

**MEETING MINUTES
December 5, 2023**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, December 5, 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, City Attorney James McKoon, and City Clerk Melony Lee.

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

Reverend Karen Siefert, Summerville Methodist Church was present to deliver the invocation as listed on the agenda.

Councilmember Day 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 Kendell Smith – 5 years, Michael Ballstaedt – 10 years, Emily Carpenter – 5 years, Eliza Phillips – 15 years. Ms. Chastain stated that Deon San Nicolas - 5 years, was not present.

Mayor Lowe acknowledged the seniors from Glenwood School Government class and their teacher Ms. Baldwin that were in attendance. Mayor Lowe stated he was happy that they were there and that he hoped they would learn from this experience but more importantly he wanted them to teach the Council something. Mayor Lowe also stated that he speaks on behalf of the entire Council and thanked them for coming out and stated that the group of seniors are leaders and that as a leader, they show integrity, character and morals and that is the basis for leadership skills and to be true to one's own self. Glenwood Government Teacher Ms. Baldwin stated that in the past, she brought her students from Chattahoochee Valley Community College to the Council meetings and that this was her second term with Glenwood School and she was delighted to have the group of students. Ms. Baldwin also stated that the students were all senior honor students and that it has been her pleasure to work with them.

Mayor Lowe presented the regularly scheduled meeting minutes of the November 20, 2023 Work Session and regularly scheduled meeting minutes of the November 21, 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 an Administrative Hearing for the Revocation of Business License for Phenix Lumber Company. Mayor Lowe stated anyone wishing to address Council concerning the Administrative Hearing should come forward and do so at this time. Mayor Lowe called upon Assistant City Manager Chan Gamble and City Attorney James McKoon to review information gathered by the City concerning the possible revocation. City Attorney McKoon explained that the City Ordinance states that a business license can be

revoked if the business does not comply with the City or State statutes. Mr. McKoon stated that there was an administrative hearing requested back in October 2023 and it was tabled to give the business time to determine what could be worked out for them as a revocation of the license is the last measure that the City wants to take to resolve the issues but that they feel like it has to be done based upon the violations. Mr. McKoon also stated that the business is Phenix Lumber Company and that there was an accident that occurred on August 23, 2023 which caused the Phenix City Fire Department to go out to the business and there were several violations identified. Mr. McKoon reviewed each violation which were; necessity of fire access roads, separation of pump water to use for fire protection, illegal tapping of municipal water systems, and at some point and time after the cease and desist order was submitted there were unpermitted building and construction of plant facilities, and manipulating water lines and installing without a permit. Mr. McKoon stated that based off these violations, he will call upon the City's Department Heads to speak to each on the violations in the chronological order in which they happened and that if Council approves, the revocation of Phenix Lumber Company's business license should take place. Mr. McKoon also stated that the revocation does not mean that the license cannot be reinstated once the ordinances and the laws are met and complied with and all of the proper plans have been submitted to rectify the problems. Mr. McKoon further stated that the ordinances were in place for good reasons, for the safety of the public and for people that work there. Mr. McKoon called upon Fire Chief Kristen Kennedy to review the Fire Department's timeline and explain the pictures that were being displayed on the monitors in the Council Chambers. Chief Kennedy stated that the Fire Department responded on August 23, 2023 to an incident located at the Phenix Lumber Company. Chief Kennedy also stated that while at the scene, some of the responders noticed that the fire hydrant underneath the saw mill was hooked up in an incorrect manner, they took pictures and called Chief Kennedy to report what they had found. Chief Kennedy reported the information up to her chain of command so that it could be further investigated. Chief Kennedy stated that after that particular incident had been taken care of, she drafted a letter outlining the violations in the fire code for the hydrant leak that was hooked up in the manner in which it was. Chief Kennedy further stated that at the time, they did not know the pipe was hooked up like it was and they could only trace the pipe as far as they could under the mill but that it was not safe to go under the mill to further trace the pipe. Chief Kennedy stated that on September 2, 2023, she drafted a letter of the violations and on September 8, 2023 she hand delivered the letter to Phenix Lumber Company. Chief Kennedy also stated that her intention was to meet with Ms. Dudley or the Manager Mr. Broadwater and Ms. Dudley was there at the time so she asked Ms. Dudley to go with her to the fire hydrant to see how it was hooked up and the hydrant was on and the water was running. Chief Kennedy further stated that she reviewed the letter with Ms. Dudley and explained the violations and the fire code to ensure that she understood and Ms. Dudley signed the letter. Chief Kennedy stated that she requested that Ms. Dudley disconnected the fire hydrant and not to reconnect it and to have the wood chips removed and at the time Ms. Dudley did not have anyone with her to help therefore, Chief Kennedy gave her until the end of the weekend to get it done. Chief Kennedy stated that on September 11, 2023 they went back out to the mill and the fire hydrant had been disconnected and they had begun removing the wood chips. Chief Kennedy also stated that the City started an investigation and it appeared that the hook up was some type of suppression or sprinkler system however, they have never received any drawings or information provided regarding a sprinkler system, suppression system or fire protection equipment for this site except for the two shown in the slide, one underneath the saw mill and the other in the plainer mill. Chief Kennedy further stated that a letter was drafted on September 18, 2023 by the City Utilities Department to Ms. Dudley to conduct a water study of the location and how the water is connected. Chief Kennedy stated that on October 5, 2023 they were granted permission to go out to the site and locate the water surfaces and at that time Assistant Fire Chief Kerry Bragg noticed a pipe coming up out of the ground on the top side of the property next to a building that they call kilt. Chief Kennedy also stated that Assistant Chief

