

**MEETING MINUTES
May 21, 2019**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, May 21, 2019 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 Hunter, City Clerk Melony Lee, and City Attorney Jimmy Graham.

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

Reverend Brady Baird, Summerville United Methodist Church delivered the invocation.

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

Mayor Lowe presented the regularly scheduled meeting minutes of the May 7, 2019 Work Session 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: Councilmembers Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Day and Councilmember Johnson. The motion thus passed.

Mayor Lowe presented the regularly scheduled meeting minutes of the May 8, 2019 City Council Meeting for approval. Councilmember Johnson moved to approve the minutes, 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 stated there was no unfinished business to address at this time.

Mayor Lowe presented Resolution 2019-127 to be ratified in reference to opposition of Proposed Legislation Senate Bill 264 to exempt power utility companies from the collocation requirements.

RESOLUTION NO. 2019-127

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

Mayor Lowe presented Resolution 2019-128 to be ratified in reference to accepting a quote from C&G Heating and Air, LLC for emergency HVAC replacement at the Wastewater Treatment Plant in an amount not to exceed \$31,718.80.

RESOLUTION NO. 2019-128

Councilmember Johnson 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 thus passed.

Mayor Lowe presented Resolution 2019-129 to be ratified in reference to accepting a quote from Nolin Fence and Deck Company for emergency gate replacement and fence repair at the Wastewater Treatment Plant in an amount not to exceed \$18,675.00.

RESOLUTION NO. 2019-129

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

Mayor Lowe presented a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the Final Plat for Fontaine Place Subdivision, The City of Phenix City, Owner.

RESOLUTION NO. 2019-131

Councilmember Gordy moved to approve the 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 thus passed.

Mayor Lowe presented a resolution in reference to accepting the dedication of land, right-of-ways and easements dedicated by the Final Plat for Phenix City Marketplace Subdivision, Halpern Enterprises, Inc., Owner.

RESOLUTION NO. 2019-132

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 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 enter into an agreement with Larry & Loretta Wood for the relocation of a sign located on City Right-of-Way.

RESOLUTION NO. 2019-133

Councilmember Gordy moved to approve the 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 thus passed.

Mayor Lowe presented a resolution in reference to purchasing three (3) 8 Phase Base Mount Signal Cabinets from Temple, Inc. under State Contract T-133 in an amount not to exceed \$25,482.00.

RESOLUTION NO. 2019-134

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 passed.

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one LED Cobra Head 5,000 – 8,500 initial Lumens Street Light at 1412 10th Avenue.

RESOLUTION NO. 2019-135

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

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one LED Cobra Head 5,000 – 8,500 initial Lumens Street Light at 2207 13th Avenue.

RESOLUTION NO. 2019-136

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

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one LED Cobra Head 5,000 – 8,500 initial Lumens Street Light at 1717 Ridgecrest Drive.

RESOLUTION NO. 2019-137

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

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one LED Cobra Head 5,000 – 8,500 initial Lumens Street Light at 106 Mill Pond Lane in cul-de-sac.

RESOLUTION NO. 2019-138

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 passed.

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to install one 16' bracket and one LED Cobra Head 14,000 – 27,000 initial Lumen Street Light at Stafford Road and New Castle Drive.

RESOLUTION NO. 2019-139

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

Mayor Lowe presented a resolution in reference to authorizing Alabama Power Company to replace with one LED Cobra Head 5,000 – 8,500 initial Lumens Street Light at 34 Lake Court.

RESOLUTION NO. 2019-140

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

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor and City Manager to take all actions necessary to acquire the following property located at Lot 22.001 – 6th Street from the State of Alabama in an amount not to exceed \$100.00.

RESOLUTION NO. 2019-141

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 passed.

Mayor Lowe presented five (5) resolutions in reference to declaring properties 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 at the following locations:

1. 227 Seale Road

RESOLUTION NO. 2019-142

2. 1605 South Railroad Street

RESOLUTION NO. 2019-143

3. 1303 2nd Street

RESOLUTION NO. 2019-144

4. 519 6th Street

RESOLUTION NO. 2019-145

5. 200 19th Street

RESOLUTION NO. 2019-146

Councilmember Johnson moved to approve the resolutions, 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 declaring one Transit Corporation Traffic Cabinet as surplus to be sold as scrap or disposed of at the City Landfill.

