

**MEETING MINUTES  
June 5, 2018**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, June 5, 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 Robert Goodman with Summerville Baptist Church delivered the invocation.

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

City Manager Wallace Hunter and Human Resources Director Stephanie Chastain presented employee service recognitions to the following: Mike Pattillo (10 years of service), Edwin Reece (5 years of service), and Alfredia Thomas (20 years of service).

Mayor Lowe presented the minutes of the May 14, 2018 work session and May 15, 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 presented the minutes of the May 15, 2018 appeal of condemnation meeting for approval. Councilmember Gordy 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 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 2018-146 in reference to authorizing and directing the Mayor and City Manager to sign the proposal with Hydro-Engineering Solutions to perform an engineering design for storm water management in Saddlebrook Subdivision in an amount not to exceed \$10,000.00.

**RESOLUTION NO. 2018-146**

Councilmember Johnson moved to ratify the 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 declared that now was the time and place for a public hearing to authorize a development agreement between the City of Phenix City and Second Street of Phenix City, LLC for the property located at 2001-2037 U.S. Highway 280. Anyone wishing to address council regarding this matter should come forward now. Neither hearing nor seeing anyone come

forward, Mayor Lowe declared the public hearing closed. Mayor Lowe presented a resolution in reference to authorizing a development agreement between the City of Phenix City and Second Street of Phenix City, LLC for the property located at 2001-2037 U.S. Highway 280.

**RESOLUTION NO. 2018-147**

Councilmember Gordy moved to approve the resolution, 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 declared that now was the time and place for a public hearing to vacate a portion (0.06) Acres of the right-of-way of Riverchase Drive. Anyone wishing to address council regarding this matter should come forward now. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the public hearing closed. Mayor Lowe presented a resolution in reference to a request to vacate a portion (0.06) Acres of the right-of-way of Riverchase Drive.

**RESOLUTION NO. 2018-148**

Councilmember Gordy moved to approve the resolution, 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 declared that now was the time and place for a public hearing to vacate a portion (0.02) Acres of the right-of-way of Riverchase Drive. Anyone wishing to address council regarding this matter should come forward now. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the public hearing closed. Mayor Lowe presented a resolution in reference to a request to vacate a portion (0.02) Acres of the right-of-way of Riverchase Drive.

**RESOLUTION NO. 2018-149**

Councilmember Johnson moved to approve the resolution, which motion was seconded by Councilmember Bailey. 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 awarding a bid to OTI, Inc. to replace the roof for Digester #3 at the Wastewater Treatment Plant in an amount not to exceed \$265,000.00.

**RESOLUTION NO. 2018-150**

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 a resolution in reference to approving final settlement in the matter of Brenda Johnson Coley verses the City of Phenix City Case #57-DV-2017-900283.00 in the amount of \$2,400.00.

**RESOLUTION NO. 2018-151**

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 approving final settlement in the matter of a claim filed by C.F. Floyd, II, D.M.D. in the amount of \$950.00.

**RESOLUTION NO. 2018-152**

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 approving final settlement in the matter of a claim filed by David and Deondra Smith, in the amount of \$229,000.00.

**RESOLUTION NO. 2018-153**

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 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 Memorandum of Agreement with the Phenix City Housing Authority to apply for a FY 2018 Choice Neighborhoods Initiative (CNI) Planning Grant.

**RESOLUTION NO. 2018-154**

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 a resolution in reference to authorizing and directing the Mayor and City Manager to sign an Interagency Agreement with the Alabama Department of Human Resources.

**RESOLUTION NO. 2018-155**

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 amending Resolution 2013-489 in reference to a tax abatement to JVL Laboratories, Inc.

**RESOLUTION NO. 2018-156**

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 stated that now was the time and place for a public hearing in 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: 1904 14<sup>th</sup> Avenue, 1208 18<sup>th</sup> Avenue, 1203 Knowles Road, 2905 South Railroad Street, 3 Trafford Trail. 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 five (5) 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. 1904 14<sup>th</sup> Avenue - \$7,571.90

**RESOLUTION NO. 2018-157**

2. 1208 18<sup>th</sup> Avenue - \$6,005.92

**RESOLUTION NO. 2018-158**

3. 1203 Knowles Road - \$4,862.74

**RESOLUTION NO. 2018-159**

4. 2905 South Railroad Street - \$3,983.32

**RESOLUTION NO. 2018-160**

5. 3 Trafford Trail - \$6,469.83

**RESOLUTION NO. 2018-161**

Councilmember Gordy moved to approve the resolutions and public notices, which motion was seconded by Councilmember Bailey. 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 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. 1119 23<sup>rd</sup> Avenue

**RESOLUTION NO. 2018-162  
PUBLIC NOTICE**

2. 1233 13<sup>th</sup> Avenue

**RESOLUTION NO. 2018-163**  
**PUBLIC NOTICE**

3. 2306 16<sup>th</sup> Place

**RESOLUTION NO. 2018-164**  
**PUBLIC NOTICE**

4. 518 6<sup>th</sup> Street

**RESOLUTION NO. 2018-165**  
**PUBLIC NOTICE**

5. 1605 22<sup>nd</sup> Street

**RESOLUTION NO. 2018-166**  
**PUBLIC NOTICE**

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

Mayor Lowe presented a resolution in reference to taking over paying the monthly electric bill for four (4) Traffic Lights located at U.S. 80 off Ramp and Riverchase Drive.

