

## **WORK SESSION MEETING MINUTES December 4, 2017**

The members of the City Council of the City of Phenix City, Alabama met at 3:00 p.m. Eastern Time for the regularly scheduled work session on Monday, December 4, 2017 in the third floor conference room of the Municipal Building located at 601 12<sup>th</sup> Street, Phenix City, Alabama. Upon roll call, the following members were present: Councilmember Arthur L. Day, Jr., Councilmember Steve Bailey, Councilmember Griff Gordy and Mayor Eddie N. Lowe. Also present were City Manager Wallace B. Hunter, City Attorney Jimmy Graham and Acting City Melony Lee. Department Heads in attendance were: Chief Building Official Gil Griffith, Economic Development Planning Specialist Shaun Culligan, City Engineer/Director of Public Works Angel Moore, Utilities Director Stephen Smith, Interim Finance Director Labrita King-Copeland, Fire Rescue Service Chief Kristin Kennedy, Golf Course Manager Julie Taylor, IT Manager Mike Bauer, Parks and Recreation Director Todd Hughes, Library Director Michelle Kilday, Municipal Court Clerk Pam Jarrell, Human Resources Director Stephanie Chastain, Chief of Police Ray Smith, and Utilities Engineer John Spraggins.

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

The invocation was led by Councilmember Bailey.

Mayor Lowe addressed the Council about rumors in regards to the election investigation. Mayor Lowe advised that Chief Smith was doing the investigations and the negative comments needed to stop and the city should stand up for what is right. Councilman Day added that the city officials should respect city employees and let them do their job. City Manager Hunter added it's the voter's signature at the bottom of the voter's registration that holds them accountable as swearing the above information is the truth. Mayor Lowe advised that when elected officials do not do their job that they could be held liable. After a lengthy discussion, mayor and council decided to move onto requests to address council.

Mayor Lowe called upon James Shortz to address Council as listed on the agenda. Mr. Shortz came forward and read a statement regarding Amendments of the Constitution of the United States of America, Article X:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or the people."

He also read the following statement: "Under the authority of the aforementioned Bill of Rights, James H. Shortz declares the following:

1. There have been multiple murders by Phenix City, Alabama police officers, murders of innocent but not have been proven guilty. There should be a public notice of names of officers and of sworn testimony of those murderers.
2. According to Phenix City employee, Dean Groham, there was an alleged complaint lodged against the religious property of Ebenezer Baptist Church made by some unknown disgruntled. In this writer's attempt to access information about the disgruntled complaint a city employee represented himself to be Dean Groham appeared to this writer to conceal the name of the complainant and the purpose for and encroaching upon private property to declare that certain unsafe conditions exist on the religious property of Ebenezer Baptist Church located at 711 24<sup>th</sup> Street, Phenix City, AL 36869. Groham never described the unsafe condition for religious function that rendered Ebenezer Baptist Church incapable of functioning for its

- specific religious purpose. Instead of continuing to beat a dead horse, this writer to bring the matter to a more sober setting here in the council for clarification.
3. It is widely publicized that murders in the area have increased at some unreasonable rate but there is no creditable reason offered by the local government charged with the oversight of public protection and safety. This writer suggests that research should be done to track the history of unreasonable actors to ascertain what might be the cause of such unreasonable affects. This writer suggests that research should begin where records of the education process of the unreasonable actors and their victims began. The reason of this writer is concerned about the education process is statistic that Georgia noted, that for a class of 2011, 30,000 dropped out of that graduating class. The reason so many failed to complete their education, is considered by this writer a serious problem to society and possibly had the greatest affect upon the success of indoctrinating young people into civilly responsible behaviors.
  4. The alarming trend in Phenix City Alabama's school system is the hiring of outsiders to head the education system instead of encouraging tenured employees to expect to be promoted for their superior achievements. Hiring leaders from outside of the system instead of promoting within discourages good teachers who would otherwise become excellent educators.

Mayor Lowe asked Mr. Shortz what was his point to the four referenced items he had brought before council. Mr. Shortz said he just wanted Mayor and Council to read over it and be aware of the items. City Manager Hunter advised that two items we cannot respond to. We cannot release names of officers due to investigations. Chief Smith advised that a lot of them are under a state investigation. Mayor Lowe asked Mr. Shortz if he used to work with the city and advised Mr. Shortz that the city could not release personnel information. Chief Smith advised that the criminal part of the investigation is handled by the State of Alabama. We do not handle our own cases where there is a case of death or injury. Those are handled by the State. Chief Smith advised also that any personnel matters are confidential and cannot be discussed in a public council meeting. Chief Smith advised that the City does not have the authority to talk about it because the State did the investigation.

