



PHENIX CITY
Alabama

CITY COUNCIL

601 12th Street | Phenix City, AL 36867 | Ph: 334-448-2720 | Fx: 334-448-2721 | phenixcityal.gov

DR. R. GRIFF GORDY
Mayor Pro Tem / At Large

STEVE BAILEY
Councilmember District 1

EDDIE N. LOWE
Mayor

VICKEY F. CARTER
Councilmember District 2

ARTHUR L. DAY, JR.
Councilmember District 3

WALLACE B. HUNTER, City Manager
SHANNON DAVIS, City Clerk

February 27, 2025

VIA U.S. MAIL AND EMAIL:

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Hon. William Beasley
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Hon. Jay Hovey
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Montgomery, Alabama 36130

Hon. Chris Blackshear
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Hon. Berry Forte
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Hon. Jeremy Gray
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Re: Local Act 859, 1967 First Special Session

Dear Msrs. Beasley, Hovey, Blackshear, Forte and Gray:

It has come to Phenix City’s attention that Russell County, through its elected representatives in the State Legislature, at the request of the Russell County Commission, is preparing to introduce a bill that would repeal Local Act 859 of the 1967 First Special Session, which requires Russell County to pay ten percent (10%) of fuel tax revenue it receives from the State unto Phenix City. For a brief background, in 2017, Rep. Blackshear introduced a bill that would repeal the 1967 Act; however, that bill died in committee. Following the failure of Mr. Blackshear’s Bill, Russell County unilaterally decided to discontinue the payment of these funds based on its erroneous belief that the Alabama Terminal Excise Tax Act (ATETA), enacted in 2011, repealed by implication the 1967 Act. This action prompted the City to file suit against Russell County in 2018. In 2024, the Russell County Circuit Court decided in favor of the City and held that the 1967 Local Act was not repealed by the ATETA and the County is obligated to pay the additional taxes as required by Act 859 and to pay the City arrearage from July 2017. Russell County appealed the Court’s decision and in January of this year, the Alabama Supreme Court ruled that the 1967 Act was not repealed by the ATETA and that the County is obligated to pay the additional funds.

The additional 10% owed to the City is vital to funding the maintenance of streets, roads, and bridges located within the City limits. This infrastructure is not only vital to the Russell County citizens that reside in Phenix City, but is equally vital to the Russell County citizens that reside outside of Phenix City. To that end, the facts that necessitated the 1967 Local Act, hold true today in that the majority of Russell County residents, 65 Percent (65%) reside in Phenix City. The residents of Phenix City are not only Phenix City citizens, but Russell County citizens as well. Almost all government services utilized by Russell County residents are located within the City limits and located on City maintained roads. These facilities include almost all of Russell County’s administrative offices including its Revenue Commissioner, Probate Court, County Registrar, Mapping and Appraisal, County Administrator, Emergency Management, and the Russell County Commission chambers. Other public facilities benefitting all residents include the Russell County Judicial Center, the Phenix City Russell County library, the Russell County Health Department, the Russell County Board of Education, the Phenix City Board of Education, all Phenix City schools, the Russell County/Phenix City Animal Control Facility, Russell County Sheriff’s Department, Russell County Detention Center, the Phenix City Police



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Department, the Phenix City Fire Department and its four fire stations, the Phenix City Utilities Department, the Phenix City Water Filtration Plant, the Phenix City Wastewater Treatment Plant, more than 30 parks and recreation facilities, and the vast majority of retail stores that supply Russell County residents with necessary good and services. To support these facilities and services requires the City to not only maintain 450 lane miles of heavily used asphalt roads, but it also requires the installation and maintenance of bridges, storm water infrastructure, countless traffic control devices, and street lights.

The tenor of the conversations that have taken place with Russell County officials seems to indicate that the Russell County Commission has taken the position that the commission exists to only serve the citizens of Russell County that reside outside of the City limits and takes no responsibility for the welfare of Russell County citizens that live within the City limits. Although it may seem obvious to some it is lost on others that every Phenix City citizen, except those who live in Lee County, is a Russell County citizen and deserves the support of the Russell County Commission. This would only seem natural since the property tax paid by Phenix City citizens makes up the lion's share of the Commission's revenue. Do not just take the City's word for it, the following statements attributed to Russell County Commissioners Gentry Lee, Scott Chambers, Rod Costello, and Ronnie Reed are very instructive. Commissioner Lee states,