**RESOLUTION NO. 2018-167**

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 purchasing one (1) 2019 HV607 SBA 4x2 Packer-Rear Loader Trash Truck from Southland International Trucks in the amount not to exceed \$138,351.98.

**RESOLUTION NO. 2018-168**

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 rescinding Resolution No. 2018-145 in reference to Pyrotecnico for fireworks on July 4, 2018 at the Amphitheater.

**RESOLUTION NO. 2018-169**

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 contract with Pyrotecnico for fireworks on July 4, 2018 at the Amphitheater in an amount not to exceed \$10,750.00.

#### **RESOLUTION NO. 2018-170**

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 for the first reading an ordinance authorizing the issuance of the City's limited Obligation Special Commercial Facilities Revenue Warrant, Series 2018B Development agreement between the City of Phenix City and Second Street of Phenix City, LLC. Councilmember Gordy 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 Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented an opening on the Housing Code Abatement Board. Councilmember Gordy moved to table the appointment, 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 two (2) openings on the Industrial Development Board. Mayor Lowe called for nominations. Councilmember Gordy nominated the reappointment of Terry Brooks. Councilmember Johnson nominated appointing Eli Brown to the former position of Thomas Blythe. There were no other nominations. Mayor Lowe closed nominations. Mayor Lowe called for a motion. Councilmember Bailey moved to reappoint Terry Brooks, 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. Councilmember Gordy moved to appoint Eli Brown, 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 one previously tabled opening on the Tree Commission. Mayor Lowe called for nominations. Councilmember Johnson nominated appointing Pamela Stroud to the unexpired position of Fran Loftin. There were no other nominations. Mayor Lowe closed nominations. Mayor Lowe called for a motion. Councilmember Gordy moved to appoint Pamela Stroud, 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 one previously tabled 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 three itemized statements of expense for McKinley Bass of the Fire Department in the total amount of \$113.50. 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 Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Mayor Lowe presented three itemized statements of expense for Michael Brent Paul of the Fire Department in the total amount of \$117.06. Councilmember Gordy moved to approve the itemized statements of expense, 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 three itemized statements of expense for Casey Pinder of the Fire Department in the total amount of \$112.95. Councilmember Gordy moved to approve the itemized statements of expense, 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 for second reading applications for an On Premise Beer License, an On Premise Wine License, and an On Premise Whiskey/Wine License submitted by Alonzo Cliatt for Medtech, LLC dba Bamaque located at 1006 16<sup>th</sup> Avenue B, Phenix City, Alabama. Councilmember Gordy 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: Councilmembers 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 Ghanashyam K. Patel for Shiv Sakti Food, LLC d/b/a Shakti Package Store located at 3858 Highway 80 West, Unit C, Phenix City, Alabama. Councilmember Johnson moved to place the application on first reading, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Ken Nugent for Matilde L. Luevanos Franco. City Attorney Graham stated that On May 22, 2018, Ms. Franco was involved in a traffic collision with a police vehicle driven by Officer Kilpatrick Thomas. The investigation concluded that Officer Thomas was at fault. City Attorney Graham recommended allowing himself and the city manager to negotiate a settlement with Ms. Franco. Councilmember Gordy moved to approve the City Attorney's recommendation to allow the city attorney and the city manager to negotiate a settlement, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Funderburk and Lane for Nancy Bell. City Attorney Graham stated that Ms. Bell alleges that former Officer Eldrick Kennedy intimidated and harassed her while he answered a complaint made by Ms. Bell involving a contractor on or about November 11, 2017. City Attorney Jimmy Graham recommended that the claim be denied due to the expired six months' notice of claim. Councilmember Gordy moved to approve the City Attorney's recommendation to 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 Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion carried.

Utilities Director Stephen Smith reviewed the Annual Water Report with Mayor and Council.

City Manager Wallace Hunter thanked all the Department Heads for their hard work and support.

Mayor Lowe thanked the Department Heads for their hard work and dedication.

Councilmember Bailey reminded the citizens that the next Council meeting will be held at the 5<sup>th</sup> Street South Youth Center at 6p.m. on June 19, 2018.

Councilmember Bailey also thanked the citizens and thanked the Department Heads for their hard work and dedication.

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 10:20 a.m. until June 19, 2018.