

**MEETING MINUTES
September 5, 2018**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Wednesday, September 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 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 Jimmy Graham, and City Clerk Melony Lee.

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

Reverend Martin Minton with Crawford Road Baptist Church 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 recognitions to Mark Harry (5 years), Mark Cameron (5 years), Shawn Greenspan (5 years), Cathy Murray (15 years), David Clark (5 years), and Francine Shaw (25 years).

Mayor Lowe presented a proclamation recognizing the Help the Hooch Days.

PROCLAMATION

Committee members William Kent with Columbus Water Works, John Brent, retired Federal Service at Fort Benning and Ms. Ava Dixon came forward to accept the proclamation.

Mayor Lowe presented a proclamation recognizing the Family Day/Family Week.

PROCLAMATION

Kenneth Paskel was not present to receive the proclamation but it will be mailed to the CASA Family home office.

Mayor Lowe presented the minutes of the August 20, 2018 work session and August 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: Councilmembers Day, Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion thus carried.

Mayor Lowe stated there was no unfinished business to address at this time.

Mayor Lowe next declared that now was the time and place for a public hearing regarding a resolution in reference to making application to the Bureau of Justice for a Justice Assistance Grant (JAG) for purchasing equipment for the Police Department. Police Chief Ray Smith came forward and explained the grant. Neither seeing nor hearing anyone else come forward, Mayor Lowe declared the public hearing closed.

Mayor Lowe presented a resolution in reference to making application to the Bureau of Justice for a Justice Assistance Grant (JAG) for purchasing equipment for the Police Department.

RESOLUTION NO. 2018-226

Councilmember Johnson moved to approve the resolution, which motion was seconded by Councilmember Bailey. Upon said motion having been 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 accepting a proposal from Robinson, Grimes & Company for Audit Services for Fiscal Years 2018 through 2021.

RESOLUTION NO. 2018-227

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 thus carried.

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one (1) X70 HPS Open Bottom Street Light on Pole #6-024134 across the street from 1010 12th Avenue.

RESOLUTION NO. 2018-228

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 thus carried.

Mayor Lowe presented a resolution in reference to accepting a proposal from C&G HVACR, LLC for replacement of HVAC Units for the 3rd Floor of the Administrative Building.

RESOLUTION NO. 2018-229

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 thus carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor and City Manager to sign an amendment to the Franchise Agreement for the installation of the "Small Cell" system with Southern Light, LLC.

RESOLUTION NO. 2018-230

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 carried.

Mayor Lowe presented six (6) resolutions in reference to declaring property a public nuisance and authorizing and directing the Housing Abatement Board to take necessary action to demolish, remove and clear all building materials, trash, and debris from property at the following locations:

1. 1312 17th Court

RESOLUTION 2018-231

2. 1709 48th Street

RESOLUTION 2018-232

3. 1001 4th Street South

RESOLUTION 2018-233

4. 1018 4th Street South

RESOLUTION 2018-234

5. 1043 4th Street South

RESOLUTION 2018-235

6. 1045 4th Street South

RESOLUTION 2018-236

Councilmember Gordy moved to approve the resolutions, 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 thus passed.

Mayor Lowe next declared that now was the time and place for a public hearing regarding 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 the following locations in Phenix City, Alabama; anyone wishing to address council regarding these matters should come forward now:

- 1) 1006 11th Avenue
- 2) 1706 20th Avenue
- 3) 1008 4th Place South

- 4) 921 20th Street
- 5) 805 6th Street South

Neither Hearing nor seeing anyone come forward on the matters, Mayor Lowe declared the public hearings closed.

Mayor Lowe next presented five (5) resolutions regarding 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. 1006 11th Avenue

RESOLUTION NO. 2018-237

2. 1706 20th Avenue

RESOLUTION NO. 2018-238

3. 1008 4th Place South

RESOLUTION NO. 2018-239

4. 921 20th Street

RESOLUTION NO. 2018-240

5. 805 6th Street South

RESOLUTION NO. 2018-241

Councilmember Gordy moved to approve the resolutions, 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 thus passed.

Mayor Lowe presented a resolution in reference to declaring two (2) office chairs as surplus items to be disposed of at the City Landfill.

RESOLUTION NO. 2018-242

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

Mayor Lowe presented a resolution in reference to approving the lowest price quote from Alabama Office Supply for eight (8) workstations in an amount not to exceed \$28,551.00.

RESOLUTION NO. 2018-243

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

Mayor Lowe presented a resolution in reference to accepting a quote from AssetWorks to provide professional services for fixed asset inventory and verification services in the amount of \$17,300.00 and detailed building insurance appraisals for 30 buildings at \$135.00 per building for a total of \$4,050.00. Utilities Director Stephen Smith came forward to explain the resolution to the citizens of Phenix City.

RESOLUTION NO. 2018-244

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 thus carried.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor, City Manager, and Utilities Director to sign an agreement with CEDARCHEM, LLC to extend the current contract for Zinc-Orthophosphate for the 2018-2019 Fiscal Year.

