

**MEETING MINUTES
November 1, 2022**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, November 1, 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 Vickey Carter Johnson, Councilmember Steve Bailey, Councilmember R. Griff Gordy, and Mayor Eddie N. Lowe. Councilmember Arthur L. Day, Jr., 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.

Reverend Steve Pace of Summerville Baptist Church delivered the invocation.

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

Mayor Lowe presented a proclamation recognizing Alabama Farm-City Week.

PROCLAMATION

Jennifer Davidson with the Alabama Cooperative Extension System came forward to accept proclamation.

Mayor Lowe presented the regularly scheduled meeting minutes of the October 17, 2022 Work Session and the October 18, 2022 Council Meeting for approval. Councilmember Johnson 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 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. 2022-233 to be ratified in reference to authorizing and directing the Mayor and City Manager to accept and approve Change Order No. 2 from Denali Water Solutions, LLC for the cleaning of Digester 1 in an amount not to exceed \$168,981.36.

RESOLUTION NO. 2022-233

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

Mayor Lowe presented Resolution No. 2022-234 to be ratified in reference to authorizing and directing the City Manager to enter into and sign a Location Agreement with 71 Films, LLC, to use city locations for a documentary.

RESOLUTION NO. 2022-234

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

Mayor Lowe presented a resolution in reference to authorizing the Mayor and City Manager to enter into a contract agreement with the East Alabama Chamber of Commerce in an amount not to exceed \$35,000.00.

RESOLUTION NO. 2022-235

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 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 a contract agreement with Architectural Innovations Design Group, LLC for professional services to develop plans for the Human Resources new office renovations.

RESOLUTION NO. 2022-236

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

Mayor Lowe presented a resolution in reference to filing an application with ALDOT for funding assistance from the Alabama Transportation Rehabilitation and Improvement Program – II (ATRIP-II) for Street Lighting and Connectivity Improvements along U.S. Hwy. 280 from Pierce Road to US-431 South.

RESOLUTION NO. 2022-237

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 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, City Manager and Chief of Police Raymond J. Smith to sign an agreement with Russell County E-911 for a multi-agency system administration contract for Spillman Computer System for a one-time fee of \$8,933.00.

RESOLUTION NO. 2022-238

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 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, City Manager and Chief of Police Raymond J. Smith to enter into an agreement with Russell County E-911 in the amount of \$34,839.00 for a multi-agency software agreement and support contract for Motorola Solutions, formerly Spillman Technologies, Inc.

RESOLUTION NO. 2022-239

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 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, City Manager and Chief of Police Raymond J. Smith to enter into an agreement with Alabama Power to add additional License Plate Reader (LPR) Cameras.

RESOLUTION NO. 2022-240

Councilmember Bailey 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 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 and approve Change Order #1 with Jim House & Associates, Inc. for the pump rebuild in an amount not to exceed \$4,049.00.

RESOLUTION NO. 2022-241

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 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 a public hearing in reference to an 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. Mayor Lowe stated anyone wishing to address Council concerning this rezone should come forward and do so at this time. Mr. Richard Kemmer and Mr. Travis Hargrove came forward to address Mayor and Council. Mr. Kemmer passed out a pamphlet to Mayor and Council. Mr. Kemmer stated that they come before Mayor and Council concerning the rezoning of the final phase for Summer Vineyard Subdivision. Mr. Kemmer also stated that this is the piece of land off of Highway 80 that was annexed into the City in 2009. Mr. Kemmer further stated that none of the land surrounding Summer Vineyard is in the City limits, but is all county property. Mr. Kemmer stated that they are representing the developers and do not own the property in that area. Mr. Kemmer also stated the developers are seeking to complete the subdivision so that more homes can be built. Mr. Kemmer explained the four phases of the project that began with Phase 1 in 2010 with preliminary approval, Phase 2A in 2011, Phase 2B in 2014, which now brings them to this 3rd and final Phase. Mr. Kemmer stated that all lots in the previous phases were 50 foot wide patio home lots. Mr. Kemmer also stated that in 2016 a change was made to the Zoning Ordinance for subdivision regulations that would no longer allow

