

**MEETING MINUTES
AUGUST 3, 2010**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled meeting at 9:00 a.m. on Tuesday, August 3, 2010 in the Council Chambers located in the Public Safety Building at 1111 Broad Street, Phenix City, Alabama. Upon roll call the following members answered present: Councilmember Arthur Sumbry, Councilmember Michelle Walker, Councilmember Max Wilkes, Councilmember Jimmy Wetzel, and Mayor H. S. "Sonny" Coulter. Also present were City Manager Wallace Hunter, City Clerk Charlotte Sierra, and City Attorney Jimmy Graham.

Reverend Tommy Poole, of Pine Grove Baptist Church, led the invocation.

Mayor Coulter led in the Pledge of Allegiance to the United States Flag.

Mayor Coulter presented a proclamation honoring Phenix City Firefighter Appreciation Month.

PROCLAMATION

Fire Chief Kris Kennedy, Assistant Fire Chief Mitchell Hutchinson came forward on behalf of Phenix City Fire/Rescue Services to receive the proclamation. Laura West and Jacob Owens, an MDA patient, came forward in behalf of MDA.

City Clerk Sierra presented the minutes of the July 20, 2010 city council meeting and the minutes of the July 19, 2010 work session meeting for approval. Councilmember Walker moved to approve the minutes, which motion was seconded by Councilmember Wilkes. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

City Clerk Sierra presented for approval the minutes of the July 19, 2010 called meeting. Councilmember Walker moved to approve the minutes, which motion was seconded by Councilmember Wilkes. Upon said motion being put to a vote, the following vote was recorded:

YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None.
The motion carried.

There was no Unfinished Business to address, as listed on the agenda.

Mayor Coulter presented Resolution 2010-132 to be ratified in reference to accepting a proposal from Logan Machine Works for the ornamental steel fencing at Garrett-Harrison Stadium.

RESOLUTION NO. 2010-132

Councilmember Wilkes moved to ratify the resolution, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented Resolution 2010-133 to be ratified in reference to accepting a proposal from A Air Flow Awning Company for the renovations to the concession stands at Garrett-Harrison Stadium.

RESOLUTION NO. 2010-133

Councilmember Wilkes moved to ratify the resolution, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented Resolution 2010-134 to be ratified in reference to rejecting a bid for the NRCS Drainage Improvements Project Number PCE 10-008.

RESOLUTION NO. 2010-134

Councilmember Walker moved to ratify the resolution, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented Resolution 2010-135 to be ratified in reference to authorizing the Mayor and City Manager to enter into an agreement with Warr Grading Contractor, Inc. for NRCS Drainage Improvements Project Number PCE 10-008.

RESOLUTION NO. 2010-135

Councilmember Wilkes moved to ratify the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented Resolution 2010-136 to be ratified in reference to accepting a proposal from River Sign Systems for a Digital Marquee for Garrett-Harrison Stadium.

RESOLUTION NO. 2010-136

Councilmember Wilkes moved to ratify the resolution, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a resolution in reference to accepting the dedication of land, rights-of-way and easements from Tim Thomason.

RESOLUTION NO. 2010-137

Councilmember Wetzel moved to approve the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a resolution in reference to accepting the dedication of land, rights-of-way and easements from Greg Hall.

RESOLUTION NO. 2010-138

Councilmember Wetzel moved to approve the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a resolution in reference to rejecting bids received for FEMA Project Number PHO3CSC, Brentview Drive road repair.

RESOLUTION NO. 2010-139

Councilmember Wilkes moved to approve the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a resolution in reference to authorizing the Mayor and City Manager to enter into an agreement with Warr Grading Contractor, Inc. for FEMA Project No. PHO3CSC, Brentview Drive road repair.

RESOLUTION NO. 2010-140

Councilmember Wilkes moved to approve the resolution, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a resolution in reference to authorizing the Mayor and City Manager to enter into an agreement with Revenue Discovery Services (RDS) for business license discovery and recovery services.

RESOLUTION NO. 2010-141

Councilmember Walker moved to approve the resolution, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded:

YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None.

The motion carried.

Mayor Coulter presented a resolution in reference to authorizing the Mayor and City Manager to make application to the Alabama Department of Economic and Community Affairs, Law Enforcement/Traffic Safety Division for financial assistance.

RESOLUTION NO. 2010-142

Councilmember Sumbry moved to approve the resolution, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded:

YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None.

The motion carried.

