

**MEETING MINUTES  
February 22, 2023**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Wednesday, February 22, 2023 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 F. Carter, 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.

Pastor Don Abrams of Trinity United Methodist Church was not present to deliver the invocation as listed on the agenda. Councilmember Day delivered the invocation.

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

Mayor Lowe presented a proclamation recognizing Black History Month and the accomplishments of Dr. Gerald D. Griffin.

**PROCLAMATION**

Reverend Doctor Jo Ann Sumbry came forward to accept the proclamation.

Mayor Lowe presented a proclamation recognizing Black History Month and the accomplishments of Joshua "J. D." McKissic.

**PROCLAMATION**

J. D. McKissic and family came forward to accept the proclamation.

Mayor Lowe presented a proclamation recognizing Black History Month and the accomplishments of Reverend Doctor Jo Ann Sumbry.

**PROCLAMATION**

Reverend Doctor Jo Ann Sumbry came forward to accept the proclamation.

Mayor Lowe presented the regularly scheduled meeting minutes of the February 6, 2023 Work Session and regularly scheduled meeting minutes of the February 7, 2023 Council Meeting for approval. Councilmember Day moved to approve the minutes, which motion was seconded by Councilmember Carter. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Carter, 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 declared that now was the time and place for an Administrative Hearing for the Revocation or Suspension of Business License for Chancey Tree Services. Mayor Lowe stated anyone wishing to address Council concerning the Administrative Hearing should come

forward and do so at this time. Mr. David Chancey came forward to address Council. Mr. Chancey asked Mayor and Council to not revoke his business license. Mr. Chancey stated that the business is how he provides for his family. Mr. Chancey also stated that he is in the process of looking for another location that would better serve his business and the community. Mayor Lowe stated that the City has guidelines, ordinances and laws that must be followed. Mayor Lowe also stated that looking at the information that was presented, Mr. Chancey was given an ample amount of time and several warnings to bring his business up to code. Mr. Chancey stated that he must admit that his business could have been a little more organized but he was never given the guidelines or the proper instructions on how to make his business more presentable. Councilmember Bailey stated that he is a business owner as well and there is a responsibility of a business owner to follow the rules and regulations set before them. Councilmember Bailey also stated that coming from a neighborhood stand point, with the business being operated at Mr. Chancey's home, the amount of items on the property, sanitation, and care of premises is a major issue that Mr. Chancey did not properly address and it has brought him to this point of license revocation. Councilmember Day stated that according to the information presented by the Building Department, the first Care of Premises violation was given in 2018 and here it is almost five years later. Councilmember Day asked if Mr. Chancey was looking for a place to relocate his business. Mr. Chancey stated that he is currently in the process of looking for another location in the Phenix City and Columbus, Georgia area. Mayor Lowe stated that it is the duty of Council to uphold the laws and ordinances of the City. Councilmember Carter asked, when did Chancey's Tree Service open for business. Mr. Chancey stated that it was opened in 2018. Councilmember Gordy stated that businesses are very important to and in the community. Councilmember Gordy asked the Chief of Police Ray Smith to explain that revocation of a business license does not have to be a permanent solution. Chief Smith stated that revoking of a business license last for a period of one year, after which a business owner can re-apply if the conditions of the revocation have been resolved according to the Building Department compliance and Zoning Ordinances. Chief Smith also stated that the revocation is for Phenix City only and the business owner may apply for a business license in another county or state. Chief Smith further stated that if the revocation is approved by Council, Mr. Chancey is required to clean up the business location. Mr. Chancey asked if his business license could be suspended and not revoked to give him enough time to bring the business up to code. Mr. Chancey stated that the Tree Services is his only means of income to provide for himself and his family. Neither hearing nor seeing anyone else come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a resolution in reference to the Revocation or Suspension of Business License for Chancey Tree Services.