Bragg asked Mr. Broadwater what the pipe was for and how long had it been there and that Mr. Broadwater stated that it was a sprinkler system and it has been in place for three years and that the other system was air actually and that it tells them that it was a dry system and this system is a wet system. Chief Kennedy further stated that in the office was a green sprinkler tag from Columbus Automated dated September 12, 2023. Chief Kennedy stated that the green tag tells them that a sprinkler system has been inspected for its annual service and it is serviceable and operational. Chief Kennedy also stated that on October 10, 2023 Mr. Broadwater contacted Assistant Chief Bragg and wanted to discuss what needed to be done to the sprinkler systems, the one in the sawmill and the one in the kilt and Assistant Chief Bragg told him to leave it alone and wait until all of the investigation was concluded and that the City would get back to the lumber company and let them know what needed to be done. Chief Kennedy further stated that Mr. Broadwater's comment was that he would remove it if it was not needed. Chief Kennedy stated that since the City was unaware of the sprinkler system, it takes time to review and have it inspected by the Fire Department. Chief Kennedy also stated that on October 11, 2023, Mr. C.L. Ragan contacted Assistant Chief Bragg to ask what could be done in regards to the water lines and at that time the City still needed to know what was out there and what needed to be done. Chief Kennedy further stated that on October 23, 2023 the City held a meeting with Ms. Dudley and explained to her and her representatives that the water for fire protection and domestic water needed to be separated, the fire hydrants needed to be relocated because they are not immediately accessible to the Fire Department for use, and additional fire hydrants needed to be added to the site. Chief Kennedy stated that at the time of the meeting, she requested from Ms. Dudley that the Fire Department be allowed to go back out to the site to inspect the current hydrants and Ms. Dudley was informed by her attorney not to answer and on November 3, 2023 the Fire Department was allowed to go and view the hydrants but not to inspect them and noticed at that time that the heads to the sprinkler system had been removed and this was after the conversation with Mr. Broadwater on October 10, 2023. Chief Kennedy also stated that the City was unaware of the systems that had been installed at the mill and that the City has to review them to ensure the plans were drawn up correctly and the installation and service maintenance have all been up to date and due to the square footage of the mill and additional fire hydrants need to be installed. Chief Kennedy further stated that it is all about safety, for their employees and for the Fire Department. Mayor Lowe thanked Chief Kennedy for the information.

City Attorney James McKoon called upon Graduate Engineer John Spraggins to speak regarding the water issues. Mr. Spraggins reviewed the water services provided to the mill, the investigation, and the water volume issues pertaining to the Phenix Lumber Company. Mr. Spraggins stated that on October 5, 2023, the Code Enforcement Department, Utilities Department and the Fire Department went to the site and met with representatives of the lumber company and at that time, the water was shut off and the representative of the lumber company took them around to the site that used the water. Mr. Spraggins also stated that they went to all of the buildings to ensure that the water was off. Mr. Spraggins further stated that the water from Cutrate Road for the fire line was on but everything else was off. Mr. Spraggins stated that the pictures of the investigation included all of the fixtures, bathrooms, and the water fountains had water from the two fire lines and that those lines are to be used for fire protection only and not for drinking water or the machines for the mill and that it is considered unauthorized water usage. Mr. Spraggins played an auto recording of a conversation that someone from the lumber company in November had asked a contractor when the water would be turned back on for plant purposes from the fire service line. Mayor Lowe thanked Mr. Spraggins for the information.

City Attorney James McKoon called upon Building Official Ray Rogers. Mr. Rogers reviewed the timeline for the Building Department. Mr. Rogers stated that on August 23, 2023 the Building Code Enforcement Department was called to the scene at the Phenix Lumber Company

