

**MEETING MINUTES  
October 5, 2021**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, October 5, 2021 at 9:00 a.m. by the way of Zoom Video Conferencing. Upon roll call, the following members of Council were present: Councilmember Vickey Carter Johnson, Councilmember R. Griff Gordy, and Mayor Eddie N. Lowe. Councilmember Arthur L. Day, Jr., and Councilmember Steve Bailey were not present. Also present were City Manager Wallace Hunter, City Attorney Jimmy Graham, and City Clerk Melony Lee.

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

Pastor Don Abrams, Trinity United Methodist Church delivered the invocation.

Councilmember Johnson 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 Yolanda Phillips – 5 years, Cassandra Bryan, Todd Griffith – 10 years, Derek Wilson – 5 years, Richard Carlson - 15 years, and Shelly Whitis –10 years.

Mayor Lowe presented the regularly scheduled meeting minutes of the September 20, 2021 Work Session and the September 21, 2021 Council Meeting for approval. Councilmember Gordy moved to approve the minutes. Mayor Lowe asked for a second. No one seconded the motion. Councilmember Johnson questioned her vote on the past rezoning ordinance regarding 4104 Summerville Road from the September 21, 2021 Council Meeting. Councilmember Johnson stated that she had written down her vote as yes and the minutes reflected that she voted no. Mayor Lowe stated that Councilmember Bailey motioned to deny the rezoning, Councilmember Gordy seconded the motion, Councilmember Day voted yes, and Councilmember Johnson voted no. Mayor Lowe also stated Council has no right to question why another Councilmember votes yea or nay. Mayor Lowe further stated that the minutes from the September 21, 2021 Council Meeting reflect a no vote and that is correct. Councilmember Gordy stated that the motion was to deny the ordinance; a yea vote meant that you agree that the property should not be rezoned and a nay vote meant that you disagree with the denial. Councilmember Gordy also stated that everyone voted yes with the exception of Councilmember Johnson. Councilmember Gordy asked if the minutes could be tabled to give Councilmember Johnson time to review the recording. Mayor Lowe asked City Attorney Jimmy Graham for his opinion. City Attorney Jimmy Graham stated that he remembers Councilmember Johnson voted no. Mr. Graham also stated that the minutes should only be tabled to be corrected and as it stands, the minutes are correct. City Manager Wallace Hunter stated that the meeting can be reviewed on the City's You Tube page. Mr. Hunter also stated that both the cable station and the City Clerk's Office record the meetings.

Councilmember Day joined the meeting by Zoom Video Conference at 9:12 a.m.

Councilmember Day stated that he recalls Councilmember Johnson voted no. Councilmember Johnson stated that she reached out to the City Clerk's Office to hear the recorded minutes and to her understanding, they had been erased. City Clerk Melony Lee stated that she originally records the meetings with a small hand held recorder. Ms. Lee also stated that after the meeting is over, she transfers the audio to her computer and it is available for Councilmember Johnson's review. Ms. Lee further stated that the meeting is only erased from the

hand held recorder to make room for the next meeting. Ms. Lee stated that the meetings are not erased from the computer file. City Manager Wallace Hunter stated that transferring the minutes from the hand held recorder to the computer file is normal procedure. Mr. Hunter recalled a time when a person thought they voted one way at the Planning Commission Meeting when in fact they voted the opposite. Mr. Hunter stated that it can sometimes be confusing when things out of the ordinary come up for vote. Mr. Hunter also stated that there is no harm in asking questions prior to voting to make sure you understand what is being approved or denied. Mayor Lowe stated that the recording of the meetings can be reviewed at anytime by the YouTube live video recording or the audio version at the City Clerk's Office. Councilmember Johnson stated that she is ready to proceed with the approval of the minutes. Mayor Lowe stated that Councilmember Gordy moved to approve the regularly scheduled meeting minutes of the September 20, 2021 Work Session and the September 21, 2021 Council Meeting. Councilmember Day seconded the motion. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Johnson, 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 a resolution in reference to adopting the revised Cash Reserve Policy to increase the emergency fund from Two Million Dollars (\$2,000,000) to Three Million Dollars (\$3,000,000).

#### **RESOLUTION NO. 2021-212**

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, 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 make application to ADECA Community and Economic Development Division for grant assistance from the Recreational Trails Program to restore the asphalt path and purchase new signage at the Idle Hour Park Nature Trail.

#### **RESOLUTION NO. 2021-213**

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

Mayor Lowe presented a resolution in reference to Premium pay to employees with American Rescue Plan funds.

#### **RESOLUTION NO. 2021-214**

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

Mayor Lowe presented three (3) Resolutions and Public Notices in reference to setting public hearing dates and fixing demolitions costs associated with the following properties located in Phenix City:

1. 1004 2<sup>nd</sup> Street South

**RESOLUTION NO. 2021-215**  
**PUBLIC NOTICE**

2. 1001 4<sup>th</sup> Street South

**RESOLUTION NO. 2021-216**  
**PUBLIC NOTICE**

3. 1004 4<sup>th</sup> Street South

**RESOLUTION NO. 2021-217**  
**PUBLIC NOTICE**

Councilmember Gordy moved to approve the resolutions and public notices, 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: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented a resolution in reference to authorizing Alabama Power to remove and install (8) eight customer owned 65w Area fixtures and (4) four APCO leased (LED) Area fixtures 8500 to 14000 Lumen Range at Ladonia Commercial.

