

**MEETING MINUTES
September 7, 2022**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Wednesday, September 7, 2022 at 9:00 a.m. at the Martin Idle Hour Park Community Center located at 3743 Moon Lake Drive, Phenix City, Alabama 36867. 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 Attorney Jimmy Graham, and City Clerk Melony Lee.

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

Pastor Dwayne Campbell of Phenix City Seven Day Adventist 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 Trevor Eiland - 5 years, Doug Green - 20 years, Walter Jones - 25 years, and Todd Hughes - 25 years.

Mayor Lowe presented the regularly scheduled meeting minutes of the August 15, 2022 Work Session and the August 16, 2022 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 Resolution No. 2022-178 to be ratified in reference to the purchase of (1) one 2023 Freightliner/PAC Graball from Ingram Equipment Company, LLC in an amount not to exceed \$163,413.76.

RESOLUTION NO. 2022-178

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 Resolution No. 2022-179 to be ratified in reference to the purchase of (4) four 2021 Dodge Charger vehicles from Stivers Ford Lincoln, Montgomery, Alabama, in an amount not to exceed \$128,336.64.

RESOLUTION NO. 2022-179

Councilmember Day moved to ratify 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 exercised his right to privilege to allow City Manager Wallace Hunter and Human Resources Director Stephanie Chastain recognize Captain Walter Jones for his 25 years of service to the City. Captain Jones arrived to the meeting after the Employee Service Recognition portion of the meeting.

Mayor Lowe presented Resolution No. 2022-180 to be ratified in reference to the purchase of (6) six 2021 Dodge Charger vehicles from Stivers Ford Lincoln, Montgomery, Alabama, in an amount not to exceed \$192,504.96.

RESOLUTION NO. 2022-180

Councilmember Day moved to ratify 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 declared that now was the time and place for an Administrative Hearing in reference to the revocation of Business License for R. E. Recycling. Mayor Lowe stated anyone wishing to address Council concerning the Administrative Hearing should come forward and do so at this time. Deputy Building Official Ray Rogers and Chief of Police Ray Smith came forward to address Mayor and Council. Mr. Rogers stated that he and Chief Smith would like to review the timeline of the Care of Premises and Citations that have been issued to Christopher Wilson of R. E. Recycling located at 1406 14th Avenue that have led to today's proceedings. Mr. Rogers also stated that Mr. Wilson obtained a Repairs and Maintenance-Automobile Business License on October 3, 2019 and ever since that time, the Building Department and Police Department have tried to get Mr. Wilson to comply with the rules and regulations set by the City starting with the first Care of Premises in response to complaints of lawn care and inoperative vehicles in roadway that was issued on December 30, 2019. Mr. Rogers further stated that vehicles in the roadway is a safety hazard that may obstruct the passage way of buses, Police Department or Emergency Response Vehicles. Mr. Rogers stated that a total of six Care of Premises have been given to Mr. Wilson and they were issued on December 30, 2019, August 19, 2020, January 29, 2021, July 29, 2021, November 8, 2021 and the last one was issued on May 18, 2022. Mr. Rogers also stated that two Citations were issued to Mr. Wilson resulting in court appearances where he was found guilty in both cases. Mr. Rogers further stated that Mr. Wilson has been given several changes to correct sighted violations and has failed to comply or make necessary changes. Mr. Rogers stated that on April 20, 2022, Animal Control of the Police Department was called to the business and found a goat tied up to a tree on the premises. Chief Smith stated that Mr. Wilson's business license allotted him to repair automobiles on the premises. Chief Smith also stated that it appeared that Mr. Wilson would obtain or purchase vehicles and recycle parts from the purchased vehicles to repair or build other vehicles. Chief Smith further stated that the location was not zoned for that type of business. Chief Smith stated that in an auto repair business, vehicles are brought in, fixed and then should vacate the premises. Chief Smith also stated that vehicles should be kept off of the roadway. Chief Smith further stated that the number of vehicles that were being recycled were kept on, around and in the neighboring streets of the property causing the violations. Chief Smith stated that it has been explained to Mr. Wilson several times by the Building Department, Police Department, Municipal Court and Circuit Court that an auto repair shop is not the same thing as an auto recycling shop and that is what Mr. Wilson was doing at R. E. Recycling. Chief Smith also stated that the area is not zoned for recycling. Chief Smith and Mr. Rogers recommended that Mr. Wilson's license for R. E. Recycling be revoked. Mayor Lowe thanked Chief Smith and Mr. Rogers for the information brought before Council. Mayor