RESOLUTION NO. 2018-245

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

Mayor Lowe presented a letter and public notice in reference to a request to annex 2.00 acres of land lying in Section 13, Township 17 North, Range 20 East, Russell County, Alabama, into a C-4 Zone located at 3899 US Highway 80 West, M.D. Evans (James Robert Vance, as Personal Representative of the Estate of Miriam D. Evans), owner.

LETTER

PUBLIC NOTICE

Mayor Lowe presented for first reading an ordinance to annex 2.00 acres of land lying in Section 13, Township 17 North, Range 20 East, Russell County, Alabama, into a C-4 Zone located at 3899 US Highway 80 West, M.D. Evans (James Robert Vance, as Personal Representative of the Estate of Miriam D. Evans), owner. Councilmember Gordy moved to accept the letter, approve the public notice, and place the ordinance on first reading, 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. ABSTAIN: None. The motion thus carried.

Mayor Lowe presented an opening on the Personnel Review Board. Mayor Lowe called for nominations. Councilmember Gordy nominated the reappointment of Dimple Davis. There were no other nominations. Mayor Lowe closed nominations and called for a motion. Councilmember Bailey moved to reappoint Dimple Davis, 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 thus carried.

Mayor Lowe presented an opening on the City of Phenix City Planning Commission. Mayor Lowe called for nominations. Councilmember Bailey nominated the reappointment of Jimmy Davis. There were no other nominations. Mayor Lowe closed nominations and called for a motion. Councilmember Gordy moved to reappoint Jimmy Davis, 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 thus carried.

Mayor Lowe presented one opening on the Phenix City Board of Education which he recommended tabling. 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 Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Jim Talbot for a broken window on a building at 1013 14th Street. Mr. Talbot's claim alleges the damage was caused by a city grass cutting crew working on the sidewalk near his business. Mr. Graham stated that while the City Employee was weed eating, a rock was thrown into the window causing it to shatter. City Attorney Graham recommended approving the claim for the lowest estimate in the amount of \$544.79. Councilmember Bailey moved to approve the City Attorney's recommendation to approve the claim for the lowest estimate of \$544.79, 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 carried.

City Attorney Jimmy Graham presented a claim filed against the City of Phenix City, Alabama by Azar & Azar, LLC on behalf of USAA/Cedric Foster. Mr. Foster's claim alleges his vehicle was damaged on June 25, 2018 by a city police officer. Mr. Graham stated that the Police Officer was in pursuit of a separate suspect and struck Mr. Foster's vehicle. City Attorney Jimmy Graham recommended allowing the Police Chief, City Manager, and himself negotiating a settlement with Azar & Azar, LLC on behalf of USAA/Cedric Foster. Councilmember Gordy moved to approve the City Attorney's recommendation to negotiate 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 thus carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Attorney Anthony Piazza on behalf of Dexter L. Pough. Mr. Pough's claim alleges that in May of 2018 he was arrested at his ex-girlfriend's house. City Attorney Jimmy Graham recommended denying the claim. City Attorney Graham stated that Mr. Pough was arrested for disorderly conduct and resisting arrest and was then transferred to the Russell County Detention Facility. Mr. Graham stated that Mr. Pough was allegedly assaulted while at the Russell County Detention Facility. Councilmember Bailey 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 thus carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Funderburk and Lane on behalf of Russell County. The claim is in reference to the city building that is now occupied by the Engineering Department. The sale of the building was closed by Funderburk and Lane. City Attorney Graham stated that Funderburk and Lane should have all of the paperwork from that closing. City Attorney Jimmy Graham recommended the Mayor and Council deny the claim because he is unsure of why the claim was filed. City Attorney Graham state that the City of Phenix City paid cash for the building in question. 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: Councilmembers Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Adams, White & Oliver, LLP on behalf of Jason and Tammy Whitten. The claim alleges the city is negligent by actions in failing to adequately plan for and/or contain storm water runoff in the areas adjacent to the property located at 2201 Walker Court, Phenix City, Alabama. City Attorney Graham stated the claim advises that the property floods during major rain events. The claim further advises that the Whitten's have suffered flooding events at their home and have reported these incidents to the City of Phenix City. City Attorney Graham further stated the claim advises the Whitten's have incurred damages to their residence, yard, landscaping, air conditioner, swimming pool, and the property as a whole. City Attorney Graham stated the events occurred on March 29, 2018, April 15, 2018, and May 24, 2018. City Attorney Jimmy Graham recommended denying the claim as the City has no reports of the flooding issue on file. 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: Councilmembers Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus carried.

Mayor Lowe thanked the department heads for their hard work and dedication

Parks and Recreation Director Todd Hughes reminded everyone of the Whitewater Classics this upcoming weekend.

Councilmember Johnson reminded citizens of District Two, meeting that is held right before the council meeting on September 18th from 4:00 p.m. to 5:30 p.m.

Councilmember Bailey asked the citizens to come see what the city is doing and to get involved in city government. Councilmember Bailey stated the Mayor and Council are here to listen to your concerns and make the city a great place.

Councilmember Day and citizens are excited about the new development on Highway 431. Councilmember Day thanked the Mayor and other Councilmembers for all the hard work and dedication.

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

Councilmember Day asked the citizens to help keep trash cleaned up in areas around the City of Phenix City.

There being no further business to address, the meeting thus adjourned until September 18, 2018.