Mayor Coulter presented a resolution in reference to removing certain items from a list of surplus property.

RESOLUTION NO. 2010-143

Councilmember Wilkes moved to approve the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded:

YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None.

The motion carried.

Mayor Coulter presented a resolution in reference to declaring two (2) Ford Crown Victoria Vehicles as surplus, to be sold to the Russell County Sherriff's Department.

RESOLUTION NO. 2010-144

Councilmember Wilkes moved to approve the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded:

YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None.

The motion carried.

Mayor Coulter presented a resolution in reference to authorizing the Mayor and City Manager to enter into a contract with Empire Pipe & Supply Company, Inc. to install an Automated Meter Reading System.

RESOLUTION NO. 2010-145

Councilmember Wetzel moved to approve the resolution, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a resolution in reference to accepting a bid from Rast Construction for the purchase of Sanitary Sewer Flow Monitors.

RESOLUTION NO. 2010-146

Councilmember Wetzel moved to approve the resolution, which motion was seconded by Councilmember Wilkes. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a letter and public notice in reference to annexing and pre-zoning a 5.96 acre tract of land lying in Section 5, Township 17 North, Range 30 East, Russell County, Alabama, into a R-2 Zone, located on Opelika Road, Dexter & William Dykes, owners.

LETTER

PUBLIC NOTICE

Mayor Coulter presented for first reading an ordinance to annex and pre-zone a 5.96 acre tract of land lying in Section 5, Township 17 North, Range 30 East, Russell County, Alabama, into a R-2 Zone, located on Opelika Road, Dexter & William Dykes, owners. Councilmember Wetzel moved to accept the letter, approve the public notice, and place the ordinance on first reading, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote,

the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented a letter and public notice in reference to rezoning a 4 acre tract of land located at Auburn Road and 36th Avenue from a R-1 Zone to a R-2 Zone, Frank Snellings, owner.

LETTER

PUBLIC NOTICE

Mayor Coulter presented for first reading an ordinance to rezone a 4 acre tract of land located at Auburn Road and 36th Avenue from a R-1 Zone to a R-2 Zone, Frank Snellings, owner.

Councilmember Wetzel moved to accept the letter, approve the public notice, and place the ordinance on first reading, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented one opening on the Industrial Development Board; one opening on the Personnel Review Board; and one opening on the Zoning Adjustment and Appeals Board, each having been previously tabled. Councilmember Sumbry moved to table all three board appointments, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented for first reading an application for a Pawn Broker's License, submitted by Tracy Young for Titlemax of Alabama, Inc. d/b/a Titlemax located at 810 13th Street, Phenix City, Alabama. City Manager Hunter recommended suspending the rules and approving the license. Councilmember Walker moved to suspend the rules, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried. Councilmember Sumbry moved to approve the application,

which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented for first reading an application for a Pawn Broker's License, submitted by David S. Jones, II for 11SC, LLC, d/b/a Emergi-Cash located at 909 East 280 Bypass, Phenix City, Alabama. City Manager Hunter recommended suspending the rules and approving the license. Councilmember Wetzel moved to suspend the rules, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried. Councilmember Wetzel moved to approve the application, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented for first reading an application for a Pawn Broker's License, submitted by Jacquelyn Fox for Putty's Pawn d/b/a Phenix Pawn located at 1311 14th Street, Phenix City, Alabama. City Manager Hunter recommended suspending the rules and approving the license. Councilmember Walker moved to suspend the rules, which motion was seconded by Councilmember Wetzel. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried. Councilmember Wetzel moved to approve the application, which motion was seconded by Councilmember Walker. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

Mayor Coulter presented five itemized statements of expense for 1) Scott Knowles - \$105.00; 2) Dorothy Strong - \$10.00; 3) Dorothy Strong - \$10.00; 4) JaDon Wright - \$10.00; 5) JaDon Wright - \$10.00. Councilmember Sumbry moved to approve the itemized statements of

expense, which motion was seconded by Councilmember Wilkes. Upon said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

City Attorney Graham presented a resolution in reference to the mediated settlement in the matter of Ryan Watson, et al vs. Phillip Webb, et al, Case Number CV-09-900090 (a/k/a Bethany Baptist Claim).