Lowe stated anyone else wishing to address Council concerning the Administrative Hearing should come forward and do so at this time. Mr. Christopher Wilson came to speak before Mayor and Council. Mr. Wilson stated that when he purchased the business license, he didn't fully understand what he could and could not do in that particular zone concerning the business. Mr. Wilson also stated that he was given care of premises notices and citations but never a solution to the problem. Mr. Wilson further stated that he feels like he is being ran out of Phenix City. Mayor Lowe stated that Phenix City appreciated the business but it must be ran in compliance with City Ordinances and rules and regulations set by law. Mayor Lowe also stated that the description of the business license obtained by Mr. Wilson does not match the actual business that is being conducted. Mr. Wilson stated that three days as listed on a care of premises, is not enough time to correct an issue. Mr. Wilson also stated that he feels that he was not treated fairly. Councilmember Day stated that with the number of care of premises and citations issued, Mr. Wilson had plenty of time to correct the problem. Councilmember Bailey stated that he is also a business owner. Councilmember Bailey stated that the name of the business basically described the manner of the business of recycling automobile parts. Councilmember Bailey stated that the location of the business was not zoned for a "recycling scrap cars" type of business. Chief Smith stated that the area is zoned for auto repair but not the recycle business. Chief Smith stated that there are other locations that are zoned for recycling, but rules and regulations must be followed there also. Mr. Wilson stated that the word recycling was in the name of the business but that doesn't mean that he was in the recycling business. Mr. Wilson also stated that he repaired vehicles with parts from other vehicles. Mr. Wilson further stated that his business simply outgrew the area and that is why cars were on the roadway. Mr. Wilson also stated that he was not given adequate amount of time to rectify the problem. City Manager Wallace Hunter stated that according to the pictures taken at the site and the care of premises and citations that were given, Mr. Wilson had plenty of time to take actions to come into compliance. Mr. Hunter suggested that Mr. Wilson meet with the City's Economic Development Department to find the proper location in the City that is large enough and zoned for his business. Mr. Hunter stated that the proper business license must also be purchased to comply with business performed. Councilmember Johnson stated that R. E. Cycling is in District Two, the district that she represents. Councilmember Johnson also stated that it is very important that all businesses abide by the rules and regulations that are in place for the safety of everyone. Councilmember Johnson further stated that there were several calls of concern regarding the condition of the business from citizens in the area. Neither hearing nor seeing anyone else come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a resolution in reference to the Revocation of Business License for R.E. Recycling.

RESOLUTION NO. 2022-181

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

Mayor Lowe presented a resolution in reference to the satisfaction of a special assessment on property located at 1312 17th Court, Salvador Martinez, owner.

RESOLUTION NO. 2022-182

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 the satisfaction of a special assessment on property located at 1709 48th Street, Carolyn S. Farmer, Jonnie D. Welman, Attn: Ben Welman, owner.

RESOLUTION NO. 2022-183

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 accept and sign a proposal from Orchestra Partners Development, LLC for Pre-Development Design of the “Lively District” portion of Downtown Phenix City in an amount not to exceed \$50,000.00.

RESOLUTION NO. 2022-184

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 authorizing the Mayor and City Manager to sign and enter into an agreement with Robinson Paving Company to perform repair work per Bid Number E20-01 for Hot Mix Asphalt Paving and Roadway Improvements in an amount not to exceed \$133,732.79.

RESOLUTION NO. 2022-185

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

Mayor Lowe presented a resolution in reference to granting easements to Alabama Power Company for Columbus Water Works to install two water sampling stations along the Chattahoochee River on the Phenix City side.

RESOLUTION NO. 2022-186

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

Mayor Lowe presented a resolution in reference to accepting the dedication of right of way and Public Final Plat infrastructure for “The Village at Crosswinds Phase II” Altera Development Company, LLC, owner.

RESOLUTION NO. 2022-187

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 the Adoption of the Public Works Manual to establish engineering and design standards for development within the corporate limits of the City as well as its Planning Jurisdiction.

RESOLUTION NO. 2022-188

Councilmember Bailey 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 and enter into a Memorandum of Understanding with FINDER Software Solutions, LLC to have access to police agency data sharing in an amount not to exceed \$6,600.00 annually.

RESOLUTION NO. 2022-189

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 broken and worn chairs, a broken microwave, damaged lockers and obsolete vehicle computer stands as surplus to be disposed of at the city landfill.

RESOLUTION NO. 2022-190

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 \$23.97 of unclaimed money as surplus to be deposited in the general fund of the City of Phenix City to be utilized for law enforcement purposes.

RESOLUTION NO. 2022-191

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 and directing the Mayor and City Manager to accept a quote from Duke's Root Control, Inc. for root control services at the Waste Water Collection system in an amount not to exceed \$25,382.54.

