fire Department in the amount of \$31.95. Councilmember Bailey moved to approve the Itemized Statement of Expense, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense for Brent Paul of the Fire Department in the amount of \$44.29. Councilmember Johnson moved to approve the Itemized Statement of Expense, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense for Casey Pinder of the Fire Department in the amount of \$33.26. Councilmember Gordy moved to approve the Itemized Statement of Expense, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an Itemized Statement of Expense for Casey Pinder of the Fire Department in the amount of \$46.28. 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 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 Martin Griggs, Jr. for America's Freedom Fuel, Inc. dba America's Freedom Fuel Package 1 located at 3815 Opelika Road, Phenix City, Alabama. Councilmember Gordy 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: 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 Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: 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 Beer License, and an Off Premise Wine License submitted by Martin Griggs, Jr. for America's Freedom Fuel, Inc. dba America's Freedom Fuel 1 located at 3815-B Opelika Road, Phenix City, Alabama. Councilmember Johnson 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: 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: 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 David and Deondra Smith who live at 2113 Walker Court in Saddlebrook Subdivision. City Attorney Graham stated that Mr. and Mrs. Smith's house was flooded when flash flood caused the street and drains to backup. City Attorney Graham asked Council to table this claim so City Manager Wallace Hunter can negotiate a settlement with the claimant. Councilmember Gordy moved to approve the City Attorney's recommendation to table the claim, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember 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 Pamela Barker, 613 Seale Road, Phenix City, Alabama. City Attorney Graham stated that Pamela Barker was in the area of 400 block of Seale Road and the city was cutting grass and threw a rock which cracked her windshield. City Attorney Graham recommended paying the claim in the lowest estimate of \$100.00. Councilmember Bailey moved to approve the City Attorney's recommendation to pay the claim in the lowest estimate of \$100.00, which motion was seconded by Councilmember Johnson. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember 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 Gwenda Belcher, 2414 39th Court Phenix City, Alabama. City Attorney Graham stated that the claim alleges that the City of Phenix City is responsible for damages to a house located at 2707 21st Avenue. The water at 2708 21st Avenue was connected instead of 2707 21st Street causing water damage to the interior of the home. City Attorney advised to pay the \$1,000 deductible and turn the balance over to the utilities insurance company for them to negotiate a settlement. Councilmember Gordy moved to approve the City Attorney's recommendation, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Councilmember Johnson reminded everyone May 6th through May 12th is Municipal Clerk's Week and reminded everyone what the responsibility of the City Clerk's office is. Councilmember Johnson also thanked the City Clerk Melony Lee and her staff for their hard work and dedication.

Councilmember Bailey thanked all the department heads and City Clerk Melony Lee and staff for their hard work and being able to work so well together.

Mayor Lowe thanked CTV Beam for their dedication of recording the council meetings. Mayor Lowe also thanked City Clerk Melony Lee and staff for their hard work and dedication.

There being no further business to address, the meeting thus adjourned at 10:07 a.m. until May 15, 2018.