and at that time the Fire Department noticed PVC pipe tied to one of the fire hydrants and it looked as though they were pulling water from the hydrants. Mr. Rogers also stated that at that time they took pictures and notified the chain of command on the situation. Mr. Rogers further stated that on September 8, 2023 the Code Enforcement and the Fire Department delivered a letter to advise the Phenix Lumber Company to cease and desist commercial operations and on September 11, 2023 the Fire Department returned to ensure the line had been disconnected. Mr. Rogers stated that on September 18, 2023 the Code Enforcement Officer delivered a letter requesting that the Phenix Lumber Company allow them to come and perform an investigation on the water substance. Mr. Rogers also stated that on October 5, 2023 Code Enforcement, Assistant City Manager Chan Gamble and the Fire Department conducted an investigation into the water services and the sprinkler system and it was determined that the sprinkler had been installed without any plans being submitted or inspection completed. Mr. Rogers further stated that it was determined that the water was being used that was not being serviced through the meter at Lakewood Drive and that there were service lines being used by the property that were not metered and being used for both domestic and fire lines. Mr. Rogers stated that on October 6, 2023, the Building Department started an investigation as to when the buildings were built and permitted due to the fire hydrants and the installed sprinkler systems found on site and in the kilt and sawmill buildings and it was determined that there were no permits on file for that type of work. Mr. Rogers also stated that on October 10, 2023 the Code Enforcement Department delivered a letter to the mill to cease and desist operations until all of the violations had been corrected and on October 16, 2023 the Building Department received a letter from Ms. Dudley stating that they would cease and desist until the violations were corrected. Mr. Rogers further stated that on October 17, 2023 the Building Department and the Engineering Department went to inspect the quads onsite at the mill and were denied access at that time and on October 18, 2023 Assistant City Manager Chan Gamble spoke with Phenix Lumber Company and asked if they would allow access and the Building and Engineering Departments were then allowed to go onsite. Mr. Rogers stated that on October 19, 2023 they were allowed limited access to investigate and at that time noticed that they were installing improper water lines that did not meet code and a citation was issued for not applying for a plumbing permit or provide any plans to do the work. Mr. Rogers referred to the pictures that were on the monitors. Mr. Rogers stated that if Phenix Lumber Company had filed a permit and plans, the Building Department could have inspected it to ensure they had what they needed. Mr. Rogers also stated that they have not received any plans or request for permits for any of the additional buildings that have been built on the site. Mr. Rogers further stated that on November 16, 2023 the Code Enforcement Office provided an itemized statement of building permits that had not been submitted or approved for additional structures on the site. Mr. Rogers stated that they had hoped that it would not come to the revocation hearing but that there are major violations of the City's Ordinances and unsafe buildings and fire violations and that the issues cannot be resolved in a minimal amount of time. Mr. Rogers read the Code of Ordinance Section 46.23. Mr. Rogers stated the Business License Renewal comes up as of December 31, 2023 and that due to the violations, they have asked that the license be revoked and the refusal of the business license until Phenix Lumber complies with rules and regulations and statues of the City of Phenix City. Mayor Lowe thanked Mr. Rogers for the information.

Mr. Ben Finley with The Finley Firm, PC came forward to address Mayor and Council. Mr. Finley stated that he was there to represent and speak on behalf of his client Phenix Lumber Company and in good faith to try and work things out with the City of Phenix City. Mr. Finley asked Mayor and Council to please work with him and allow this hearing to be discontinued and suspended so that they may work together on the issues that they are dealing with. Mr. Finley stated that they are essentially dealing with a water bill, which is in dispute, meters and vaults and some equipment with plans that have been drawn up by engineers that they just received a day