### **RESOLUTION NO. 2023-27**

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

Mayor Lowe declared that now was the time and place for an Administrative Hearing for the Revocation or Suspension of Business License for "The Honeycomb". Mayor Lowe stated anyone wishing to address Council concerning the Administrative Hearing should come forward and do so at this time. Mr. Dexter Billingsley came forward to address Council. Mr. Billingsley explained that he received a citation for "The Honeycomb" being over crowded on Christmas Day 2022 and the Police Department were called in for crowd control. Mr. Billingsley stated he also received a violation for alcohol being purchased in Ft. Benning, Georgia and not the Alabama

ABC store. Mr. Billingsley also stated that he doesn't believe the two violations should warrant the revocation of his business license. Mr. Billingsley further stated that he has 13 employees including himself and closing "The Honeycomb" would be a tremendous loss to him and his employees. Mr. Billingsley stated that he has been in business for the past five years in South Phenix City. Mr. Billingsley also stated that this is his first time coming before Mayor and Council and he thinks it is harsh for his business license to be revoked over two major issues. Mr. Billingsley furthered stated that all of the required fines have been paid to the state. Mayor Lowe stated that the City has to not only follow City rules and regulations but the regulations of the Alabama State Board as well. Councilmember Day asked if Council approves to revoke Mr. Billingsley's business license, will he have the same opportunity to reapply after one year. Chief of Police Ray Smith stated that the revocation period for Mr. Billingsley is also for one year. Chief Smith also stated that he spoke to Mr. Billingsley about being open on Sundays. Chief Smith further stated that the establishment does not qualify to be open on Sundays if food sales are not fifty percent greater than alcohol sale. Chief Smith stated that every major event in which the Police are called happens on a Sunday. Chief Smith also stated that the City was asked by the State to revoke Mr. Billingsley's business license so that they can revoke their liquor license because he has not been paying his liquor taxes. Chief Smith stated that in Alabama, liquor must be purchased at the ABC store and records must be kept on premises. Assistant Chief of Police George Staudinger stated that since March of 2021, twenty service calls have been received from "The Honeycomb" location, five of which involved shooting incidents. Assistant Chief Staudinger also stated that on December 26, 2022 around 12:40 a.m. there were estimated to be between 250-300 people inside of the club but the certificate of occupancy has a maximum of 100 people. Assistant Chief Staudinger further stated that there were over 50 people standing outside of the door trying to get in and they were also blocking the fire exits. Assistant Chief Staudinger stated that the State ABC Board conducted a follow-up investigation on December 29, 2022 and Mr. Billingsley was sited with the issues for the non-tax alcohol sales and failure to keep alcohol sales on premises. Assistant Chief Staudinger also stated that on Sunday, January 15, 2023, a service call was received concerning overcrowding and a disturbance call. Chief Smith stated that Mr. Billingsley was told several times that the outside crowd must be controlled as well as the inside crowd. Chief Smith also stated that at this point it is a public safety concern and State Sales Tax issues. Councilmember Bailey stated that in Mr. Chancey's situation, he can show improvement after the one year period has past to have his business license re-established. Councilmember Bailey asked what would be the deciding factor for Mr. Billingsley if his license was revoked today and he ask for it to be re-established in one year. Chief Smith stated that his business will not be able to operate in that time frame and Mr. Billingsley would have to reapply in one year for the State and the City license showing that preventative measures are in place. Mr. Billingsley compared his business to other similar businesses in the City. Chief Smith stated that the establishments that Mr. Billingsley mentioned can show receipts where they pay their liquor taxes and their amount of food sales are more than alcohol sales. Chief Smith stated that Mr. Billingsley would have to show receipts that he has fifty percent more food sales than alcohol sales. Chief Smith also stated that a bar license does not give permission to open on Sundays. Councilmember Gordy stated that revocation hearings are not easy for himself or other members of Council. Councilmember Gordy also stated that as a municipality of the State, Council cannot ignore the State's request to revoke a business license. Mr. Billingsley stated that he spoke with someone with the ABC board and they didn't inform him that the state requested to revoke his liquor license. Mr. Billingsley also stated that his business would not survive being closed for a year. Mr. Billingsley further stated that he has a family and a staff that depend on the income from the business. Mr. Billingsley stated that he also has four more years on his lease agreement that he probably will not be able to break. Mayor Lowe stated that Council has always been consistent in decision making. Councilmember Bailey recalled the City of Columbus having a similar situation where a license was revoked from an establishment because of shootings