**RESOLUTION NO. 2021-218**

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

Mayor Lowe presented a resolution in reference to rescinding Resolution No. 2021-185 authorizing the Mayor and City Manager to accept a proposal from Jabali Concrete Construction, LLC to replace deteriorated concrete aprons and pads and install an oil and grit separator at Fire Station One in an amount not to exceed \$43,000.00.

**RESOLUTION NO. 2021-219**

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, 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 sign and enter into a contract with Jabali Concrete Construction, LLC to

replace deteriorated concrete aprons and pads and install an oil and grit separator at Fire Station One in an amount not to exceed \$43,000.00.

### **RESOLUTION NO. 2021-220**

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

Mayor Lowe presented for first reading an Ordinance to Amend Sections 4.16-C of the Merit System Rules and Regulations of the City of Phenix City, Alabama. Councilmember Johnson moved to 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, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion thus passed.

Mayor Lowe presented an application for conditional use approval submitted by Mildred F. and Harry L. Isabell (Heather Manville, Power of Attorney) to use property located at 1116 Broad Street as a Brewery/Tap Room.

### **LETTER**

Councilmember Gordy moved to approve the application, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Johnson, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented one opening on the Improvement District / Brickyard Project. Mayor Lowe stated that current member J. W. Brannen is willing to serve another term. Mayor Lowe called for a motion. Councilmember Day moved to reappoint J. W. Brannen, 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: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented one opening on the Industrial Development Board. Mayor Lowe called for nominations. Councilmember Day nominated to appoint Darrell Willis. There were no other nominations. Councilmember Day moved to appoint Darrell Willis, 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: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented three (3) openings on the Tree Commission. Mayor Lowe stated that one current member Pamela Stroud is willing to serve another term. Mayor Lowe called for a motion. Councilmember Day moved to reappoint Pamela Stroud, 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: None. ABSTAINS: None. The motion thus passed. Mayor Lowe called for nominations. Councilmember Day nominated to appoint Tommy Ware. There were no other nominations. Mayor Lowe called for a motion. Councilmember Gordy moved to appoint Tommy Ware, 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: None. ABSTAINS: None. The motion thus passed. Mayor Lowe called for nominations. Councilmember Johnson nominated to appoint Linda Pritchett. There were no other nominations. Mayor Lowe called for a motion. Councilmember Day moved to appoint Linda Pritchett, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Johnson, 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, filed by Kquin Green. City Attorney Graham stated that the claim alleges that on November 17, 2020, while traveling on Highway 165 in Phenix City, Mr. Green's vehicle and a vehicle owned by Jessica Stone were involved in a vehicle crash. City Attorney Graham also stated that Mr. Green believes that the Officer on the scene made errors on the report, which caused Ms. Stone's insurance company refuse to settle his claim for medical bills and damage to his vehicle. City Attorney Graham recommended denying the claim due to the fact that the dispute should be with Mr. Green and Ms. Stone's insurance company and not the City. 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, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Councilmember Day thanked City Manager Wallace Hunter and his team for the fine job that they do throughout the City.

Councilmember Day thanked organizer Fillis Preer for the community event Soul of the Hike held on Saturday, September 25, 2021 in the Brickyard Community. Councilmember Day stated that it always good to see positive events happening in the City.

Councilmember Johnson apologized for the misunderstanding early on in the meeting concerning the approval of the minutes. Councilmember Johnson stated that it was not her intention to offend but to understand.

Councilmember Johnson congratulated the employees recognized for their years of service to the City.

Councilmember Johnson stated that October is Breast Cancer Awareness Month and she is wearing pink in support of all who have fought, are still fighting, or maybe even lost their fight with breast cancer. Councilmember Johnson encouraged everyone to visit his or her healthcare professional for breast cancer screening and support the National Breast Cancer Awareness Foundation.

Mayor Lowe stated that this morning's dialogue led to an opportunity for more understanding of the job that Council has been chosen to do. Mayor Lowe also stated that we must all take the opportunity to learn and grow to better ourselves. Councilmember Day stated that everyone makes mistakes and when in doubt ask questions.

City Manager Wallace Hunter thanked Mildred F. and Harry L. Isabell for working with the Economic Development team and bringing new things to the downtown area.

City Manager Wallace Hunter stated that there has been a lot of rain that has fallen in the area in a very short amount of time. Mr. Hunter asked everyone to be patient as the City

makes repairs in low lining areas. Mr. Hunter stated that some departments are short of help and it may take a little longer but the City is doing the best it can.

City Manager Wallace Hunter congratulated Chief of Police Raymond Smith on his new position. Mr. Hunter stated that Chief Smith has been promoted to Phenix City's Public Safety Director. Mr. Hunter also stated that Chief Smith is well deserving of the title.

Mayor Lowe stated that Council may not always agree on everything but one thing that Council agrees on is being consistent in decision-making and the betterment of Phenix City.

Mayor Lowe thanked CTV-Beam for bringing the council meeting to the citizens of Phenix City.

There being no further business to address, the meeting thus adjourned until October 19, 2021.