prior to this meeting. Mr. Finley also stated that they received a cease and desist letter on October 10, 2023 that told them to completely shut down their business and they believe there is a deprivation issue related to that, which he could go into but prefers to not have to because he is pro-Phenix City and pro-Phenix Lumber Company. Mr. Finley further stated that Phenix Lumber Company has been in operation for over 60 years and have been paying taxes and he has 25 people in attendance at the meeting to support Phenix Lumber Company and they have jobs that help support their families. Mr. Finley stated that he finds it interesting that Glenwood people are in attendance as he went to Glenwood and part of his educational background is to stand up for people and he has been in this community his entire life and he asked that this Council please allow them to work together with the lumber company. Mr. Finley also suggested to have a meeting with Mayor Lowe, City Manager Wallace Hunter, City Engineers, and Assistant City Manager Chan Gamble and anyone that needs to be there from both sides to talk about what needs to happen. Mr. Finley further stated that he was not equipped to explain all of the engineering mechanism's that go on but that there are some very smart people that can and they know what they are doing but to shut down a business without a meaningful opportunity to be heard and with proper notice and fairness with respect is something he does not think they should engage in. Mr. Finley stated that he respectfully request that this Council allow them to meet within a week or so to talk about a path to move forward because the issues truly are concerning a water bill, meters and vaults, and issues of positioning of equipment and he asked the Council to consider this but if not, he would submit their side of the situation. Councilmember Day inquired if Mr. Finley has had adequate time to discuss the issues with the City Attorney. Mr. Finley stated that the City has done an investigation and chose to take the issues the procedural way and that is how they ended up at today's administrative hearing. Mayor Lowe stated that in Mr. Ben Finley's perspective, they did not have enough time to meet the compliance but the information that the City received was that the lumber company was given the proper notice and that they still were not in compliance on October 10, 2023. Mayor Lowe also stated that in the pictures he viewed there were different water lines that had been connected and he asked who had connected the lines. Mr. Finley stated that they did not know how those lines were connected and that they were surprised when Fire Chief Kristen Kennedy arrived out at the lumber yard and found the lines that way. Mr. Finley also stated that the entire issue here was related to shutting down this business and the way that it was done. Mr. Finley further stated that there was no question that when they look at Phenix Lumber Company's record, they received a clean bill of health in 2020, 2021, and 2022 and in 2023 the Fire Chief came out on September 7, 2023 and met with Phenix Lumber Company and stated there were a few items they needed to correct and then on September 11, 2023 Assistant Fire Chief Kerry Bragg came out and spoke with Mr. Broadwater and stated that everything was fine and in compliance. Mr. Finley stated that the City came out on October 5, 2023 and then Phenix Lumber Company received a letter on October 10, 2023 to completely cease and desist operation based on seven factors. Mr. Finley explained that they should all focus on the October 10, 2023 revocation issue and not on any other potential issues and that the letter specifically stated that these are the issues including the water bill. Mr. Finley stated that when he was first told of the water bill, it was that they owed a 4 million dollar water bill and asked if he needed to read the letter to Mayor and Council he would. Mr. Finley asked if they could table this discussion. Mayor Lowe stated that they could not table the discussion and that they have done that earlier to give Phenix Lumber Company an opportunity to be in compliance. Mayor Lowe also stated that the issue is safety and it is the number one thing with Council and that he has heard and seen some disturbing things and for that reason they cannot table the discussion. Mr. Finley stated that with all due respect he completely understood Mayor Lowe's comments because no one is more interested in safety than Phenix Lumber Company and that they do not want to have an unsafe business. Mr. Finley also stated that they received the letter on October 10, 2023 and it stated that they needed to cease and desist and that is a deprivation of their constitutional rights, it is a violation of the 14th amendment of the United States

Constitution which applies to every municipality including Phenix City. Mr. Finley further stated that the letter violates the United States Constitution because it immediately shut their business down and did not provide the lumber company an opportunity to be heard neither were they given the proper notice. Mr. Finley stated that in this meeting everyone got up and pledged the allegiance to the United States Flag together and they all said with liberty and justice for all and that the letter was completely injustice. Mr. Finley also stated that it would be like with no notice, going to Dr. Gordy's medical care business, his law practice, or Mr. Bailey's car dealership and revoke their license and state that they were now out of business and the 14th amendment states that they cannot do that to citizens. Mr. Finley further stated that he did not care if a person is black, white, rich or poor. Mr. Finley stated that they have every right as every other American citizen including the corporate citizen and the lumber company's constitutional rights were deprived by the city's management and it is unfortunate. Mr. Finley also stated that this has put a company out of business that has been here for 60 years, has paid taxes, and all of the people that attending the meeting rely on that income especially three weeks before Christmas and that is not pro-business. Mr. Finley further stated that the Constitution states that it cannot be arbitrary and it cannot be conspicuous and it cannot be unpredictable, you have to give everyone a fair opportunity in this world and everyone the right to be heard. Mr. Finley read the City's Public Hearing Ordinance and stated that shutting this business down without an opportunity to be heard before giving them the death penalty and putting them out of business was a violation of the Council's Ordinance and the 14th Amendment of the United States Constitution. Mr. Finley stated that the City is alleging that the lumber company stole water but that they have no evidence to prove it and that the City stated they would receive the bill for the water by October 17, 2023 but it was seven weeks after that when the bill was received. Mr. Finley also stated that the letter states that the bill will be an estimate of the amount of water the City is stating they owe for the past six years due to the "cheater" meter they referenced and that meter was only started in 2020 so how can they go back 6 years on the meter, therefore they are just making things up. Mr. Finley further stated that it was shameful and awful for the Council to take jobs away from these workers so close to Christmas which will affect their income and their children. Mr. Finley asked that the Council please let them work this out, figure out how much the water bill should be and to figure out what they need to do in regards to moving the water hydrant as they were told to move it and then told not to move it and they were told to have the plans submitted which they did and just received them back from the City on December 4, 2023. Mr. Finley asked that the Council be guided by the way the meeting starting with the Pledge of Allegiance and with justice for all and that he respectfully request that their license be reinstated and that the work can be done together. Mr. Finley stated that in Columbus, Georgia they speak of public and private partnership and we have the same in Phenix City with business owners that have significant business interest in this Community.

