

**MEETING MINUTES**  
**March 5, 2019**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Monday, March 5, 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 James McKoon. City Attorney Jimmy Graham was not present.

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

Reverend Ralph Wooten with First United Methodist Church delivered the invocation.

Councilmember Bailey 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 Joshua Geiger (5 years), Ruby McInnis (5 years), Labrita King-Copeland (10 years), Melvin Averett (15 years), Daniel Dixon (15 years) and Charles Woody (25 years).

Mayor Lowe presented the regularly scheduled meeting minutes of the February 19, 2019 work session and the February 20, 2019 council meeting minutes 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, Bailey, Johnson, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion thus passed.

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into an agreement with ALDOT to maintain a fenced enclosure around Vance Lift Station on Highway 280/431.

**RESOLUTION NO. 2019-58**

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: Councilmember 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 enter into a contract agreement with Arcartists for Huntertones to perform at the Amphitheater May 31, 2019 in an amount not to exceed \$5,000.00.

**RESOLUTION NO. 2019-59**

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: Councilmember 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 enter into a contract agreement with Arcartists for The Rad Trads to perform at the Amphitheater May 31, 2019 in an amount not to exceed \$5,000.00.

**RESOLUTION NO. 2019-60**

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 enter into a contract agreement with Midwood Entertainment for Seth Walker to perform at the Amphitheater July 4, 2019 in the amount not to exceed \$2,500.00.

**RESOLUTION NO. 2019-61**

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 approving Change Order No. 1 with AssetWorks in the amount of \$16,940.00 for additional fixed asset valuation services.

**RESOLUTION NO. 2019-62**

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 awarding a H-GAC Competitive Bid for one (1) Custom 92' rear mounted platform mounted on an E-One Cyclone II Custom chassis with equipment in an amount not to exceed \$1,241,739.00.

**RESOLUTION NO. 2019-63**

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 declaring medical equipment as surplus to be disposed of at the City Landfill.

**RESOLUTION NO. 2019-64**

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 the Mayor and City Manager to enter into an agreement with M&M Staging Master Productions, Inc. for a roof system lease at the Amphitheater April 3, 2019 thru September 13, 2019 in an amount not to exceed \$15,000.00.

#### **RESOLUTION NO. 2019-65**

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 letter of request from the Planning Commission, Public Notice and Ordinance to annex 58.00 acres of land lying in Section 18 Township 16 North, Range 30 East, Russell County, Alabama, into an M-2 Zone located at 44 Landfill Road, City of Phenix City, owner.

#### **LETTER**

#### **PUBLIC NOTICE**

Councilmember Day moved to accept the letter, approve the public notice, and place the ordinance 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 Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented a Public Notice and Ordinance for first reading to adopt the 2018 International Building Code.

#### **PUBLIC NOTICE**

Councilmember Gordy moved to 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. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented an Ordinance for a first reading to amend the Code of Ordinances of the City of Phenix City, Alabama, Chapter 17, Article II, Rates and Charges, Section 17-17, Relating to Establishment of Water Rates Schedule, Article II, Section 17-18, Relating to Establishment of Sewer Rates Schedule, and Section 17-21, Relating to the Payment of Bills. Councilmember Day moved to 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, Gordy and Mayor Lowe. NAYS: Councilmember Bailey. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented an Ordinance for first reading to amend the Code of Ordinances of the City of Phenix City, Alabama, Chapter 21, Licenses and Permits, Article 2. Councilmember Day moved to 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, Gordy and Mayor Lowe. NAYS: Councilmember Bailey. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented an application for conditional use approval submitted by J&S Properties for a Barber Shop located at 1307 Broad Street. Councilmember Day moved to approve the application, which motion failed due to lack of second.

Mayor Lowe presented an application for conditional use approval submitted by Mike Bowden for a Retail Store located at 507 Dillingham Street. Councilmember Bailey moved to approve application, 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 three (3) openings on the Historic Preservation Commission. Councilmember Day moved to table the appointments, 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 one opening on the Planning Commission. Councilmember Gordy moved to table the unexpired opening, 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 an Itemized Statement of Expense for Brian Waters of the Engineering Department in the amount of \$36.25. Councilmember Johnson moved to approve the Itemized Statement of Expense, 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 Notice of Claim against the City of Phenix City, Alabama filed by Michael Hostilo Attorney at Law for Ms. Justine Sandoval. City Attorney James McKoon stated that Ms. Sandoval was bit by a dog while visiting the Russell County / Phenix City Animal Shelter. City Attorney James McKoon recommended denying the claim. City Attorney James McKoon stated that due to the claimant having no specific amount or medical bills provided. City Attorney James McKoon also stated that he will make contact with Ms. Sandoval's attorney to obtain this information. Councilmember Gordy moved to approve the City Attorney's recommendation to deny 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 passed.

City Attorney James McKoon presented a Claim against the City of Phenix City, Alabama filed by Ms. Eva M. McCoy. City Attorney James McKoon stated that Ms. McCoy alleges she stepped on a water meter cover and injured herself. City Attorney James McKoon recommended denying the claim. City Attorney James McKoon stated based on an undetermined amount and the chronology of details concerning the incident. 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, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Johnson. The motion thus passed.

City Attorney James McKoon presented a Claim against the City of Phenix City, Alabama filed by Mr. James Stone with Stone Electronics. City Attorney James McKoon stated that Public Works department was out cutting grass and a rock hit the window of Mr. Stones' business vehicle and caused a spider web crack. City Attorney James McKoon recommended paying the claim in the lowest estimate of \$541.36. Councilmember Gordy moved to approve the City Attorney's recommendation to pay the claim in the lowest estimate of \$541.36, 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 the Mayor and City Manager to approve the expenditure for emergency repairs to the Industrial Park Lift Station #1 in an amount not to exceed \$149,900.00.

#### **RESOLUTION NO. 2019-66**

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

Mayor Lowe presented a resolution in reference to opposing SB23.

#### **RESOLUTION NO. 2019-67**

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

City Manager Wallace Hunter mentioned that Chief Kennedy and other Department Heads sustained a lot of damage due to storm / tornado that occurred on Sunday March 3, 2019. City Manager Hunter stated that he was in constant communication with Department Heads and other personnel in regards to their being safe after the storms. City Manager Hunter asked that those affected be remembered in thoughts and prayers.

Councilmember Bailey reflected on previous storms that he had gone through and offered words of encouragement to the ones affected by the storm.

Councilmember Gordy expressed thoughts and concerns regarding the storm on Sunday March 3, 2019. Councilmember Gordy stated that he had visited the Beauregard, Alabama. Councilmember Gordy wants citizens affected by the storm to know that council is thinking and praying for them.

Councilmember Johnson asked the citizens to remember the victims of Sunday's storm and to keep them and their families in their prayers. Councilmember Johnson also recognized and congratulated employees for their time served.

Mayor Lowe thanked the Department Heads and CTV-Beam for their hard work and dedication. Mayor Lowe spoke on caring for others not only during difficult times but at all times.

There being no further business to address, the meeting thus adjourned until March 19, 2019.