

**MEETING MINUTES  
November 15, 2022**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, November 15, 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.

Reverend Brady Baird of Seale United Methodist Church was not present to deliver the invocation as listed on the Agenda. Councilmember Johnson delivered the invocation.

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

Mayor Lowe presented the regularly scheduled meeting minutes of the October 31, 2022 Work Session. 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 presented the regularly scheduled meeting minutes of the November 1, 2022 Council Meeting for approval. Councilmember Gordy moved to approve the minutes, 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: Councilmember Day. 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 a one-time compensation for fulltime employees.

**RESOLUTION NO. 2022-242**

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 a one-time compensation for retirees, pensioners and beneficiaries.

**RESOLUTION NO. 2022-243**

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

Mayor Lowe presented a resolution in reference to a one-time longevity payment.

**RESOLUTION NO. 2022-244**

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 resolution in reference to authorizing and directing the Mayor and City Manager to sign Change Order No. 1 from AAA General Contractors, Inc. for the Demolition and Clearance Activities for 320 12<sup>th</sup> Avenue South as part of the CDBG Grant Project #LR-CE-PF-20-009 Phase 2.

**RESOLUTION NO. 2022-245**

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, 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 with David Downey Homes, LLC for the purchase of property located at 2113 Walker Court in an amount not to exceed \$40,000.00.

**RESOLUTION NO. 2022-246**

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 authorizing and directing the Mayor and City Manager to approve Change Order No. 1 with C&H Construction Services, LLC in the amount of \$765.00 for guardrail installation at various locations.

**RESOLUTION NO. 2022-247**

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 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 approve Change Order No. 1 with Mack Trucks in the amount of \$4,000.00 for the purchase of a 2024 Mack Truck GR64F.

**RESOLUTION NO. 2022-248**

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 authorizing and directing the Mayor and City Manager to sign a Memorandum of Understanding with Chattahoochee Valley Community College to provide academic and career readiness classes to Phenix City and Russell County citizens.

#### **RESOLUTION NO. 2022-249**

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 (2) two vehicles as surplus to be sold to the highest bidder at a public auction or sold as scrap.

#### **RESOLUTION NO. 2022-250**

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 resolution in reference to rescinding Resolution No. 2022-203 in reference to purchasing (1) one 2022 CV515 SFA Construction Truck.

#### **RESOLUTION NO. 2022-251**

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 authorizing the purchase of (1) one 2023 International CV515 SFA 4x2 crew cab service truck from Southland Transportation Group in an amount not to exceed \$99,221.00.

#### **RESOLUTION NO. 2022-252**

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 Letter of Recommendation from the Planning Commission, Public Notice and Ordinance to annex 3.95 acres of land lying in Section 5, Township 17 North,

Range 30 East, Russell County, Alabama into a C-4 Zone (Highway Commercial) located at 3743 Highway 431 North, Two-Eighty Phenix, LLC, by Shree Singh, 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 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 for second reading an Ordinance to Amend 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.

**ORDINANCE NO. 2022-13**

Councilmember Johnson moved to approve the ordinance, 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 for second 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.

**ORDINANCE NO. 2022-14**

Councilmember Gordy moved to approve the ordinance, 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. ABSTAIN: None. The motion thus passed.

Mayor Lowe presented an Itemized Statement of Expense for Christopher Ross of the Fire Department in the amount of \$106.59. Councilmember Day moved to approve the Itemized Statement of Expense, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmember Day, Johnson, Bailey, Gordy and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion passed.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, filed by Johnny Hayes. City Attorney Graham stated that on October 21, 2022, while driving on Stadium Drive, Mr. Hayes ran over a pothole and caused damage to his vehicle. City Attorney Graham also stated that upon investigation, the Utilities Department made the cut, and placed a construction barrel in the area to cover the pothole. City Attorney Graham stated that while the City was waiting on approval for the cut to be paved, the construction barrel had been destroyed.

City Attorney Graham recommended denying the claim due to the City had no prior notice that the construction barrel covering the pothole had been destroyed. Councilmember Gordy moved to approve the City Attorney's recommendation to deny the claim, 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.

City Attorney Jimmy Graham presented a Notice of Claim filed by Charles A. Grower, P.C. on behalf of Saquain Simmons. City Attorney Graham stated that on October 8, 2022 while traveling on U. S. Highway 280/431, Mr. Simmons was struck by a City vehicle that caused personal and property damage. City Attorney Graham recommended allowing him to negotiate a settlement. Councilmember Day moved to approve the City Attorney's recommendation to negotiate a settlement, 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.

Councilmember Day encouraged everyone to be careful and aware of their surroundings during the holiday season. Councilmember Day wished everyone a happy and safe Thanksgiving.

City Manager Wallace Hunter stated that this year the City has had several retirees to pass away. Mr. Hunter also stated that their beneficiaries will still receive the retiree's one time compensation benefit. Mr. Hunter further stated that the City remembers and appreciates what the retirees have done for the City.

City Manager Wallace Hunter asked everyone to pray for the family of Mr. J. W. Brannen who passed away last month. Mr. Hunter stated that Mr. Brannen worked for the City in the Economic Development Department, was a Councilmember from 2001-2004 and recently, a Legislative Lobbyist for the City. Mr. Hunter also stated that Mr. Brannen cared a lot about Phenix City and Russell County, and also carried a wealth of knowledge and will be truly missed.

City Manager Wallace Hunter thanked Tammy Henry for the partnership with CVCC for GED classes. Mr. Hunter encouraged everyone to spread the word so that the program will be successful. Mr. Hunter stated that classes will be held on Tuesdays and Thursdays from 2:00 pm until 5:00 p.m. Mr. Hunter also stated that the class will help with job skills as well. Councilmember Bailey stated that GED classes gives people a second chance on education that they may not have had before.

City Manager Wallace Hunter stated that some citizens may be concerned about the Medical Cannabis Ordinance. Mr. Hunter stated that there will be rules, limitations and restrictions in place. Mr. Hunter also stated that location must be at least 1,000 feet away from daycares and schools, similar to liquor stores must be 1,000 feet away from churches. Mr. Hunter encouraged anyone that may have questions or concerns to call the City Manager's and City Clerk's Office.

Mayor Lowe stated that the wife of the Late J. W. Brannen will hold a memorial service in his honor, Tuesday December 6, 2022 at the Lakewood Golf Course Clubhouse from 5:00 p.m. until 7:00 p.m. Mayor Lowe also stated that Mr. Brannen did a lot for this community.

Mayor Lowe stated that Phenix City has a lot to be thankful and grateful for. Mayor Lowe also stated that crime increases around the holiday season. Mayor Lowe encouraged everyone to be safe and aware of their surroundings.

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 December 6, 2022.