

**WORK SESSION MEETING MINUTES  
JULY 5, 2016**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled work session at 3:00 pm, Tuesday, July 5, 2016 in the third floor conference room of the Municipal Building located at 601 12<sup>th</sup> Street, Phenix City, Alabama. Upon roll call the following members were present: Councilmember Arthur L. Day, Councilmember Gail Head, Councilmember Jim Cannon, Councilmember Johnny Barfield, and Mayor Eddie N. Lowe. Also present were City Manager Wallace B. Hunter, City Attorney James P. Graham, Jr., and City Clerk Charlotte Sierra. Department Heads in attendance were: Chief Building Official Gil Griffith, Economic Development Manager Shaun Culligan, Economic Development Planning Specialist Jennifer Lowman, City Engineer Angel Moore, Finance Director Stephen Smith, IT Manager Mike Bauer, Fire Chief Kris Kennedy, Lakewood Golf Course Manager Lenard Patrick, Library Director Michele Kilday, Municipal Court Clerk Pam Jarrell, Parks and Recreation Director Todd Hughes, Human Resources Director Stephanie Chastain, Assistant Chief of Police Gail Greene, Utilities Director Roger Conner and Utilities Engineer John Spraggins.

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

The invocation was led by Councilmember Cannon.

Mayor Lowe called upon Betty S. LeBlanc to address council as listed on the agenda. Ms. LeBlanc was not present to address council as listed on the agenda.

Mayor Lowe called upon Mary Mayrose, Executive Director of the Phenix City Housing Authority to address council as listed on the agenda. Ms. Mayrose went over a brief presentation with council regarding redeveloping Riverview Apartments. She asked for the city's help in closing the one million dollar gap and advised the Housing Authority is looking to partner with the city and the county to close this gap. Ms. Mayrose advised of additional ways the city could help: by helping to obtain CDBG Funds; HOME Funds; Bond Proceeds; General Funds; Waiver of Landfill Fees; Waiver of Permit Fees; Tax Increment Financing (TIF); Sales Tax Abatement; Real Estate Tax Abatement; In kind services such as labor; In kind services such as materials; or any other way the city would be willing to help. Ms. Mayrose advised the city and the Housing Authority could sign an Intergovernmental Agreement which would outline the City's financial commitment to the development efforts in partnership with the Housing Authority over a 5-7 year period of time. The Agreement would also outline the means by which the City would assist the new development efforts. Ms. Mayrose advised that a draft copy of the agreement has been given to the City Manager and the Director of Finance. Mayor Lowe thanked Ms. Mayrose for coming to speak with council on this issue.

Mayor Lowe called upon James S. McGill, of McBride-McGill, Inc. to address council as listed on the agenda. Mr. McGill advised council that he is representing Mr. Mike Bowden. Mr. McGill asked permission to use city land to provide access, utilities, and proper drainage structures to a commercial development located on Riverchase Drive. City Engineer Angel Moore advised the city would need an agreement with the property owners about who would maintain the detention pond. She further advised there would be the building of roads on city

property to begin with, instead of building the roads on private property and then deeding the roads over to the city after the two year period. Ms. Moore asked council if Mr. Bowden will have permission to encroach upon city property for the roads and the detention pond. Council did not voice an objection.

Mayor Lowe called upon Mike Foley, who was not listed on the agenda. Mr. Foley came forward to speak with council regarding an opportunity for the City to host the Stagg Bowl. Mr. Foley gave a history of when the City hosted the Stagg Bowl in the past. He advised August 12<sup>th</sup> is the last day to get the bid in; the time frame would be four years, 2018-2021. He further advised the only issue would be the press box; it would need to be upgraded; however, the city would have until 2018 to have the press box updated. Councilmember Head asked who would get the bid proposal together and be responsible for making a video. Mr. Foley advised Economic Development could handle that. Councilmember Cannon stated that the people did not support the bowl in the past, and he does not believe the bowl will be supported now, especially when it will cost one million dollars to upgrade the press box. Mr. Hunter advised an economic impact study could be done to see what it could mean to the city. Council gave their approval for the proposal. They directed Mr. Foley to meet with Economic Development.

Mayor Lowe stated there was no Planning Commission Meeting on June 28, 2016.

City Clerk Charlotte Sierra reviewed the Personnel Review Board with council. They advised to set up interviews after the next work session.

City Clerk Charlotte Sierra reviewed July and August calendars with council. She advised the Notice of Election is posted; the Budget Hearing is July 26<sup>th</sup>; and Governor's Day is July 27<sup>th</sup>.

Mayor Lowe asked if council had any questions about the Monthly Department Reports. Councilmember Day asked for an update on Sanford Road Park Pool. Director of Parks and Recreation, Todd Hughes, advised the pool was opened this past Saturday. Councilmember Head asked how the Roadside Memorial is enforced. Chief Building Official Gil Griffith explained the Roadside Memorial Ordinance. Councilmember Day asked for an update on the 5<sup>th</sup> Street South ROW. City Engineer Angel Moore advised it is in the early stages. Councilmember Barfield asked for an update on the traffic light on Highway 431 and 5<sup>th</sup> Street South. City Engineer Angel Moore a resolution was approved by council asking the state for a study, and the state is doing its due diligence.