RESOLUTION NO. 2010-147

City Attorney Graham stated the case settled for over \$200,000.00, the city's portion being \$25,000.00. Councilmember Wetzel moved to approve the resolution, which motion was seconded by Councilmember Wilkes. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

City Attorney Graham presented a claim filed by Ryan Carroll, a Phenix City Utilities employee. City Attorney Graham stated the claim alleges that Mr. Carroll's truck was damaged by a piece of plywood that was picked up by the wind and blown into his truck, during a storm. City Attorney Graham recommended denying the claim citing the fact that the damage received was considered to be an act of God. Councilmember Wetzel moved to deny the claim, which motion was seconded by Councilmember Wilkes. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzel, and Mayor Coulter. NAYS: None. The motion carried.

City Attorney Graham presented a claim filed by Amber R. Davis. City Attorney Graham stated the claim alleges that Ms. Davis' vehicle was damaged by a rock thrown from a weed eater operated by a city employee, as she was driving down 24th Avenue. The Public Works Department did have a crew working on 24th Avenue on the date indicated in the claim. City Attorney Graham recommended paying the claim. Councilmember Walker moved to approve the claim, which motion was seconded by Councilmember Sumbry. Upon said motion being put

to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, Wetzal, and Mayor Coulter. NAYS: None. The motion carried.

City Manager Hunter introduced a resolution granting a tax abatement for R & R, LLC to operate a pediatric medical clinic in Phenix City.

PROPOSED RESOLUTION

Economic Development Consultant J. W. Brannen discussed the tax abatement with council and stated an abatement from Russell County is also being requested. City Manager Hunter advised the resolution is before council at this time for information purposes only; a Public Hearing on the matter will be held on the August 17 Council Meeting and the resolution and accompanying agreement will be before council for consideration at that time.

City Manager Hunter presented a resolution in reference to reimbursing a General Obligation Warrant issued for Capital Improvements.

RESOLUTION NO. 2010-148

Councilmember Wetzal moved to approve the resolution, which motion was seconded by Councilmember Sumbry. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, and Wetzal. NAYS: Mayor Coulter. The motion carried.

City Manager Hunter presented a resolution in reference to reimbursing a Water and Sewer Revenue Warrant issued for Utility Capital Improvement Projects.

RESOLUTION NO. 2010-149

Councilmember Walker moved to approve the resolution, which motion was seconded by Councilmember Wetzal. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Sumbry, Walker, Wilkes, and Wetzal. NAYS: Mayor Coulter. The motion carried.

Economic Development Consultant J. W. Brannen introduced the new Administrative Assistant in the Economic Development Department, Ms. Jennifer Lowman, to Mayor and Council.

Mayor and Council welcomed Ms. Lowman to the city.

Parks and Recreation Director Todd Hughes advised the Tams & Drifters would be at the Amphitheater on Saturday, August 7, 2010 at 8:00 p.m. Admission was \$10.00 for adults and children 12 and under are admitted free.

There being no further business to come before council, the meeting adjourned until August 17, 2010.

PUBLIC HEARING

AUGUST 3, 2010

Councilmembers of the of the City Council of the City of Phenix City, Alabama met for a public hearing regarding the Proposed Budget for Fiscal Year 2010/2011 on August 3, 2010 at 6:00 p.m., EDT, in the Council Chambers, 1111 Broad Street, Phenix City, Alabama. On roll call the following members answered present: Councilmembers Arthur Sumbry, Councilmember Michelle Walker, Councilmember Max Wilkes, Councilmember Jimmy Wetzel, and Mayor Coulter. Also present were City Clerk Charlotte Sierra and City Manager Wallace Hunter. Department Heads present were: Chief Building Inspector Gil Griffith, City Engineer Angel Moore, Finance and Utilities Director Steve Smith, Comptroller Labrita King-Copeland, Golf Course Manager Bubba Patrick, Municipal Court Director Pam Jarrell, Parks and Recreation Director Todd Hughes, and Personnel Director Barbara Goodwin. Administrative Assistant Melony Lee was also present.

City Manager Hunter called on Finance and Utilities Director Steve Smith to deliver the Budget Message.

BUDGET MESSAGE

Mayor Coulter stated that now was the time and place for a public hearing on the Proposed 2010/2011 Budget. Mayor Coulter asked if there was anyone that would like to address Council regarding the budget. Neither hearing nor seeing anyone come forward, Mayor Coulter declared the hearing closed.

City Manager Hunter advised there is a contingency budget in place, should the economy improve and revenue increase during next fiscal year that would allow for

additional expenditures as deemed necessary. He further advised that the budget will be reassessed six months into the fiscal year, to determine if the contingency budget could be implemented.

There being no further discussion, the meeting was adjourned.