City Manager Wallace Hunter called upon Chief Building Official Gil Griffith who stated that he had pulled the tax record for 711 24<sup>th</sup> Street and gave out copies to Mayor and Council. Mr. Griffith advised that the tax records came back as Ebenezer Baptist Church c/o Reverend Samuel Shortz not James H Shortz. He further advised that the Building Department worked a care of premise out there for junked cars, high weeds, and basically the abandoned building that has not had power on it for three years. The building is deteriorating very rapidly and there was also a condemnation on the actual building. Mr. Griffith advised that he had attached pictures and also advised that the building department did have permission to go onto the property and do this work to make our city a cleaner place. Mayor Lowe asked Mr. Griffith about the name of the complainant due to Mr. Shortz inquiry. Mr. Griffith advised that it was confidential and the city could not give out such information; it is not about who, it's about what. Mayor Lowe asked what the complaint was about and Mr. Griffith advised that it was about high weeds, abandoned cars, and abandoned vehicles. Councilman Day advised that he had three complaints and went down and saw the high weeds. A neighbor had complained that he had killed snakes and an opossum coming from that property onto his property.

Mr. Shortz advised that Mr. Bob Hartman had a business here and was well known throughout the community and had lost his business to the city due to condemnation that led to hundreds of thousands of dollars being stolen due to the business being destroyed. City Manager Wallace Hunter asked Mr. Shortz how many years had Mr. Hartman been dead. Mr. Hunter advised that Mr. Hartman had gotten sick and no one in that community would help him keep the grass cut and weeds down.

They neighbors on each side and across the street called the City of Phenix City and filed a complaint about the property.

Mr. Shortz advised that he was at 711 24<sup>th</sup> Street on a daily basis and there was nothing of a danger to anybody. Mr. Griffith advised that was not the problem but the neighbors had made a complaint. They are sitting inside their house looking at the overgrown property. Mr. Shortz advised that the grass had been cut and Gil Griffith advised that he had rode by and saw that the grass had been cut. Mayor Lowe asked Mr. Griffith what did the property look like now and Mr. Griffith advised decent but the cars were still there.

Mr. Shortz advised Mayor and Council that one of those cars was involved in an attempted murder. Mr. Shortz was run off the road on Highway 431 coming back from Opelika. Mayor Lowe advised Mr. Shortz that it does not change the fact that the car is still an eyesore. Council advised that the cars just needed to be moved from that location. Councilman Day advised that this property was in his district and complaints had been made in regards to the overgrown weeds and abandoned vehicles. The neighbors were concerned because it would make their property value decrease with the current view of the property. Mr. Shortz advised that they were his cars on the property. Councilman Day had spoken with the neighbors and they were unhappy about the look of the overgrowth and possible snake problem. Councilman Day wrote up a complaint and turned it over to the Building Department for review. Mayor Lowe advised that steps were correctly made to get the property cleaned and looking better.

Mr. Shortz advised that across the street from 711 12<sup>th</sup> Street there is a wooded area that is overgrown. Mayor and Council advised that this is an undeveloped lot and never has been developed. It is considered nature.

Mr. Shortz advised that the Mayor and Council had not answered his question about what made this property unsafe. Mayor Lowe advised that the neighbors had made a complaint about the weeds and abandoned vehicles. While this is maybe not unsafe, the report of snakes is a problem. Mr. Shortz advised that the wooded area could be where the snakes were coming from and not his property. Mayor Lowe advised it is an unsafe situation from not only an eyesore and snakes but a problem of depreciation of the property connecting 711 24<sup>th</sup> Street. Gil Griffith advised that the building had cracks in the walls and the roof was falling in from the inside making the building unsafe. City Manager Wallace Hunter asked Mr. Shortz if he was the owner of the said piece of property and Mr. Shortz advised that he was the caretaker for the property. Mr. Hunter advised Mr. Shortz that he was only protecting him because the building was going to collapse. Mr. Shortz advised that there were cracks in buildings all over town. Mr. Shortz advised that Mayor and Council that he wanted them to be aware of these things but they were taking all it lightly. Mayor Lowe asked that Mr. Shortz not put any words into Councils or his mouth. Mr. Shortz advised that he was sixty-six years of age and was not going to take anything out of anyone's mouth and said Good Day.

