

WORK SESSION MEETING MINUTES
September 7, 2021

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 Tuesday, September 7, 2021, by the way of Zoom Video Conferencing. Upon roll call, the following members were present by the way of Zoom Video Conferencing: Councilmember Arthur L. Day, Jr., Councilmember Vickey Carter Johnson, Councilmember Steve Bailey, Councilmember R. Griff Gordy, and Mayor Eddie N. Lowe. Also present by the way of Zoom Video Conferencing were City Manager Wallace Hunter, City Attorney Jimmy Graham, City Attorney Chan Gamble, and City Clerk Melony Lee. Department Heads in attendance by Zoom Video Conferencing were: Building Official Gil Griffith, City Engineer Angel Moore, Economic Development Manager Shaun Culligan, Economic Development Planning Director Tracie Hadaway, Finance Director Labrita King Copeland, IT Manager Mike Bauer, Fire Kris Kennedy, Library Catalog and Computer Lab Assistant Brittany Smith, Municipal Court Clerk Ruby White, Parks & Recreation Director Todd Hughes, Director of Human Resources Stephanie Chastain, Chief of Police Ray Smith, Graduate Engineer John Spraggins and Utilities Director Charles Woody.

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

Mayor Lowe led the invocation.

Mayor Lowe called upon Johnathan Cobb, Richie Cobb and Neil Koon to address Council, as listed on the agenda. Mayor Lowe stated that Mr. Johnathan Cobb would be speaking on behalf of himself, Mr. Richie Cobb and Mr. Neil Koon. Johnathan Cobb came forward by the way of Zoom Video Conference to address Council. Mr. Johnathan Cobb stated that he and his father Richie Cobb have been business owners in the Phenix City and Russell County area for 24 years. Mr. Cobb also stated that he and his father own a RV sales and service business located on the 280 By-Pass in Phenix City. Mr. Cobb further stated that he and his father received a phone call in February of 2020 from a company called Avenue, a tax collection service for Phenix City and Russell County. Mr. Cobb stated that they were informed by Avenue that their business had been improperly collecting City and County taxes. Mr. Cobb also stated that according to Avenue, their business owed over \$200,000.00 in back taxes. Mr. Cobb further stated that he and his father are not in agreement with the Avenue and their audit findings. Mr. Cobb stated that information on tax collection was researched prior to the opening up of their sales facility. Mr. Cobb explained their process of tax collection from in state and out of state customers. Mr. Cobb stated that they were informed that they must have an automobile dealer's license to operate Cobb and Son RV Sales but was not informed that the tax collection was different for out of state customers. Mayor Lowe stated that Phenix City follows the guidelines set by the State of Alabama. Mayor Lowe also stated City Council has always been consistent in all situations. Mayor Lowe further stated that Council has heard and understands Mr. Cobb's and his father's concerns but is unable to waive or forgive taxes or fees. Mr. Cobb stated that their main concern was that Avenue could not provide documentation that explained the tax breakdown or the findings of the audit. Mr. Cobb also stated that he reached out to Avenue several times for audit findings breakdown, tax codes, an ordinance or any type of explanation. City Manager Wallace Hunter stated that the City reached out to Avenue and discovered discrepancies in related information. Mr. Hunter also stated that once the Cobbs retained an attorney, he reached out to City Attorney Chan Gamble to help resolve this situation. Mr. Gamble stated that Avenue is a third party venue that the City and most municipalities in Alabama use to manage tax collection, distribution and allocations. Mr. Gamble also stated that the City does not decide whom Avenue will audit but it is a random act by Avenue. Mr. Gamble further stated that the City was asked by people other than the Cobbs to