City Manager Hunter called upon Pam Jarrell to give the Municipal Court Departmental Review. Ms. Jarrell went over the following with council:

1. Makeup of Municipal Court and Magistrate Certifications
2. Purpose of Municipal Court and the services they perform
3. Magistrate Duties
4. Professional Probation Services and American Municipal Services
5. Municipal Court Special Accounts

Councilmember Cannon advised August 5<sup>th</sup> is the Archery Connection Event and he asked if the Chamber of Commerce was going to handle it. Council asked Economic Development Manager Shaun Culligan to speak with the Chamber.

Finance Director Steve Smith handed out the Contingency Budget for council's review.

Mayor Lowe advised of an announcement on Thursday, July 7<sup>th</sup> regarding funds from the Mayor's Ball going to the University of Alabama. He also reminded everyone of the Governor's Day on July 27<sup>th</sup>.

Mayor Lowe called for a ten minute break.

Upon reconvening after the break, Mayor Lowe discussed Agenda items with Council.

City Attorney Jim McKoon was present to review the claim filed by John W. Robertson with Council. Mr. McKoon advised that Mr. Robertson's claim alleges that the city is responsible for damage to his driveway due to roots of a tree on the city right of way. Mr. McKoon explained that Alabama Law dictates that the city has no liability to fix the driveway due to the roots of the tree because it is a natural cause. Councilmember Cannon advised Mr. Robertson phoned him and asked who was responsible for taking a tree down on city right of way. Councilmember Cannon advised Mr. Robertson he would check with the City Manager; Councilmember Cannon advised City Manager Wallace Hunter of the situation and the next thing Councilmember Cannon is aware of, the tree is cut down. City Manager Wallace Hunter advised an employee with the Public Works Department went out to Mr. Robertson's home to determine if the tree was on the city's right of way, and while he was there making his inspection, Mr. Robertson advised the city employee that Councilmember Jim Cannon said the tree would be cut down; therefore the tree was cut down. Councilmember Cannon advised the city started this job and the city needs to finish this job; the city does not need to do Mr. Robertson wrong. City Manager Hunter advised Councilmember Cannon sat in his office and said that cutting the tree down was all that needed to be done. Councilmember Cannon agreed with City Manager Hunter and further advised Mr. Robertson changed his mind and asked that his driveway be repaired because of the damage of the tree roots. Councilmember Cannon advised Mr. Robertson keeps his place looking nice, and when the city took down the tree and shrubs on the city's right of way, they also grinded part of the stump and then left the mess. Councilmember Cannon explained that he feels like the city should not have stopped their work at Mr. Robertson's house. Councilmember Cannon advised he did not tell anyone to go out and cut the tree down, or to grind the stump. Councilmember Cannon advised he asked Mayor Lowe and Councilmember Barfield to go out and look over the situation. Councilmember Cannon advised this is wrong; the city does not need to start a job and not finish it. City Attorney Jim McKoon advised it will go against legal advice for the city to go out and fix the driveway on private property; if anything, let Mr. Robertson obtain three estimates to have his driveway fixed, and then go from there. City Attorney Jimmy Graham advised the city was on city right of way when the tree and bushes were removed; but there are laws that keep the city from going on private property to do work; no one has proven yet that the damage to the driveway was caused by the tree on the city's right of way. Councilmember Cannon advised the flower bed and tree

were on the city's right of way. Mayor Lowe advised he checked on the situation and advised Mr. Robertson to obtain three estimates for the damage; he further said that his statement may have misled Mr. Robertson into thinking the city was responsible for the damages, and would pay to have the driveway fixed. City Attorney McKoon advised the law does not require you to do it. City Attorney McKoon advised the problem with the driveway does not lie in the city's right of way. Councilmember Cannon advised City Manager Hunter said Mr. Robertson should have filled out a claim form and obtain three estimates. Councilmember Cannon advised no one with the city spoke with Mr. Robertson. City Manager Hunter advised Mayor Lowe spoke with him and so did several Public Works employees. City Manager Hunter advised he did not tell anyone in Public Works to cut the tree down. Mr. McKoon advised Mr. Robertson received services from the city that should not have been done. Councilmember Cannon advised if the city does not finish this, there will be fall out from it. City Manager Hunter advised the city will put out seed on the right of way; however, Mr. Robertson wanted sod. Councilmember Gail Head and Councilmember Arthur Day both questioned Councilmember Cannon regarding the legalities of going against the advice of the city attorneys. There was discussion about a phone call from Councilmember Cannon to Public Works Employee Leroy Williams. Councilmember Cannon admitted he phoned Mr. Williams to inquire when he would be out to Mr. Robertson's house. City Manager Hunter stated again that he did not give permission for the city workers to cut down the tree.

City Attorney Jimmy Graham reviewed other agenda claims with Council.

Mayor Lowe and Council conducted Board Interviews for the Downtown Redevelopment Authority, after which the meeting adjourned until 3:00 p.m., Monday, July 18, 2016.