Mayor Lowe called upon City Engineer Angel Moore to discuss the actions taken by the Planning Commission at their November 28, 2017 meeting. Ms. Moore advised of the public hearing on the de-annexation of 22.564 acres on Newton Drive, EBH Holdings LLC. Ms. Moore advised no one came to meeting to complain and Commission recommended approval. Councilmember Day asked Ms. Lowe if they came back several years from now and asked to be re-annexed back into the city, could they? Ms. Moore advised that they would have to come before Mayor and Council and go through the annexation process.

Mayor Lowe called upon Acting City Clerk Melony Lee to review the December calendar with Council. Ms. Lee advised that the 19<sup>th</sup> is the runoff for the District 2 election and it is also the next

council meeting. Mayor Lowe advised to have both the work session and council meeting on Monday, December 18, 2017. The work session would be at 9 am. and the council meeting at 10am. Ms. Lee further advised that in January 2018, there is Councilman Day's luncheon; MLK Holiday; and there is a Unity breakfast.

Acting City Clerk Melony Lee advised Mayor and Council as she was looking through board appointments for the personnel review, she came across the DRA. Councilman Robinson was appointed to that board, and he passed away earlier this year in August. She did not find where Council had appointed anyone since his death. Council decided to wait until after the District Two Election to appoint someone to replace Councilman Robinson. Ms. Lee advised that the Personnel Review appointments of Forestein Alexander and Dr. William Brooks are coming up in January. Council asked that they be contacted to see if they want to serve again.

Councilmember Day questioned the Highway 431 project. Angel Moore with the Engineering Department advised that they had submitted plans and the plans were sent back; the city is waiting on the new plans. Ms. Moore further advised that they would be on a weekly review when the plans came back.

Councilmember Day asked for an update on the Meadow Lane Splash Pads. Parks and Recreation Director Todd Hughes advised the proposals are in.

Councilmember Day asked for an update on More Than A Game. Parks and Recreation Director Todd Hughes advised there is a clinic this weekend.

Councilmember Day asked about the status of the Southside Park. Todd Hughes advised the boards on the bridge had been replaced.

Councilmember Bailey asked for an update on the Sewage hookup on River Chase. Utilities Director Steve Smith advised that the north part the pressure test has been done but the restraint on the south part failed. The city is in the process of getting in stronger devices in place. The pipes then have to be filled with water and since no water is readily available, it takes several days for the pipes to fill up with water for pressure testing. As soon as it passes the test then the city will do a complete pressure testing on the entire system.

Councilmember Bailey asked why the city has to use different kinds of valves on the 10<sup>th</sup> Street site. Utilities Director Steve Smith advised that curbstop valves do not go above 100 psi so the city had to use a different valve that would go over 100 psi. Stephen Smith advised that the site was almost done and chlorine was being run through to make sure all the valves were good. Mr. Smith also advised that in the future all the new valves would be used instead of the old ones.

Councilmember Bailey asked for an updated on the illicit discharge. Councilmember Bailey asked about the letter and how long is the timeline of complying and what happens if they do not comply. Angel Moore advised that they have an additional 45 days from the date of the letter that was sent out. If they do not comply within the 45 days then the Engineering Department will send a notice over to the Business License Department and if they are on that list they cannot renew their business license. All businesses that do not use water to wash vehicles have or should submit a letter in case there is ever any question in the future or a problem.

Councilmember Gordy asked if we had a protocol to alert citizens of when the city will test systems. The citizens advised that water was all over the road and some citizens did not have any water for several hours. Utilities Director Steve Smith advised that water mains are usually fixed live; but a 16" line is impossible to fix while live. The leak was fixed at nighttime so that the hospital, dialysis clinic, and the apartment complex would be minimally impacted. After discussion, Mayor and Council talked about posting water outages information on social media so citizens were aware afterhours about problems around the city.

Mayor Lowe discussed the agenda items with Council.

City Attorney Jimmy Graham reviewed claims on the agenda with council.

Mayor Lowe, Council, and City Manager Wallace Hunter discussed the annual Christmas parade and several activities going on for the holiday season.

Mayor Lowe advised Council he would like to make a motion to go into Executive Session for Economic Development and Good Name and Character for 30 minutes. Councilmember Day made the motion and Councilmember Gordy seconded the motion. The motion was passed with all in favor. The mayor and council would take an eight minute break before going into Executive Session.

Council went into Executive Session at 5:00pm.

Council came out of Executive Session at 5:30pm.

There being nothing further to discuss, the meeting adjourned until Monday, December 18, 2017.