RESOLUTION NO. 2022-192

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 Letter of Request from Planning Commission, Public Notice and Ordinance to annex 2.2 acres of land lying in Section 5, Township 17 North, Range 30 East, Russell County, Alabama into a C-4 Zone located off Highway 280/431, D. Scott Lindstrom, owner Representative.

LETTER

PUBLIC NOTICE

ORDINANCE

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 an application for Conditional Use approval submitted by owner, Rachel Ally to add a Bakery and Bistro at 1325 Broad Street.

LETTER

Councilmember Gordy moved to approve the application, 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 two openings on the Personnel Review Board. Mayor Lowe stated that current members Johnny Rutledge and Terry Baker are both willing to serve another term. Mayor Lowe called for a motion. Councilmember Day moved to reappoint Johnny Rutledge and Terry Baker, 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 two openings on the Phenix City Planning Commission. Mayor Lowe stated that current members, Pat Howard and Billy Sims are both willing to serve another term. Mayor Lowe called for a motion. Councilmember Gordy moved to reappoint Pat Howard and Billy Sims, 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 an application for a Bonding Company License submitted by Richard Stephens, Jr., for Sin City Bonding, LLC located at 10332 Lee Road 240, Phenix City, AL 36870. Councilmember Gordy moved to place 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.

Mayor Lowe presented a resolution in reference to authorizing the City Manager to enter into a Memorandum of Understanding ("MOU") as a Consortium Partner Agency and to collaborate with School Districts, Governments and Community based nonprofit, health, social service and higher education organizations and businesses.

RESOLUTION NO. 2022-193

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.

City Manager Wallace Hunter asked that everyone pray for the family of Mr. Johnny Dudley who passed away on August 28, 2022. Mr. Hunter stated that Mr. Dudley was the owner of Phenix Lumber Company, on the board of Phenix-Girard Bank, and one of the largest land owners in the state of Alabama. Mr. Hunter also stated that Mr. Dudley was a pillar of the community and will be missed.

City Manager Wallace Hunter stated that there are some things that are done on a national level that a City can't do anything about but go with the flow or get left behind. Mr. Hunter also stated that inflation is one of those things. Mr. Hunter further stated that the City went up ¼ of a penny in taxes which is not a lot compared to other Cities this size. Mr. Hunter stated that the City as well as the nation is still experiencing a shortage of workers. Mr. Hunter also stated that many business are competing against each other from the same pool of eligible workers with competitive salaries. Mr. Hunter further stated that the cost of goods and services have increased to pay those salaries or to compensate for the lack of people on payroll.

City Manager Wallace Hunter stated that there is so much negativity going around about the City's increase in water and sewer rates. Mr. Hunter called upon Charles Woody, Utilities Director to review residential water and sewer charges. Mr. Woody stated that a letter was sent in February 2022 to inform customers that effective March 1, 2022, rates would increase for water and sewage. Mr. Woody presented a comparison of 8 random resident's 2019 water and sewer charges versus their 2022 water and sewer charges. Mr. Woody stated that if there is a water leak on the City's side, it should not have an effect on the water bill. Mr. Woody also stated that a water leak on the customer's side will make the usage increase which makes the bill increase. Mr. Woody further stated that if a customer has reported a water leak, then the Utilities Department will get to it as soon as they can. Mr. Woody asked everyone to please have patience

as it takes the garbage truck a little longer to pick up trash bins. Mr. Woody stated that Waste Management has moved to arm cart services where a person is not picking up the trash bin. Mr. Hunter stated that the City is maintained through labor and there is a labor shortage going on in the nation. Councilmember Day asked if the City had a program that inmates with minor offenses could be used to help field workers. Mr. Hunter stated that there is a program in place but they are choosing not to work as well.

Councilmember Day congratulated the employees that were recognized for their years of service earlier in the meeting. Councilmember Day stated that over seventy five years of service has been dedicated to the City.

Councilmember Johnson thanked Pastor Dwayne Campbell of Phenix City Seven Day Adventist Church for coming to deliver the invocation and staying through the entire council meeting.

Councilmember Bailey stated that Mr. Johnny Dudley was a very good friend of his. Councilmember Bailey also stated that Mr. Dudley did a lot of things for the people of this community. Councilmember Bailey further stated that Mr. Dudley loved people and loved to work. Councilmember Bailey stated that he will be missed. Councilmember Bailey extended condolences to his family.

Mayor Lowe thanked Council, City Manager Wallace Hunter, Department Heads and City Employees for giving of themselves to make this community better and a great place to live. Mayor Lowe stated that we are living in challenging times and it is more of a reason to give of yourself to help someone else. Mayor Lowe encouraged everyone to be a lifter and not a leaner.

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

There being no further business to address, the meeting thus adjourned until September 20, 2022.