happening in their parking lot. Councilmember Bailey stated that as a business owner, you are still responsible for what happens inside and outside of your establishment. Councilmember Bailey also stated that a proactive measure could have been security inside and outside for crowd control. Councilmember Bailey further stated that Council and a business owner have a responsibility to the state and the city to do what is right. Mr. Billingsley stated that it was to his understanding that he only needed to pay the fine to the state for his alcohol sales. Councilmember Carter stated that "The Honeycomb" is a good business and Phenix City is always looking to bring good businesses to Phenix City. Councilmember Carter also stated that Council does not expect Mr. Billingsley to control what happens on Seale Road but he should have some control of what is happening inside and outside of his establishment. Councilmember Carter stated that it is unfortunate that it has gotten to the point of revocation. Councilmember Carter also stated that safety of the community and upholding rules and regulations are top priority. Mayor Lowe stated that it doesn't matter if a business is located on the south side, north side or the central portion of Phenix City, it must abide by the law, ordinances and regulations set before them. Mayor Lowe also stated that Council has always been consistent in decision making. Neither hearing nor seeing anyone else come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a resolution in reference to the Revocation or Suspension of Business License for "The Honeycomb".

#### **RESOLUTION NO. 2023-28**

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

Mayor Lowe declared that now was the time and place for an Administrative Hearing for the Revocation or Suspension of Business License for Automotive Service Center. Mayor Lowe stated anyone wishing to address Council concerning the Administrative Hearing should come forward and do so at this time. Mr. and Mrs. Kelvin Robinson came forward to address Council. Mr. Robinson stated that his business has been open since 2007. Mr. Robinson also stated that he decided to renovate the business in 2020. Mr. Robinson further stated that he met with the Building Department and told them what his plans were to renovate the business. Mr. Robinson stated that he was not informed that if the structure was torn down that he would not be able to rebuild in that same area because of the A/O (Apartment/Office) Zoning. Mr. Robinson also stated that to his understanding, the business was grandfathered in as far as zoning was concerned. Mr. Robinson further stated that he feels targeted. Mr. Robinson stated that he feels that it is not fair for his license to be revoked for misinformed information. Mayor Lowe stated that Council has always been consistent in decision making no matter who you are. Councilmember Bailey stated that his personal business was grandfathered into the zoning for the downtown area but he understands that if he tears the structure down he cannot rebuild in the same spot. Councilmember Bailey also stated that rules and regulations must be followed. Councilmember Gordy asked if it was explained by the Building Department that the Robinsons would lose the grandfather clause if the structure was torn down. City Manager Wallace Hunter stated that the proper departments should be involved before plans are executed to make sure the proper requirements have been met. Mr. Hunter called upon Deputy Building Official Ray Rogers to explain the time line. Mr. Rogers read a letter from the former Building Official to Mr. Robinson which stated that if the structure was torn down, he could not rebuild the auto shop in an A/O Zone because it would have to be rezoned to a C2 General Commercial Zone. Mr. Rogers stated that it was told to him that there was a fire on the property and the structure needed to be torn

down. Mr. Rogers also stated that it doesn't matter if the structure was voluntarily torn down or if it was an act of God, the structure could not be rebuilt in a nonconforming zone. Chief of Police Ray Smith stated that the re-investment of the structure must be in the correct zone and in compliance with the City's growth plan and City ordinances. Mayor Lowe asked if the Robinsons received the letter from the Chief Building Official. Mr. Robinson stated that he received the letter after he had purchased the permit for demolition. Mrs. Robinson stated that she does not understand why Mr. Robinson's business license is up for revocation instead of him being asked to relocate the business. Mrs. Robinson also stated that revocation is a harsh punishment. Councilmember Gordy asked what options Mr. Robinson has from a relocation standpoint. Mr. Hunter stated that Mr. Robinson can no longer operate at the current location if his license is revoked. Chief Smith stated that to his understanding, the revoking of the business license would be at that particular location which means that Mr. Robinson can reopen his business in another location as long as it is properly zoned. City Attorney Jimmy Graham stated that it is reasonable to close the current location and let Mr. Robinson find another location for the business in the proper zone. Mr. Robinson asked how long he would have to clean off the property after the license for that location has been revoked. Mr. Robinson stated that he has abandon cars on his property and it may take a while to go through the court to obtain ownership of the vehicles which generally takes forty five days. Chief Smith stated that as long as the business is not operating after the license is revoked, administrative tasks can still be completed, but no new cars can be brought in or work performed on existing cars at that location. Councilmember Bailey stated that Mr. Robinson's issue is more zoning than a public safety issue. Neither hearing nor seeing anyone else come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a resolution in reference to the Revocation or Suspension of Business License for Automotive Service Center.