RESOLUTION NO. 2019-147

Councilmember Gordy moved to approve the 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 thus passed.

Mayor Lowe presented a resolution in reference to accepting a quote from Rush Truck Centers for one replacement engine for Public Works Graball Truck #121 in an amount not to exceed \$22,918.56.

RESOLUTION NO. 2019-148

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 passed.

Mayor Lowe presented a resolution in reference to purchasing two (2) 2018 Ford F-150 4x2 Regular Cab Pickup Trucks from Stivers Ford Lincoln, Inc. in the total amount of \$39,718.00.

RESOLUTION NO. 2019-149

Councilmember Day 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 Day, 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 Gordy Construction Company for the Forced Sewer Main and Lift Station on Summerville Road in an amount not to exceed \$648,835.00.

RESOLUTION NO. 2019-150

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

Mayor Lowe presented for second reading an Ordinance Adopting and Enacting a New Code for the City of Phenix City, Alabama.

ORDINANCE NO. 2019-10

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 thus passed.

Mayor Lowe presented for second reading an application for a Private Detective License submitted by Deborah Asher for Asher's Office, LLC located at 1313 43rd Street, Phenix City, Alabama. Councilmember Johnson moved to approve the application, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by William R. Lowman, Jr., City employee. City Attorney Jimmy Graham stated that on April 14, 2019 a tornado damaged Mr. Lowman's vehicle while he was on duty at the Waste Water Treatment Plant. City Attorney Jimmy Graham recommended paying the claim in the lowest estimate of \$6,915.65. Councilmember Day moved to approve the City Attorney's recommendation to pay the claim in the lowest estimate of \$6,915.65, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, Alabama filed by Ami Ellis Pelt. City Attorney Jimmy Graham stated that the claim alleges that on March 26, 2019, while traveling down River Chase Drive, Ms. Pelt hit an unpaved portion off the side of the road to avoid hitting another car causing damage to her vehicle. City Attorney Jimmy Graham recommended denying the claim due to no prior knowledge of the road defect. Attorney Graham stated that by Alabama Law, the City is only liable if the defect was not fixed after the City was made aware of the defect. 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 thus passed.

Mayor Lowe presented Resolution 2019-130 to be ratified in reference to the settlement of a lawsuit of the City of Phenix City, Alabama v. Goodwin, Mills, Cawood, Inc., and Heavy Constructors, Inc.

RESOLUTION NO. 2019-130

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

City Manager Wallace Hunter thanked the Department Heads for their hard work and dedication for servicing the citizens of Phenix City, Alabama. City Manager Wallace Hunter asked everyone to keep Assistant City Manager Steve Smith and his family in their prayers.

Councilmember Johnson congratulated the 2019 graduates of Central High School and all the High Schools in the surrounding area. Councilmember Johnson wished them much continued success.

Councilmember Johnson stated that there will be a surprise unveiling at the Columbus Riverwalk on Saturday May 25, 2019 at 7:00 p.m. and that the City is invited.

Councilmember Johnson also stated that on May 30, 2019 at 10:00 a.m. there will be a grand Re-Opening of the Central Activities Center. Councilmember Johnson further stated that several upgrades have been made to the center. Councilmember Johnson thanked the citizens for their patience during the upgrading period.

Councilmember Bailey wished the citizens and council a safe Memorial Day Holiday. Councilmember Bailey thanked the ones who paid the ultimate sacrifice for our freedom.

Councilmember Bailey asked for prayers for the Auburn Police Department and their families. Councilmember Bailey stated that an Officer was killed in the line of duty on May 20, 2019 and two other officers were injured during a domestic violence call.

Mayor Lowe thanked the Department Heads and the citizens.

Mayor Lowe encouraged everyone to pray and lift each other up.

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

There being no further business to address, the meeting thus adjourned until June 4, 2019.