have fees waived or reduced. Mr. Gamble agreed with Mayor and stated that the City has always been consistent in decision making and would not waive or reduce the amount owed. Mr. Gamble stated that the Cobbs's attorney reached out to the McKoon and Gamble Law Firm. Mr. Gamble also stated that an investigation on Avenue was performed to determine if audit findings and taxation were correct. Mr. Gamble further stated that he stayed in constant communication with Avenue, the Cobbs and their attorney. Mr. Gamble stated that upon his findings, the City was doing everything that they could and the issue was more on the State level. Mr. Cobb stated that they reached out to the Alabama Department of Revenue and were finally able to get the answers needed concerning the taxation process that pertained to the RV business. Mr. Cobb also stated that they performed a self-audit on their business and came up with different figures than Avenue's estimated audit. Mr. Cobb further stated that they presented their findings to Avenue, a full audit was performed and the amount owed was reduced by almost a hundred thousand dollars. Mr. Cobb stated that all they wanted was the true process of how to charge taxes according to state law and originally they could not get it from Avenue. Mr. Hunter stated that Mr. Gamble did an excellent job on researching the issue. Mr. Hunter also stated that Avenue may need to look into how they conduct audits. Mr. Cobb stated that quite a few RV dealers in Alabama are having a similar problem so it goes beyond the City and Avenue. Councilmember Bailey stated that there is a difference between automobile dealers and RV dealers in handling out of state customers and taxes. Councilmember Bailey also stated that the differences are the root of the issue and probably need to be addressed at the State level. Councilmember Bailey explained the drive out form used by automobile dealers. Mr. Hunter stated that State Representative Chris Blackshear is working on it at the state level. Councilmember Bailey stated that he is glad that the Cobbs and Council are in agreeance that it is a State issue with the tax formula and nothing towards the Cobbs personally. Mr. Cobb stated that it makes the situation better knowing that Council understands and allowed them to share their story. Councilmember Johnson asked if the true amount owed was figured out and if a payment plan was available. Mr. Cobb stated that they were denied a payment plan but debt has been paid. Mayor Lowe thanked Johnathan Cobb for speaking with Council on behalf of himself, Richie Cobb and Neil Koon.

Mayor Lowe called upon Angel Moore, City Engineer, to discuss the actions taken by the Planning Commission at their August 24, 2021 meeting. Ms. Moore stated that the meeting was canceled due to no Agenda items.

Mayor Lowe called upon City Clerk Melony Lee who discussed the following with Mayor and Council:

1. Advised Council of a regular scheduled Council Meeting to be held on September 8, 2021 at 9:00 a.m. at the Martin Idle Hour Park Community Center.
2. Advised Council that the Planning Commission will meet September 14, 2021 at 5:15 p.m.
3. Advised Council of a regular scheduled Work Session to be held on September 20, 2021 at 3:00 p.m. over platform Zoom.
4. Advised Council of a regular scheduled Council Meeting to be held on September 21, 2021 at 6:00 p.m. at the Martin Idle Hour Park Community Center.
5. Advised Council that the Planning Commission will meet September 28, 2021 at 5:15 p.m.
6. Advised Council of a regular scheduled Work Session to be held on October 4, 2021 at 3:00 p.m. over platform Zoom or at the Martin Idle Hour Park Community Center.
7. Advised Council of a regular scheduled Council Meeting to be held on October 5, 2021 at 9:00 a.m. over platform Zoom or at the Martin Idle Hour Park Community Center.

8. Informed Council that City Offices will be closed on October 11, 2021 in observance of Columbus Day.
9. Advised Council that the Planning Commission will meet October 12, 2021 at 5:15 p.m.
10. Advised Council of a regular scheduled Work Session to be held on October 18, 2021 at 3:00 p.m. over platform Zoom or at the Martin Idle Hour Park Community Center.
11. Advised Council of a regular scheduled Council Meeting to be held on October 19, 2021 at 9:00 a.m. over platform Zoom or at the Martin Idle Hour Park Community Center.
12. Advised Council that the Planning Commission will meet October 26, 2021 at 5:15 p.m.
13. Reviewed upcoming board appointments.

Councilmember Johnson asked who controls the timing of the traffic signal located at the corner of 280 By-Pass and Highway 431. Councilmember Johnson stated that it has been brought to her attention by concerned citizens that the turning signal changes too fast. Angel Moore, City Engineer, stated that the traffic signal timing is controlled by the State. City Manager Wallace Hunter stated that a request could be placed with ALDOT to check the traffic signals timing. Councilmember Johnson asked if the signal light on 280 By Pass on the intersection near Krystal's heading towards Scott's Tire and Auto be checked as well. Ms. Moore stated that the request will be sent to ALDOT as well.