R2 Zone to be built as 50 foot wide lots but it is allowed in R3 Zone. Mr. Kemmer further stated that the rezoning request was denied by the Planning Commission and they have come before Mayor and Council for approval. Mr. Kemmer stated that topics discussed at the Planning Commission meeting were 50 foot wide lots, 60 foot wide lots and draining issues. Mr. Kemmer passed out another handout that highlighted the Zoning Ordinance for the proposed area to Mayor and Council. Mr. Kemmer stated that the problem with the drainage issue was that the homes were built too close together on 50 foot wide lots versus 60 foot wide lots. Mr. Kemmer also stated that if the area remains R-2 it would mean homes would have to be longer which would add to the drainage issues and be un-profitable for the owners. Mr. Kemmer stated that the owners are asking for the area to be rezoned and allow them to build Phase 3 which was approved in 2009. Mr. Hargrove stated that he would not repeat everything that Mr. Kemmer stated but he is in agreeance. Mr. Hargrove also stated that the same drainage issues will still exist, whether the lots are 50 foot wide or 60 foot wide. Mr. Hargrove thanked Mayor and Council for allowing Mr. Kemmer and himself to speak and asked if they would consider the area to be rezoned. Councilmember Bailey stated that everyone agrees that the subdivision has draining issues. Councilmember Bailey also stated that the problem doesn't strictly rely upon the widths of the lots with the setback lines. Mr. Hargrove stated that Council can approve the rezoning with specific conditions. Councilmember Bailey stated that to his understanding, those conditions would not carry on to the next owner if the current owner chooses to sell the property. Mr. Hargrove stated that the conditions would apply to the land and not necessarily the owner. Councilmember Bailey stated that options were giving to the current owner years ago and changes have yet to be made. Mr. Kemmer stated that they are representing the owner and cannot answer the question of why the project was not completed. Mr. Kemmer also stated that he and Mr. Hargrove cannot speak on the past but are asking if the area can be rezoned for the future. Mr. Kemmer further stated that plans to remedy the drainage issues have been discussed with the owner. Mr. Kemmer stated that there is a huge market for houses. Councilmember Bailey stated that Council has always been consistent in decision making and if an exception was made in this case, then it would need to be made for all who had a similar situation. Mayor Lowe stated that he agrees with Councilmember Bailey and Council has always been consistent and transparent in decision making. City Manager Wallace Hunter stated that the rezoning has been before the Planning Commission and the Board of Zoning Adjustments and Appeals and has been denied. Mr. Hunter also stated that there are also Subdivision Regulations that need to be met. Mr. Hunter further stated that the owner has been given four different extensions over the years and corrections were not made nor was the project completed. City Attorney Jimmy Graham stated that the City's Subdivision and Zoning Regulations are not capricious nor arbitrary as being portrayed. City Attorney Graham also stated that the City was sued years ago by the Home Builders Association for similar reasons and the judgement was in favor of the City. Mayor Lowe called upon Tracie Hadaway, Planning Director, and Angel Moore, City Engineer to address the proposed rezoning. Ms. Hadaway stated that the Planning Committee reviewed the proposed rezoning, compared it with the City's Comprehensive Plan and the City's Land Use Plan and found that it did not meet regulations. Ms. Hadaway also stated the Planning Commission's recommendation for Council is to deny the rezone request. Ms. Moore reviewed the time line from the approval of the preliminary plat in 2009, amendment and approval in 2011, Zoning Ordinance amended in 2012, a preliminary plat granted a 24 month time extension in 2013, Zoning Ordinance amended again in 2014, a Preliminary Plat granted a 24 month time extension in 2015, and Subdivision Regulations were amended in 2016. Ms. Moore stated that in the Subdivision Regulations it stated any Preliminary Plat approved after June 22, 2010, and prior to the most recent amendment, the regulations shall be granted a maximum of one more time extension of 24 months. Ms. Moore also stated that as of May 23, 2017, the Whiterock, LLC, was notified that they had 24 months to complete the plat. Ms. Moore further stated that the 24 month time extension expired on June 14, 2019. Ms. Moore stated that Whiterock, LLC, submitted the