Councilmember Bailey stated that the matter at hand was tabled at the October 17, 2023 Council Meeting to prevent the revocation from occurring and what happened was that Phenix Lumber Company did not comply with the letter. Councilmember Bailey also stated that it was the Council's understanding that the business would be working on the requested work in order to prevent a public hearing. Councilmember Bailey further stated that there will always be two sides to any dispute and all disputes have to be worked out and it is not an option for them not to be resolved. Councilmember Bailey stated that the City had already laid everything out for them in advance and it was up to Phenix Lumber Company to take the steps to complete the work and that did not happen. Councilmember Bailey also stated that even though he and the Council are not in the day to day running of the City, they are Mayor and Council and it does come before them and that as Council they have to trust one hundred percent the City employees and stand behind them and that he also trust Mr. Finley as he knows him as well. Councilmember Bailey further stated that it was a shock to him and other members of Council when it was communicated

that Phenix Lumber Company had not been in compliance. Mr. Ben Finley with The Finely Firm, PC stated that Councilmember Bailey's comment was extremely fair and that they did get involved and submit the plans as they were instructed to do and they were told seven weeks ago they would get a water bill that would detail what they owed, however it was not given to us until December 1, 2023 and it was a hundred and sixty thousand dollar estimate. Mr. Finley also stated that all of the Council is at a disadvantage because they do not see what is going on day to day and that he agrees that Council did everything to communicate and work things out.

Councilmember Carter referenced the October 10, 2023 letter on page two and the first paragraph that states, Phenix Lumber Company failed to obtain any building permits or pay the fees associated with construction or renovation of any portion of the mill property since 1999 and asked if this statement was true. Mr. Ben Finley with The Finely Firm, PC stated that he did not have the same information on the letter that they had. Councilmember Carter corrected her date to the November 21, 2023 letter in reference. Mr. Finley stated that he wanted to remind the Council that the meeting is in regards to the revocation and the letter from October 10, 2023 and that this is before the Council at this time and that those are issues that need to be worked out but not meant for the discussion. Mr. Finley asked that the Council make a motion to table this discussion. Mayor Lowe stated that they could not table the discussion. Mr. Finley respectfully requested that that they be allowed to present evidence. Mayor Lowe stated that they need to be mindful that this is an administrative hearing. Mr. Finley referred to City Ordinance Number 2007-25 Schedule of Licenses and Fees, that states at the hearing the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be. Mayor Lowe stated that they are doing what the Council continues to do and that is being consistent. Mr. Finley apologized for any redundancies but that he was doing his job. Mr. Finley provided pictures and stated that he would send them through email as well.

Mr. Finley asked Mayor and Council if he could call upon a few employees of Phenix Lumber Company. Council agreed that they may speak. Mr. Finley called upon Mr. Broadwater. Mr. Finley asked Mr. Broadwater how long he has been with Phenix Lumber Company and Mr. Broadwater answered and stated that he has worked for Phenix Lumber Company for 25 years. Mr. Finley stated that when the City came to the mill on September 7, 2023, they heard that there were issues relating to the fire hydrants and that there was a meeting set for September 11, 2023 to discuss with Mr. Broadwater what had been discovered. Mr. Finley asked Mr. Broadwater to explain what happened when they met with him. Mr. Broadwater stated that when they had the inspection, he was told at that time that they were in compliance. Mr. Finley asked Mr. Broadwater if the mill had been in compliance in 2020, 2022 and up until the October 10, 2023 letter and Mr. Broadwater answered and stated that they were in compliance. Mr. Finley asked Mr. Broadwater if when they received the cease and desist letter on October 10, 2023, if they ceased their commercial operation and Mr. Broadwater answered and stated that they did shut down the operation of the mill on that date. Mr. Finley stated that Mr. Broadwater did what he was told to do. Mr. Finley asked Mr. Broadwater if he was aware that City Engineers were at the mill working on plans together and Mr. Broadwater answered and stated yes. Mr. Finley asked if those engineers included, Chris Rogers and Brandon Hunsinger with Columbus Sprinkler and Fire and Mr. Broadwater answered and stated yes. Mr. Finley asked Mr. Broadwater if he was aware that the plans were paid for by Phenix Lumber Company and were submitted to the City of Phenix City in November and Mr. Broadwater answered and stated yes. Mr. Finley confirmed with Mr. Broadwater that Phenix Lumber just received the response on the plans back from the City on December 4, 2023. Mr. Finley stated that Phenix Lumber Company received a water bill on December 1, 2023 for \$160,000.00 and asked if Mr. Broadwater understands how the amount of

the bill was calculated and Mr. Broadwater answered and stated that he did not understand. Mr. Finley stated that he did not have anything further for Mr. Broadwater at that time.