#### **RESOLUTION NO. 2023-29**

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, Carter, 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 settlement agreements between Russell County v. Phenix City, Alabama, Case No. 57-CV-2019-900048 regarding the Housing of Phenix City inmates in the Russell County Jail.

#### **RESOLUTION NO. 2023-30**

Councilmember Carter 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, Carter, 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 enter into an agreement with the State of Alabama (acting by and through ALDOT) for the resurfacing on various streets in Phenix City: Site 1 – Knowles Road/4<sup>th</sup> Place from SR-1 (US-431) to Seale Road.; Site 2 – 43<sup>rd</sup> Street. From Summerville Road to 13<sup>th</sup> Avenue.; Project STPPC-5721(250) CPMS# 100073346.

**RESOLUTION NO. 2023-31**

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

Mayor Lowe presented a resolution in reference to accepting the dedication of an easement for public utilities for an Administrative Subdivision of 0.95 acres located at Lots 26 & 27 of Rock Island Landing, Phase VII, Thereasa and Steven Printz, owners.

**RESOLUTION NO. 2023-32**

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

Mayor Lowe presented a resolution in reference to accepting an dedication of an easement for public utilities for an Administrative Subdivision of 0.48 acres located at Part of Lot 9, Block 314, Totten's Map, Jack Warren, owner.

**RESOLUTION NO. 2023-33**

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

Mayor Lowe presented a resolution in reference to accepting the Annual Transportation Plan Report.

**RESOLUTION NO. 2023-34**

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

Mayor Lowe presented a resolution in reference to declaring (1) one Black Office Chair as surplus to be sold as scrap or disposed of at the City Landfill.

**RESOLUTION NO. 2023-35**

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

Mayor Lowe presented a resolution in reference to declaring various items as surplus to be sold as scrap or disposed of at the City Landfill.

**RESOLUTION NO. 2023-36**

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, Carter, 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 contract with Speer Entertainment Services for Mother's Finest to perform at the Phenix City Amphitheatre on May 5, 2023 in an amount not to exceed \$12,500.00.

**RESOLUTION NO. 2023-37**

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, Carter, 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 contract with Arcartists for Shayna Steele to perform at the Phenix City Amphitheatre on May 6, 2023 in an amount not to exceed \$4,000.00.

**RESOLUTION NO. 2023-38**

Councilmember Bailey moved to approve the resolution, which motion was seconded by Councilmember Carter. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Carter, 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 contract with William Morris Entertainment, LLC for Tanner Usrey to perform at the Phenix City Amphitheatre on May 26, 2023 in an amount not to exceed \$2,000.00.

**RESOLUTION NO. 2023-39**

Councilmember Gordy moved to approve the resolution, which motion was seconded by Councilmember Carter. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Carter, 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 contract with William Morris Entertainment, LLC for The Steel Woods to perform at the Phenix City Amphitheatre on May 26, 2023 in an amount not to exceed \$16,000.00.

**RESOLUTION NO. 2023-40**

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, Carter, 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 contract with Pyrotecnico Fireworks, Inc. for a fireworks display at the Phenix City Amphitheatre on July 4, 2023 in an amount not to exceed \$19,800.00.

**RESOLUTION NO. 2023-41**

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, Carter, 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 contract with Pyrotecnico Fireworks, Inc. for a fireworks display at the Phenix City Amphitheatre on December 7, 2023 in an amount not to exceed \$16,000.00.

