

**MEETING MINUTES
September 6, 2023**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Wednesday, September 6, 2023 at 9:00 a.m. in the Council Chambers located within the Public Safety Building at 1111 Broad Street, 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, Assistant City Manager Chan Gamble, City Attorney Jimmy Graham, and City Clerk Melony Lee.

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

Reverend Karen Siefert of Summerville United Methodist Church was not present to deliver the invocation. Mayor Lowe delivered the invocation.

Mayor Lowe led the Pledge of Allegiance to the United States Flag.

City Manager Wallace Hunter and Human Resources Director Stephanie Chastain presented employee service recognitions to Mark Cameron – 10 years, Mark Harry – 10 years, Toxie Carroll – 5 years, Davis Wright – 5 years, Kasey Kiker – 10 years, and Francine Shaw – 30 years. Ms. Chastain stated that David Clark – 10 years was not present.

Mayor Lowe presented a proclamation recognizing Public Safety Week.

PROCLAMATION

Wayne Anthony came forward to accept the proclamation.

Mayor Lowe presented the regularly scheduled meeting minutes of the August 14, 2023 Work Session and the regularly scheduled meeting minutes of the August 15, 2023 Council Meeting for approval. 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, 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 a public hearing in reference to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2023 Local Formula Solicitation. Mayor Lowe stated anyone wishing to address Council concerning this Grant should come forward and do so at this time. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented a previously tabled Resolution No. 2023-170 to be ratified in reference to authorizing the Mayor and City Manager to sign an Indemnification Agreement with ASH-Evermore Homes of GA, LLC and a Hold Harmless Agreement with future owner of said 10 Red Maple Street.

RESOLUTION NO. 2023-170

Councilmember Carter moved to ratify 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 Change Order No. 1 with Architectural Innovations Design Group, LLC for design, development and construction review services for the Human Resources New Office Renovations.

RESOLUTION NO. 2023-171

Councilmember Bailey 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 declared that now was the time and place for a public hearing in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of special assessments upon properties located at 1824 1st Avenue and 1808 6th Avenue. Mayor Lowe stated anyone wishing to address Council concerning these Resolutions should come forward and do so at this time. Neither hearing nor seeing anyone come forward, Mayor Lowe declared the hearing closed.

Mayor Lowe presented for two (2) resolutions in reference to the fixing of costs incurred by the City of Phenix City for the removal of substandard structures and the establishment of special assessments upon properties located at:

1. 1824 1st Avenue

RESOLUTION NO. 2023-172

2. 1808 6th Avenue

RESOLUTION NO. 2023-173

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 two Resolutions and Public Notices in reference to setting public hearing dates and fixing demolitions costs associated with the following properties located in Phenix City:

1. 2006 4th Avenue

RESOLUTION NO. 2023-174

2. 607 7th Place

RESOLUTION NO. 2023-175

Councilmember Carter moved to approve the resolutions, 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 sign and purchase one (1) Hyundai, 30D-6 Kubota Engine Forklift from Thompson Lift Truck Company under Sourcewell contract #091520-HCE in an amount not to exceed \$39,771.70.

RESOLUTION NO. 2023-176

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 amending "Purchasing and Bidding Rules and Procedures".

RESOLUTION NO. 2023-177

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 declaring various items surplus to be recycled, sold as scrap, or disposed of at the landfill.

RESOLUTION NO. 2023-178

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 personal property as surplus and disposing of for the nominal sum of \$1.00 and other valuable considerations to Jason Searcy in recognition of his 19 years of public service.

RESOLUTION NO. 2023-179

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, City Manager, and Chief of Police to sign a Police Security "Police Reimbursement" agreement for Professional Services with the Phenix City Board of Education.

RESOLUTION NO. 2023-180

Councilmember Day 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, City Manager, and Chief of Police to sign a SRO "School Resource Officers" agreement with the Phenix City Board of Education.

RESOLUTION NO. 2023-181

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 the Mayor, City Manager, and Chief of Police to sign a CLEAR Proflex agreement for investigative software with Thomson Reuters for an annual service amount of \$9,120.00 and \$27,360.00 for a 36 month contract beginning October 1, 2023.

RESOLUTION NO. 2023-182

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 awarding a bid to Parkson Corporation for the Waste Water Treatment Plant (WWTP) Screw Pump 2 replacement in an amount not to exceed \$439,000.00.