Mr. Finley asked Mayor and Council if he could call upon Mr. Ace Crawford. Mayor Lowe stated he want to remain consistent as this Council always have and stated Mr. Finley could continue. Mr. Finley asked Mr. Ace Crawford to come forward to answer some questions. Mr. Finley asked what Mr. Crawford's full name and how long he has worked with Phenix Lumber Company. Mr. Crawford stated that his name was Leonard Crawford and he has been with Phenix Lumber Company since 2005. Mr. Finley asked Mr. Crawford if he has ever stolen water from the City and Mr. Crawford answered and stated no and Mr. Finley asked if he knew of anyone that has stolen water from the City and Mr. Crawford answered and stated no he did not. Mr. Finley asked Mr. Crawford to state what Phenix Lumber Company means to him. Mr. Crawford stated that the company meant a lot to him because he had been there for a while and that if the City takes it away from them, they might be homeless and not have the funds to take care of what they need to and that he asked that the City keep the business going. Mr. Crawford stated that for both sides, no matter what the issues are, the Lord says that things can be fixed and that they needed to try and fix them. Mr. Crawford also stated that all of the people here at the meeting need a job to work and provide, pay their bills, and do the right thing and that is what they were told when they started at the mill, to be nice, treat people right, work hard, and make a living. Mr. Crawford stated that he was 66 years old and that he has been trying to find a job for a couple of weeks now and cannot find one, maybe due to his age and he would like to stay at the mill to do what he has to do to make a living for him and his family. Mr. Crawford also stated that whatever is wrong can be fixed on both sides so that he and his co-workers can continue working. Mr. Finley stated that there was so much more to this and that it will affect the lives of the people that work there. Mr. Finley stated that he did not have anything further for Mr. Ace at that time.

Mr. Finley asked Mr. Stanley Norman to come forward and to provide his full name. Mr. Finley asked Mr. Norman to state his feelings on the situation. Mr. Norman stated that while working at Phenix Lumber Company he has been able to meet and pay his household responsibilities and make it to another day with confidence. Mr. Norman also stated that now with them not being able to work, it is going to cause a lot more stress than what they already have and that things are already confusing and painful enough and this is only going to make things a lot harder and allowing them to work helps a lot and they need their jobs and they are trying to do what needs to be done for them to keep their jobs. Mr. Norman further stated that everyone is putting in as much work as they need to keep things going if the Council will allow them to. Mr. Finley stated that they have photos that contradict the photos that the City had shown and he wanted to have those placed in the record for consideration. Mr. Finley also stated that he realizes the Council's time is valuable and asked that if all of the exhibits, photos and letters he has would be placed in the record. Mayor Lowe stated that the Council has all of the letters. Mr. Finley further stated that he appreciates the time and the opportunity to address the Council and respectfully requests that their business license be reinstated so that they can work quickly to resolve the issues and pay whatever is due on the water bill. Mr. Finley stated that Councilmember Bailey hit the nail on the head when he asked what happened. Councilmember Bailey stated that they were not there to put Phenix Lumber Company out of business and no one in the City is trying to put them out of business. Councilmember Bailey also stated that they are attempting to have them comply with City laws, rules, and regulations that everyone in this City has to live and work by so that they can get back to work and provide for their families. Councilmember Bailey further stated that they all need to come together to figure out a way to achieve this goal and that every business in the City has to abide by the rules. Councilmember Bailey stated that it is the American way for everyone to be able to work and provide and that we live in the greatest country in the world where we are afforded that opportunity and that we have the right to disagree and that there

are people fighting for us to keep that right in this country. Councilmember Bailey also stated that we should be able to do things that way and he does not want anyone to think that he or anyone on this Council wants Phenix Lumber out of Phenix City because they do not. Councilmember Bailey further stated that the Dudley's have been very good to the community and that they are loved and well known and it was not just Johnny Dudley but the generation prior to him and the generation after him and they are all good people. Councilmember Bailey stated that we have got to get this worked out but that it is not going to get worked out at the meeting today and it cannot be tabled. Councilmember Bailey also stated that he wants it to be worked out fairly for both sides and he did not know what the water bill should be but that it will be in their favor if it has been going on for years and they have no way of knowing for certain and that it is not due to anyone in attendance today but that it has to be dealt with openly, equally, transparently, and uniformly like they have always have and that he would not be part of a group that did not do it that way. Councilmember Bailey further stated that he understands that Mr. Finley has to represent Phenix Lumber Company as his client fairly and do everything in his power to fight for their rights and that is what he expects them to do. Councilmember Bailey stated that they had to represent the employees of the City and that it was their job and responsibility to do so and represent all of the people of the City. Mr. Finley stated that he agreed with everything Councilmember Bailey stated but the disconnect was just one thing and that it goes against what America stands for the way the cease and desist letter of October 10, 2023 buried their business without notice and that is why he feels that council should reinstate their license because he feels that an un-American act occurred when the City stripped them of the Equal Protection Clause and because the founding fathers understood that under the law everybody is equal and that they cannot take their life, their liberty, their businesses, their property and that is what the City government did here and the letter activated it and that is the disconnect.