Councilmember Johnson thanked the Public Works department for researching an issue that a citizen was having concerning trash pickup for clearing of a property. Councilmember Johnson stated that she was informed by the customer that the ordinance is misleading. City Manager Wallace Hunter stated that the property must have a current utility account for garbage or trash pickup. Angel Moore, City Engineer, stated that the ordinance in question states the length and or weight limits for items to be picked up. Ms. Moore also stated that on a residential property that has a current utility account, items will be picked up at no charge if all other requirements are met. Councilmember Johnson stated that the Citizen was only trying to clean up a property. Mr. Hunter stated that it goes back to what Mayor Lowe was saying earlier that the City must be consistent in everything that they do including trash, limbs and debris pickup.

Councilmember Day stated there is an issue with people dropping off furniture, trash, tires and bulk household items throughout the City and especially on 25th Avenue and 28th Avenue. Councilmember Day asked if a fee was charged to the business owners. City Manager Wallace Hunter stated if pickup requirements aren't met as stated in the ordinance, the property owner will be charged for pickup and it will be attached to the Utility bill. Mr. Hunter also stated that there are people who try to abuse the service.

Councilmember Day asked Gil Griffith, Chief Building Official, about the charge for permits. Mr. Griffith stated that the amount for the permit must be paid in full at the time of request. Mr. Griffith also stated that the fee amount varies depending on what the permit is for. Mr. Griffith further stated that there is a formula in their system that calculates the price.

Councilmember Day inquired about an update on the Public Safety Building renovation project. Chief of Police Ray Smith stated that additional days have been added to the end of the project due to unforeseen delays.

Councilmember Bailey stated that the new street signs that were placed on 13th Street at the traffic lights are very nice. Councilmember Bailey stated that the upcoming street's name can be seen as you approach the traffic signal.

Councilmember Bailey inquired about the street repairs on 4th Avenue and 14th Street near the courthouse. Councilmember Bailey asked if the repairs were planned or emergency repairs. Angel Moore, City Engineer, stated that the repairs on 14th Street are due to a sinkhole repair. Ms. Moore also stated that a bigger hole was discovered that the Public Works Department could not handle so contractors were called in to assist. Mr. Charles Woody, Utilities Director, stated that the repair work on 4th Avenue was due to a sewer line break near the railroad trestle.

Councilmember Bailey inquired about the pipe underneath the ground on River Oak Way that had been compromised. Angel Moore, City Engineer, stated that some pipes have rotted out. Ms. Moore stated that contractors have been contacted for repairs.

Councilmember Bailey asked Human Resource Director, Stephanie Chastain, approximately how many employees will the City need to hire not including seasonal employees to be at a complete rate. Ms. Chastain stated that the City is down approximately 80 employees including full and part-time employees. City Manager Wallace Hunter stated that the Covid-19 Pandemic has played a major part in the numbers. Councilmember Bailey encouraged anyone in need of a job to apply for one of the City's vacant positions. Mr. Hunter stated that some people just don't want to work. Mr. Hunter also stated that the toll is being put on the medical and educational fields. Mr. Hunter further stated that the City is not the place that has a limited amount of work force.

Councilmember Johnson inquired about the procedures for City employees who have tested positive for Covid-19. Human Resource Director, Stephanie Chastain stated if an employee tests positive for Covid-19, has been exposed to the virus, or is having Covid-19 symptoms, the employee must contact their supervisor immediately and not report to work.

Mayor Lowe went over the agenda items.

City Attorney Jimmy Graham reviewed agenda claims with Council.

City Manager Wallace Hunter encouraged the Community to come together and take care of the City's Parks so that children would have a safe place to play. Mr. Hunter stated that the youth are in need of something to do to occupy their idle time. Mr. Hunter reflected on his youth and working a job during summer months.

Mayor Lowe called for an Executive Session to discuss Good Name and Character and Economic Development for 30 minutes, from which the meeting would adjourn.

Councilmember Day moved to go into Executive Session to discuss Good Name and Character and Economic Development for 30 minutes, from which the meeting would adjourn. Councilmember Bailey seconded said motion. All were in favor.

Council went into Executive Session at 5:25 p.m.

Council came out of Executive Session at 5:51 p.m.

There being nothing further to discuss, the meeting adjourned until 3:00 p.m., Monday, September 20, 2021.