Preliminary Plat again for Summer Vineyard on November 9, 2021 but it was kicked back because it did not meet the City's Subdivision Regulations or Zoning Regulations. Ms. Moore also stated that the submission to the Board of Zoning Adjustments and Appeals was denied January 20, 2012. Ms. Moore further stated that a certified document was sent out letting the owners know that the Preliminary Plat was about to expire. Ms. Moore stated that an email was sent out to developers on November 24, 2015 explaining the new Subdivision and Zoning Regulations and advising of a work session to ask questions and also a Public Hearing was held at the Planning Commission meeting. Ms. Moore displayed pictures of the drainage issues in the subdivision. Ms. Moore stated that the Engineering Department discovered that 50-foot lot widths aren't big enough and the four foot setbacks don't work. Ms. Moore also stated that several regulations changed from the old Preliminary Plat to the new Preliminary Plat. Mr. Hunter stated that the developer had time to fix the issues but chose not to and that is what has brought us to this point. Mr. Hargrove asked Mayor and Council to consider the rezoning. Mayor Lowe thanked Mr. Kemmer and Mr. Hargrove for coming and speaking before Council. Neither hearing nor seeing anyone else come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented for second reading an 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. Councilmember Gordy moved to deny the ordinance, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented for first reading an Ordinance to the Code of Ordinances of the City of Phenix City, Alabama, Chapter 74, Streets, Sidewalks and other Public Places, Article III, Underground Utilities Policy, Sections 74-61 through 74-62, 74-65 and 74-67, and add Sections 74-68 through 74-69. 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 Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion thus passed.

Mayor Lowe presented for first reading an Ordinance to Amend the Code of Ordinances of the City Of Phenix City, Alabama, Chapter 46 – Licenses, Taxation, and Miscellaneous Business Regulations, and Adding Article XVIII – Medical Cannabis. Councilmember Gordy moved to 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 Johnson, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN: None. The motion thus passed.

Mayor Lowe presented an application for Conditional Use approval submitted by owner, Stephen R. Watkins to locate a Barbershop/Salon at property located at 1521 5th Avenue.

LETTER

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

Councilmember Johnson thanked the Public Safety Division for keeping the City safe during Halloween festivities. Councilmember Johnson stated that she attended a few events and the Public Safety Department was present throughout the City to keep our community safe.

Councilmember Johnson encouraged all citizens of Phenix City to vote on November 8, 2022. Councilmember Johnson stated that it is critical that all who have the privilege and the right to vote, go to the poles next Tuesday and cast your ballots. Councilmember Johnson encouraged those that are unsure of where to go to vote, to contact the Board of Registrar's Office to find their assigned polling place.

Councilmember Bailey stated that he is proud to be a part of a Council that is transparent and consistent in all of their decision making and treating everyone the same. Councilmember Bailey also stated that members of Council do not persuade each other on voting nor do they ask each other how they are going to vote. Councilmember Bailey further stated that they are all individuals that come together to do their best for Phenix City.

Councilmember Bailey spoke on the rezoning proposal that came before Council and was denied. Councilmember Bailey stated that several opportunities and extensions were given to the developers. Councilmember Bailey stated that the rules and regulations are in place to be followed. Councilmember Bailey also stated that everyone will not agree with every decision that Council makes but one thing that can be agreed upon, is that Council is always fair and consistent in decision making.

Councilmember Bailey stated that November 11th is a day that is set aside to honor our veterans that served in the United States Military in the past, those currently serving, and those that will serve in the future. Councilmember Bailey thanked them all for their service to keep us safe.

City Manager Wallace Hunter stated that he has been with the City for a very long time. Mr. Hunter also stated that the Planning Commission and Board of Zoning Adjustments and Appeals are in place for a reason to follow the set rules, regulations and guidelines. Mr. Hunter further stated that the City is fair and does not show favoritism. Mr. Hunter stated that favoritism leads to chaos and not consistency and stunts growth. Mr. Hunter also stated that Phenix City is growing and will continue to grow.

Mayor Lowe stated that Phenix City is too big to be small. Mayor Lowe also stated that everyone in the City is connected by someone they know. Mayor Lowe quoted a scripture, Proverbs 27:6. Mayor Lowe stated that our friends should appreciate us telling the truth and being consistent. Mayor Lowe also stated that we may not always like the truth being spoken but it must be accepted. Mayor Lowe further stated that we all have the right to agree to disagree at times but it should be done with respect. Mayor Lowe encouraged everyone to be a lifter and not a leaner.

Mayor Lowe thanked Council, the City Manager, Department Heads and all City Employees for setting the example of what servanthood should be.

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 November 15, 2022.