Assistant City Manager Chan Gamble asked City Attorney James McKoon, as it pertains to the actions that they were called upon to do today, is there anything legally that they need to be concerned about moving forward with the decisions that were made. Mr. McKoon answered and stated that there were not. Mr. McKoon stated that in reference to this disagreement on the water bill, if he had a fire hydrant outside of his home and he wired PVC piping into it and began using it for his home's water, he would be taking water that he was not entitled to have and that this is what has been going on for years at Phenix Lumber Company. Mr. McKoon also stated that for the timing of the cease and desist letter, it was submitted on October 10, 2023 and then on October 11, 2023 a hearing was requested and it was setup right away and then it was asked to be tabled, which the Council then tabled the hearing. Mr. McKoon further stated that the problem is that when there is a bad fire which is what happened at Phenix Lumber Company, the City Firefighters have to go out there and put their lives on the line to fight the fire and with the fire hydrant having the hookups like they referenced in the picture shown, they will not have anything to hookup to and that creates a real problem for them. Mr. McKoon stated that he knew personally about this type of problems due to a couple of years ago there was a lawsuit over a fire that was out at the Phenix Lumber Mill and the City was involved in the wrongful lawsuit and the City won the case but there were people out there and that their lives were in danger and had to stand off and not fight the fire because they could not get to the stuff they needed to get to and connect to and this is a dangerous situation besides the water being rerouted. Mr. McKoon also stated that they should not allow this to continue and that Phenix Lumber Company had been informed that they cannot operate under those circumstances until it is fixed and that is what has happened and that is why they are at the hearing today. Mr. McKoon reviewed the portion Phenix City Code of Ordinance 46-230 that states that it was unlawful for any person to connect pvc pipes, wires, or tubes to the supplier of natural water, gas or electricity and stated that it is illegal to do what has been done and the reason is because it created a dangerous situation. Mr. McKoon stated that he has seen videos of fire where the heat is so bad that they cannot get close to the

fire and the reason that the hydrants are at the mill for fire protection for the public and for the firefighters fighting the fire. Mr. McKoon also stated that he considers Mr. Finley as special colleague and he knows the Dudley family and remembers Mr. Dudley coming to his dad's grocery store when he was about fifteen years old. Mr. McKoon further stated that the Council cannot look the other way regarding all of the Ordinances because it is a hard situation and the City did not create the hard situation. Mr. McKoon stated that he had nothing further to say about the situation.

City Manager Wallace Hunter stated that if they find something illegal, it is their obligation to stop it right then and there and not let it go on. Mr. Hunter also stated it was a matter of public safety and they cannot just put public safety on hold and the City would become more liable at that time. Mr. Hunter further stated that the hydrants were on the business owner's property and that they were responsible for what happens on that property and they are also responsible to know that they were hooked up to something else and using the water from the fire hydrant and that the meter was not hooked up to monitor the water usage. Mr. Hunter stated that regarding the cheat meter, if no one was cheating than there is nothing to catch. Mr. Hunter also stated that the problem is that the City is liable for the lives of those people that are out at the mill. Mr. Hunter further stated that he understands that they need to make a living and work but their life is more valuable to their family if something should happen than anything else.

Mr. Ben Finley with The Finely Firm, PC stated that regarding the issue of safety, the United States Supreme Court specifically says that there has to be emanate threat to health safety in general of every citizen and if there are toxic fumes then the police to come, the City botched it up and all they had to do was send them a notice and have the hearing and make the determination but they cannot just send a cease and desist and shut them out of business because there is the constitutional violation. Mr. Finley also stated that with the comment that the City did not cause the problem, he stated that the City did cause the problem and he is sadly saying that because if the City should have notified the lumber company that a hearing would be held in three weeks to talk about the revocation but still allow the company to do business, that is the American way and the 14th Amendment.

Mayor Lower asked Fire Chief Kristen Kennedy to speak. Chief Kennedy stated that when it was discovered that there was an unapproved sprinkler system for fire protection on the site, the process was to meet with them to let them know what needed to be done and they started submitting their plans. Chief Kennedy also stated that reviewing the plans take time and an investigation has to take place to determine any issues. Chief Kennedy further stated that the sprinkler system out there is a required system and there are additional sprinkler systems that should have been installed throughout the years when they increased the square footage and the conveyer belts. Chief Kennedy stated that Mr. Finley stated that the engineers were out there but there is only one engineer that went to Phenix Lumber Company and that was Chris Rogers. Chief Kennedy also stated that Brandon Hunsinger is not a professional engineer, he is a sprinkler contractor and he does hold a certification and the plans she is referring to are not an engineered set of drawings, they are unacceptable and there are inconsistencies. Chief Kennedy further stated that part of the process is to return the plans back to Phenix Lumber Company and that it is taking some time as the City is doing their due diligences to do their job and that is part of public safety and that is part of life safety out at the mill and to include the two fire hydrants that are out there that are not immediately accessible for the Fire Department. Chief Kennedy stated that even though the fire hydrants are on private property, the fire hydrants are required and that they are not the mill's property to do what they wish with them. Chief Kennedy also stated that no one from the Fire Department went out to Phenix Lumber to include September 11, 2023 and told them that they were compliant and they have never been in compliance. Mayor Lowe thanked Chief Kennedy for her final comments and declared the public hearing closed.