District 1 in Russell County encompasses the Northern most area and a large part of Phenix City Ala. The district borders Lee County, the Chattahoochee River and Districts 3 and 4. Flush with welcoming residential neighborhoods, North Phenix City is the home of Idle Hour Park, Jack Hughston Memorial Hospital, the Lakewood Golf Course, Silver Lake Park and the Doris Weaver Girls Club. The City of Phenix City has extended 5th Avenue for access to the hospital and easy rush hour travel to the city's north side. Exit and entrance ramps from Highway 80 East and West onto the 5th Avenue Extension have been constructed, offering residents and visitors another entrance into the city, an effortless drive to medical and commercial services and a quicker trip home. District 1 proudly boasts of the most active electorate in the seven-district county. <https://rcala.com/districts/>

Commissioner Lee's statement is true and evidences his opinion of how important the road projects are to him and citizens within his district.

Russell County Commissioner Scott Chambers also recognizes that his district benefits from Phenix City resources. Commissioner Chambers states,



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District 2 in Russell County includes the unincorporated community of Ladonia, a small portion of Highway 80W within Phenix City and part of the Phenix City Police Jurisdiction. District 2 has seen tremendous growth in the last several years. Commerce has blossomed with major shopping centers, while small hometown businesses continue to flourish. Developers look to Ladonia to build pristine subdivisions complimented by the beautiful rural settings the area has to offer. <https://rcala.com/districts/>

Commissioner Chambers’s statement is also true in that portions of his district have seen tremendous growth, blossomed with major shopping centers and pristine neighborhoods. A closer look at the area he references will show that vast majority of this growth is within Phenix City and as stated by Commissioner Chambers, protected by the Phenix City Police Department; it is also protected by the Phenix City Fire Department.

Russell County Commissioner Rod Costello also boasts of how his district, mostly located within Phenix City, is flourishing commercially and providing transportation infrastructure necessary for today’s commerce. Commissioner Costello states:

District 3 in Russell County borders northern most at the Lee County line and includes the vital, flourishing commercial region of Phenix City on Highways 280 and 431. Within the heart of the district is Fort Jabe Brassell, home of the Alabama National Guard’s Battery C 3rd Battalion 117th Field Artillery and Detachment 1 900th Maintenance Company. Both divisions have served at home and abroad during Operation Enduring Freedom and Operation Iraqi Freedom in the nation’s ongoing war on terrorism. As Phenix City and Russell County continue to grow, District 3 provides the transportation infrastructure necessary for commerce today, while ensuring continual development for tomorrow. <https://rcala.com/districts/>

Commissioner Costello’s words could not be truer in that critical transportation infrastructure within his district and within Phenix City are necessary for flourishing commercial developments.

Russell County Commissioner Ronnie Reed’s district lies entirely within the City of Phenix City. Commissioner Reed does a great job explaining the benefits that Russell County residents receive from the City of Phenix in his statement,



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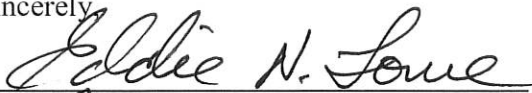




District 4 in Russell County includes central and southern Phenix City. The city has launched an extensive redevelopment plan, projected for completion within the next three to five years. The Phenix City RiverWalk (sic) will be extended from the 14th Street Bridge to Idle Hour Park in north Phenix City, Russell County District 1. Development along the Riverfront now includes a Marriott Hotel and a Troy State University campus. Working with Columbus, Ga., and the Army Corps of Engineers, Phenix City is the place to be for white water rafting. "Put ins" for challenging rides on the "Hooch" are on the Phenix City side of the Chattahoochee River's beautiful shores. The Phenix City Amphitheater holds concerts and events all year long. <https://rcala.com/districts/>

Commissioner Reed is rightfully proud of the achievements and continuing development that his district is realizing, and certainly understands the need to properly maintain its transportation infrastructure.

While these public statements by the Russell County Commissioners recognize the importance of Phenix City and its infrastructure to their constituents, statements made outside of the public eye, particularly those regarding their desire for the repeal of Act 859, convey a different message altogether. The revenue from Act 859 is necessary to maintain Phenix City's growth and the continued provision of government services that ALL Russell County residents need and enjoy.

Gentlemen, we urge you to consider the impact that the repeal of Act 859 will have on the citizens of Russell County and to not support its repeal. Thank you.

Sincerely,

MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA