

**MEETING MINUTES
September 20, 2022**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Wednesday, September 20, 2022 at 6:00 p.m. at the 5th Street South Youth Center, located at 1601 5th Street South, Phenix City, Alabama 36869. Upon roll call, the following members of Council were present: Councilmember Arthur L. Day, Jr., Councilmember Steve Bailey, Councilmember R. Griff Gordy, and Mayor Eddie N. Lowe. Councilmember Vickey Carter Johnson was 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 Abram of Trinity United Methodist Church delivered the invocation.

Councilmember Day led the Pledge of Allegiance to the United States Flag.

Mayor Lowe presented a proclamation recognizing Help-The-Hooch Days.

PROCLAMATION

Lisa Thomas-Cutts, Executive Director of Keeping Columbus Beautiful came forward to accept the proclamation.

Mayor Lowe presented the called meeting minutes of the September 6, 2022 Downtown Vision Plan Meeting for approval. Councilmember Bailey moved to approve the minutes, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, and Mayor Lowe. NAYS: None. ABSTAINS: Councilmember Gordy. The motion thus passed.

Mayor Lowe presented the regularly scheduled meeting minutes of the September 6, 2022 Work Session and the September 7, 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, 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. 2022-194 to be ratified in reference to authorizing the Mayor and City Manager to sign and enter into an agreement with Proshot Concrete, Inc. to perform emergency work at 1909 Carriage Drive in an amount not to exceed \$65,000.00.

RESOLUTION NO. 2022-194

Councilmember Gordy 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, 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 1300 2nd Place South, Lois Preer, owner.

RESOLUTION NO. 2022-195

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

Mayor Lowe presented a resolution in reference to budget transfers for the 2021-2022 Fiscal Year.

RESOLUTION NO. 2022-196

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

Mayor Lowe presented a resolution in reference to awarding a bid to Cavco Services, LLC for the demolition and clearance of (8) eight properties as part of the CDBG Grant Project # LR-CE-PF-20-009 Phase 2 in an amount not to exceed \$77,139.00.

RESOLUTION NO. 2022-197

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

Mayor Lowe presented a resolution in reference to rejecting a bid for the demolition and clearance activities of (4) four properties for the CDBG Project # LR-CE-PF-20-009 Phase 2.

RESOLUTION NO. 2022-198

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

Mayor Lowe presented a resolution in reference to the support of the intent of the 2022 Downtown Vision Plan for the Re-Development and Revitalization of Downtown Phenix City.

RESOLUTION NO. 2022-199

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

Mayor Lowe presented a resolution in reference to granting (2) two easements to Alabama Power Company for the relocation and maintenance of overhead utility lines along Uchee Hill Highway.

RESOLUTION NO. 2022-200

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

Mayor Lowe presented a resolution in reference to authorizing and directing an authorized Signor on the General Fund, Utilities Fund and Payroll Checking Accounts to sign ACH agreements with Phenix Girard Bank.

RESOLUTION NO. 2022-201

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

Mayor Lowe presented a resolution in reference to authorizing the Alabama Department of Revenue to Administer and Collect Sales and Use Taxes Levied by the City of Phenix City, beginning on December 1, 2022.

RESOLUTION NO. 2022-202

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

Mayor Lowe presented a resolution in reference to authorizing the purchase of (1) one 2022 CV515 SFA Construction Truck under State Contract #T193A, from Southland Transportation Group in an amount not to exceed \$89,299.08.

RESOLUTION NO. 2022-203

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

Mayor Lowe presented seven (7) resolutions in reference to awarding bids for chemicals to the following companies:

1. Aluminum Sulfate (Dry) – Univar Solutions - \$0.193/dry lb.

RESOLUTION NO. 2022-204

2. Dry Polymer – Cedarchem, LLC - \$2.32/lb.

RESOLUTION NO. 2022-205

3. Granular Soda Ash – Harcros Chemical, Inc. - \$0.263/lb.

RESOLUTION NO. 2022-206

4. Hydrofluosilicic Acid – Univar Solutions - \$1.30/dry lb.

RESOLUTION NO. 2022-207

5. Liquid Polymer – Brenntag Mid-South, Inc. - \$1.905/lb.

RESOLUTION NO. 2022-208

6. Poly Aluminum Chloride – Cedarchem, LLC - \$0.264/lb.

RESOLUTION NO. 2022-209

7. Sulfur Dioxide – Brenntag Mid-South, Inc. - \$1,780.00/ton

RESOLUTION NO. 2022-210

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

Mayor Lowe presented a resolution in reference to rejecting a bid received from Brenntag Mid-South, Inc. for Liquid Chlorine.

RESOLUTION NO. 2022-211

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

Mayor Lowe presented a Letter of Recommendation from Planning Commission, Public Notice and Ordinance to rezone 9.73+/- acres of land located at Gardner Way off of Whiterock Road, South of Highway 80, from a R-2 Zone (Medium Density Residential District) to a R-3 Zone (High Density Residential District), Whiterock, LLC, owner.

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 Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented for second reading an application for a Bonding Company License submitted by Richard Stephens, Jr. for Sin City Bonding, located at 10332 Lee Road 240, Phenix City, Alabama, 36870. 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, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

City Attorney Jimmy Graham presented a Notice of Claim against the City of Phenix City, filed by Morgan and Morgan for the People on behalf of Kevin Brady. City Attorney Jimmy Graham stated that on April 30, 2022 while attending a concert, Mr. Brady was lying in a hammock when a limb from the tree broke, hit the ground and bounced up causing injuries to Mr. Brady. City Attorney Graham recommended denying the claim. City Attorney Graham stated that there was no amount listed on the claim and according to Alabama Law, an amount requested must be listed on the claim. City Attorney Graham also stated that according to Alabama Law the tree branch falling is considered an act of God, and the City had no prior knowledge that the tree was dead or diseased. City Attorney Graham further stated that according to the Code of Alabama, Section 35-15-1, the City is not liable. 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: None. The motion thus passed.

Mayor Lowe presented a resolution in reference to authorizing and directing the Mayor and City Manager to award and enter into a contract with Gordy Construction Company, Inc. to accept the value engineering deducted bid of \$780,800.00 for the Saddlebrook Sanitary Sewer Project.

RESOLUTION NO. 2022-212

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

City Manager Wallace Hunter explained that Councilmember Gordy has no relations or dealings with Gordy Construction Company, Inc. Mr. Hunter stated that according to the City Charter Section 9.06, no member of City Council can persuade or influence in any kind of way, the City Manager, City Employees or other members of City Council.

Mayor Lowe stated that Council does not entertain or participate in unethical practices, events or matters. Mayor Lowe also stated that a great leader must have integrity and character. Mayor Lowe further stated that Council may not always agree but even in disagreements, they remain ethical in thoughts and decisions.

Councilmember Day thanked all the citizens that attended tonight's Council meeting. Councilmember Day asked the guest of District Three that he invited to the Council Meeting to

stand and state their names. Councilmember Day encouraged everyone to attend a council meeting when possible to see what is going on in our city.

Mayor Lowe stated that by the grace of God, this City is in a solid position and for that he is thankful. Mayor Lowe also stated that the City has purchased a few high ticketed items in the past three to four months and have been able to pay cash for those items; which means that as a team, the City Manager, Department Heads and City Council are doing something right to be able to do so in these trying times that are going on in our nation. Mayor Lowe further stated that this community has a lot to be thankful for. Councilmember Day stated that even though the City has purchased a few high dollar items over the last few months, the City still maintains the AA-credit rating.

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 encouraged everyone to have patience as the City is not able to complete service request as quickly as they have been able to in the past. Mayor Lowe asked that everyone be a part of the solution and not castigate the problem. 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 October 4, 2022.