**RESOLUTION NO. 2023-42**

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

Mayor Lowe presented a resolution in reference to declaring property and evidence as surplus to be disposed of at the City landfill.

**RESOLUTION NO. 2023-43**

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, Carter, 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 a quote from Sansom Equipment Company to repair WWC-71 for the estimated labor cost of \$10,500.00.

**RESOLUTION NO. 2023-44**

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, Carter, 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 enter into a (4) year contract with Thornton, Musso, & Belemine, Inc. to maintain equipment and provide Sulfuric Acid and Purate to the Water Filtration Plant.

**RESOLUTION NO. 2023-45**

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, Carter, 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, Section 74-67, Street Opening and Pavement Cut Fees, Description and Schedule, (b) Application Fee, and (c) Inspection Fee.

**ORDINANCE NO. 2023-04**

Councilmember Carter 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, Carter, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAIN: 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 26, Environment and Natural Resources, Adding Article IV – Regulation of Certain Land Disturbing Activities, Sections 26-70 Through 26-78.

**ORDINANCE NO. 2023-05**

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

Mayor Lowe presented a Letter of Recommendation from Planning Commission, Public Notice and Ordinance to consider Zoning Ordinance fees and Annexation fees.

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

Mayor Lowe presented one opening on the Downtown Redevelopment Authority. Councilmember Carter moved to appoint Ms. Von Potter, which motion was seconded by Councilmember Gordy. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Carter, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Mayor Lowe presented one tabled opening on the Tree Commission. Councilmember Day moved to appoint Robin Young, which motion was seconded by Councilmember Bailey. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers

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

City Attorney Jimmy Graham presented a notice of claim against the City of Phenix City, filed by Attorney Chris Breault on behalf of Nefertiti Allure. City Attorney Jimmy Graham stated on August 19, 2022, Ms. Allure was involved in an accident with a City owned vehicle causing property damage and bodily injury. City Attorney Graham recommended allowing him to negotiate a settlement. Councilmember Gordy moved to approve the City Attorney's recommendation to negotiate a settlement, which motion was seconded by Councilmember Day. Upon said motion being put to a vote, the following vote was recorded: YEAS: Councilmembers Day, Carter, Bailey, Gordy, and Mayor Lowe. NAYS: None. ABSTAINS: None. The motion thus passed.

Councilmember Day thanked the Citizens of Phenix City who serve on a City Board for their willingness to serve.

Councilmember Day reminded Council of the Elected Official Luncheon that will be held on Thursday February 23, 2023 at the Martin Idle Hour Park Community Center at 11:30 a.m.

Councilmember Bailey stated that there were three different business owners that came before Council in a public hearing to revoke their business license. Councilmember Bailey also stated that their situations were different from each other but they were treated the same by Council.

Councilmember Carter thanked the citizens that volunteer to serve on City boards. Councilmember Carter stated that she would like to acknowledge that one of the board members who served the community in many ways, Mr. James Eberhardt has passed away. Councilmember Carter asked everyone to pray for his family.

Councilmember Carter stated that a Suit Up Drive will take place on March 1, 2023 at 12:00 p.m. at Mother Mary Mission. Councilmember Carter also stated that the donations will benefit female veterans at the Transitional Living Facility located at Mother Mary Mission. Councilmember Carter encouraged anyone who needed more information or who would like to donate that they can contact her or Mother Mary Mission directly.

City Manager Wallace Hunter encouraged all local business owners to listen to the Code Enforcers, Fire Department and or the Police Department when they come to inspect their business because they are there to help the business and for the safety of the community. Mr. Hunter stated that it is sad when it gets to the point of revocation because warnings had been given and the outcomes could have been different.

Mayor Lowe stated that Council is forthright with no preconceived notions. Mayor Lowe also stated that they do not discuss or communicate on how they will vote nor do they persuade each other to vote a certain way. Mayor Lowe further stated that Council has always been consistent in decision making and following the laws and procedures that are in place.

Mayor Lowe thanked City Manager Wallace Hunter, Department Heads, City Employees, and the Citizens of Phenix City for what they do for our community.

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 March 7, 2023.