Mayor Lowe presented a resolution in reference to the Revocation of Business License for Phenix Lumber Company.

RESOLUTION NO. 2023-254

Councilmember Gordy 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 extending a moratorium on all annexations through December 31, 2024.

RESOLUTION NO. 2023-255

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 for second reading an Ordinance to exempt certain items from the Municipal Sales and Use Tax during February 2024, referred to as the Severe Weather Preparedness Tax Holiday.

ORDINANCE NO. 2023-11

Councilmember Gordy moved to approve the Ordinance, 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 for first reading an ordinance in reference to the Departments or Offices of the City of Phenix City, Alabama. Councilmember Day moved to place the ordinance on first reading, 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. ABSTAIN: None. The motion thus passed.

Mayor Lowe presented a Letter of Recommendation from the Planning Commission, Public Notice and Ordinance to rezone 7.28 acres of land located at 800 US Hwy 431 South from a C-1 Zone (Highway Commercial Residential District) to an R-2 Zone (Medium Density Residential District), Love Life Ministries, Inc., owner.

LETTER

PUBLIC NOTICE

ORDINANCE

Councilmember Gordy moved to accept the letter, approve the public notice, and place the ordinance on first reading, 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 for second reading an application for an On Premise Beer License, On Premise Wine License, On Premise Whiskey/Wine License and Billiard/Pool License submitted by Velinda Russ for Sissy's Place, LLC dba Sissy's Place located at 1004 25th Avenue, Phenix City, Alabama. Councilmember Day moved to approve the applications, 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 encouraged everyone to be a lifter and not a leaner.

City Manager Wallace Hunter stated that he has held the position of Fire Chief for Phenix City for many years and that it is an occupation that he had wanted to do since his was a youth. Mr. Hunter also stated that as the Fire Chief, part of the responsibility is to talk and to listen to one another to attempt to remedy the situations that occur but every once in a while, we will be at odds. Mr. Hunter further stated that the results of those odds could involve people's lives and he takes that very seriously. Mr. Hunter stated that they do not want to play games with potential dangerous situations for people and their families and that the City has had those issues before and people have lost their life and that they do not want to be responsible for that. Mr. Hunter also stated that he did not want anyone to think that the City has done anything on purpose to infringe on anyone making a living and that in the minds of the City, they are there to ensure they are able to make a safe living. Mr. Hunter further stated that people are not always doing you a favor by giving you a job if it is not a safe working environment. Mr. Hunter stated that it is dangerous when emergency personnel cannot do their job when they show up to a scene. Mr. Hunter also stated that he has worked at a lumber yard and knows first-hand the dangers of a lumber yard and almost lost his life several times and that it is a very dangerous job and he stands by that. Mr. Hunter further stated that at this point and time the City has to try to remedy the issues and help to make the business safer for its employees and for the City employees that may have to go to the business. Mr. Hunter stated that in the past people have not done what they should have done and that is because of too much friendship and family in the working environment and that cannot hinder following safety protocol and guidelines to keep everyone safe to do the job and that has been a problem in Phenix City for a long while. Mr. Hunter also stated that when they start talking about the United States Constitution, that it is not always great because in that same constitution his family served under slavery and so we tend to think of the ways that the constitution benefits our needs but not how wrong it has been to others. Mr. Hunter further stated that people have used the constitution when it works for them but not if it goes against them.

Mayor Lowe stated that in the years to come and the members of this Council are no longer in the position, one of the positive things that will be said about them is that they took pride in being fair, consistent and transparent with the Citizens. Mayor Lowe also stated that it should be documented in the records that this council lived and worked by those attributes. Mayor Lowe further stated that he is so proud to be part of this Council.

Councilmember Carter stated that the results of the meeting today was one that was necessary for this Council to continue governing in the matter that they were elected to do and with transparency.

Councilmember Carter stated that the Central High School girl's flag football team and the boy's football team are going to the State Championship playoffs this week. Councilmember

Carter also stated that she wanted to wish them well and that they do what they have been trained to do and bring the championships back to Phenix City. Councilmember Carter further stated that Councilmember Gordy was on the very first championship team for Phenix City and that they are so proud to have them represent Phenix City and wish them the best and that they are behind the teams one hundred percent. Councilmember Carter stated that she is wearing red today in the spirit of the holiday season, and in honor of her alma mater, Central High School. Councilmember Carter also stated that they are with them, love them, and want to see them bring that championship home.

Mayor Lowe stated that this Council takes pride in being consistent in decision making. Councilmember Day stated that he agrees with Mayor Lowe and that this Council has always been consistent. Mayor Lowe stated that making decisions can be tough but Council has the judiciary responsibility to make sure that the well-being of all citizens is being considered.

Mayor Lowe thanked all City employees for all that they do for the City.

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