

**MEETING MINUTES  
November 3, 2020**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, November 3, 2020 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 Acting City Manager Chief Ray Smith, City Clerk Melony Lee, and City Attorney James McKoon. City Manager Wallace Hunter was not present.

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

Mayor Lowe delivered the invocation.

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

Mayor Lowe presented a proclamation recognizing Arbor Day.

**PROCLAMATION**

Donald Bice and Donnie Pitts, Tree Commission Board members, came forward to accept the proclamation.

Mayor Lowe presented a proclamation recognizing Alabama Farm City Week.

**PROCLAMATION**

Jennifer Davidson, County Coordinator with the Alabama Extension Office, came forward to accept the proclamation.

Mayor Lowe presented the regularly scheduled meeting minutes of the October 19, 2020 Work Session and the October 20, 2020 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. ABSTAINS: None. The motion thus passed.

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

Mayor Lowe presented tabled Resolution No. 2020-266 to be ratified in reference to authorizing and directing the Mayor and City Manager to enter into an agreement to hold TUC Construction, Inc. harmless in connection with the installation for the 24" sewer line connecting to a 30" line crossing Opelika Road Bridge. Mayor Lowe asked that this resolution be tabled one more time.

**RESOLUTION NO. 2020-266**

Councilmember Day moved to table 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 No. 2020-273 to be ratified in reference to authorizing the Mayor and City Manager to enter into an agreement with Robinson Paving Company to perform emergency repair work at the Phenix City C&D Landfill.

#### **RESOLUTION NO. 2020-273**

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 thus passed.

Mayor Lowe presented a resolution in reference to approving the final settlement in the matter of a claim filed by Bence Law Firm on behalf of Amanda Spear, et. Al. verses Jacob Cook, Joshua Peeler and the City of Phenix City in the amount of \$7,500.00.

#### **RESOLUTION NO. 2020-278**

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 authorizing \$122,661.64 from the 2019-2020 Engineering Budget to be carried forward to the 2020-2021 Engineering Budget to complete the contract with Neel-Schaffer, Inc. for the development of the Phenix City Public Works Manual. (Budgeted Item).

#### **RESOLUTION NO. 2020-279**

Councilmember Johnson 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 the Mayor and City Manager to sign a lease agreement with Quadient for two iX-5 HF Mailing Systems for a monthly fee of \$126.98 per machine for the Finance and Police Departments.

#### **RESOLUTION NO. 2020-280**

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 declaring acquired property located at 2113 Walker Court, parcel number 43-14-08-33-0-000-101.000 as surplus to be sold through a closed bid auction to the highest bidder.

**RESOLUTION NO. 2020-281**

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 approving the final settlement in the matter of a claim filed by Griffin Sikes, Jr. on behalf of Michael Elias Ruda vs. Tobias Boisvert in the amount of \$225,000.00.

**RESOLUTION NO. 2020-282**

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

Mayor Lowe presented a resolution in reference to declaring various personal items as listed on "Exhibits A" as surplus to be sold as scrap or destroyed at the City Landfill.

**RESOLUTION NO. 2020-283**

Councilmember Johnson 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 declaring eight (8) Black Office Chairs with arms as surplus to be disposed of at the City Landfill.

**RESOLUTION NO. 2020-284**

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 for second reading applications for an Off Premise Beer License and an Off Premise Wine License submitted by Harikishan G. Patel of Harihare, LLC dba Sunoco Food Market located at 3858 C Highway 80 West, Phenix City, Alabama. Councilmember Day 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 thus passed.

Mayor Lowe presented an application for an On Premise Beer License, On Premise Wine License, Off Premise Beer License and Off Premise Wine License submitted by Heike Horning of Sticks and Stones, LLC dba The Castle Hof located at 502 Martin Luther King Jr. Parkway, Phenix City, Alabama. Councilmember Johnson moved to place the application on first

reading, 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.

City Attorney James McKoon presented a claim against the City of Phenix City, Alabama filed by Rebecca McGuire. Mr. McKoon stated that on September 25, 2020 the claim alleges that while driving North on Explorer Drive towards Pierce Road, Ms. Long realized a rock hit the window of her 1996 Ford Van. Ms. Long stated that city workers were weed eating during the time she was traveling. Mr. McKoon recommended paying the claim in the lowest estimate of \$150.00. Councilmember Gordy moved to approve the City Attorney's recommendation to pay the claim in the lowest amount of \$150.00, 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

City Attorney James McKoon presented a claim against the City of Phenix City, Alabama filed by Guy Hammonds. Mr. McKoon stated that on July 6, 2020 the claim alleges that a huge limb fell from a tree and damaged his chain linked fence. City Attorney McKoon recommended denying the claim due to no prior notice or knowledge of the tree being diseased. 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.

Councilmember Bailey stated that he is looking forward to working another four years with Council. Councilmember Bailey further stated that he is also looking forward to finishing projects that were started. Mr. Bailey thanked the Department Heads and city employees for their hard work and dedication.

Councilmember Johnson stated that it is an unfortunate situation when claims come before council and the constituents have to pay the bill. Councilmember Johnson stated that she empathizes with the citizen that filed the claim, but she has to do her job as a councilmember. Councilmember Johnson stated that there are overgrown areas in District Two and she knows several people who have encountered the same situation. Councilmember Johnson informed the citizens that if they know of any trees that may be diseased to find out who owns the property and see if the tree can be removed. Councilmember Johnson stated that informing someone of a damaged tree can prevent the liability to someone who cannot support the claim. Councilmember Johnson thanked her Dad and Sister for coming and supporting her during the Swearing in Ceremony. Councilmember Johnson encouraged everyone to get out and vote on November 3, 2020.

Councilmember Day thanked the citizens of District Three for giving him the opportunity to serve again. Councilmember Day thanked the Council for giving him the opportunity to serve as Mayor Pro Tem. Councilmember Day further stated that in order to move the city forward everyone has to work as a team. Councilmember Day also thanked the City of Phenix City for allowing him to work eight years on the Lee Russell Council of Government. Councilmember Day also stated that he is very proud to have served on several boards while being a Councilmember. Councilmember Day asked citizens to please do not throw trash on the ground and to get involved in keeping the city clean.

Councilmember Gordy thanked the citizens for allowing him the opportunity to serve

another term. Councilmember Gordy stated that he loves the team that he is working with and the camaraderie and the unity. Councilmember Gordy stated that he is looking forward to the next four years. Councilmember Gordy encouraged everyone to be safe and patient while being out amongst the crowds while voting. Councilmember Gordy stated that we live in the greatest country of all and asked everyone to be respectful and to live positively going forward.

Mayor Lowe stated that he is happy and grateful that everyone is back for another four year term. Mayor Lowe stated that everyone is back for a purpose and that is the consistency and to be able to serve the community. Mayor Lowe informed the citizens that Council will always be transparent.

Mayor Lowe asked Acting City Manager Chief Ray Smith if he had anything to say. Chief Smith stated that the City Manager was not present; but on behalf of the City Manager and the Department Heads he wanted to say thank you for everything that the Mayor and Council has done in the past four years. Acting City Manager Chief Smith further stated that and they look forward to another successful four years and would like to keep those projects going. Acting City Manager Chief Smith stated that they would keep Council informed and make sure Council has the information to make the best decisions possible for the City of Phenix City. Acting City Manager Chief Smith informed Council that the City Manager received several calls regarding the National Election and the time of operation. He further stated that it is controlled by the Probate Judge and not the City.

Mayor Lowe thanked the Council, Department Heads, and CTV-Beam for their hard work and dedication.

There being no further business to address, the meeting thus adjourned until November 17, 2020.