RESOLUTION NO. 2023-183

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 awarding a bid to Philip Reid & Sons, LLC for the 16-inch InsertaValve project in an amount not to exceed \$34,400.00.

RESOLUTION NO. 2023-184

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 Application for an On Premise Beer License, On Premise Wine License and On Premise Whiskey/Wine License submitted by Fat Momma Lucy's, LLC dba Fat Momma Lucy's located at 3909 Highway 80 Suite A and B, Phenix City, Alabama. Councilmember Day moved to approve the applications, 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.

City Attorney Jimmy Graham presented a previously tabled claim against the City of Phenix City, filed by Victoria Wilkinson. Mr. Graham stated that a Phenix City Public Works grab-all truck accidentally damaged and knocked over the brick mailbox while in the process of a debris pick up. Mr. Graham also stated that the City has received a quote from Larry Brooks Masonry in the amount of \$800. Mr. Graham's recommendation is to approve the claim in the amount of \$800. Councilmember Day moved to approve the City Attorney's recommendation to approve claim in the amount of \$800 from Larry Brooks Masonry, 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.

City Attorney Jimmy Graham presented a subrogation claim against the City of Phenix City, filed by Afni on behalf of Progressive Insurance for Taylor Long. Mr. Graham stated that Ms. Long was involved in an accident with a City vehicle. Mr. Graham stated that only one estimate was included and the City requires three estimates. Mr. Graham recommended that the claim be denied. Mr. Graham further stated that he will send a letter to Afni and acknowledge that if they submit two additional estimates that the City will reconsider the claim. Councilmember Gordy moved to approve the City Attorney's recommendation to deny the claim, 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 Kenneth S. Nugent on behalf of Rebecca Johnson. Mr. Graham stated that one of the City's law enforcement officer was in a pursuit of a vehicle and during the pursuit the driver struck several other vehicles in the process of evading the officer. Mr. Graham recommended to deny the claim due to the fact that the City's vehicle was not involved in the accident. Councilmember Day moved to approve the City Attorney's recommendation to deny the claim, 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.

City Attorney Jimmy Graham presented a notice of claim against the City of Phenix City, filed by Mike Slocumb Law Firm, LLC on behalf of Mary Amber Davis. Mr. Graham stated Ms. Davis's claim states that her vehicle was hit and damaged by the same vehicle that was evading the City's Law enforcement officer. Mr. Graham recommended to deny the claim due to the fact that the City's vehicle was not involved in the accident. Councilmember Carter moved to approve the City Attorney's recommendation to deny the claim, 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.

City Manager Wallace Hunter called upon Economic Development Manager Shaun Culligan to review an Economic Development presentation for retail development with Council.

RETAIL – PAST, PRESENT AND FUTURE

Councilmember Bailey stated that the developers should look at what is happening with retail development in Columbus and bring that same concept across the river to Phenix City. Councilmember Bailey also stated that Phenix City is stable and we have not had a downtown development because the development in Columbus was so convenient to Phenix City. Councilmember Day further stated that the City now offers more opportunity for new businesses. Phenix City does not have as much retail on the river front and the options are open.

Councilmember Day inquired about what is considered to be the downtown entertainment area of the City. Economic Development Manager Shaun Culligan stated that the area consistent with the two areas that were considered downtown prior to the merger of Cities of Brownsville and Girard which are located from 16th Street down to 5th Avenue and Dillingham Street.

Councilmember Day inquired about the new site for the American Legion located off Highway 280 on 7th Street. Economic Development Manager Shaun Culligan stated that the new owner of the property is American Legion and before they can develop the new location, they must sale the current location on 13th Street.

Councilmember Bailey stated that everyone should remember September 11, 2001 when a tragedy brought our country back together to work for a common nominator to make our Country greater and safer. Councilmember Bailey stated that the Firefighters, Policemen and Emergency First Responders put their lives out there every day for our safety and that as the Proclamation stated, so many of the people that died on 9/11 were our First Responders. Councilmember Bailey also stated that the First Responders were the hero's that knew what it meant to go into the danger and were willing to sacrifice themselves for citizen's safety. Councilmember Bailey further stated that he wants our Country to remember those hero's and their families as they are still missing them.

Mayor Lowe stated that what we pray for is that we do not want tragedies to happen to bring us together and that we should be united as one community and that we should always lift each other and not lean on one another.

Mayor Lowe thanked CTV Beam TV.

There being no further business to address, the meeting thus adjourned until September 19, 2023.