

**MEETING MINUTES
May 7, 2024**

The members of the City Council of the City of Phenix City, Alabama met in a regularly scheduled council meeting on Tuesday, May 7, 2024 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 Assistant City Manager Wallace Hunter, Assistant City Manager Chan Gamble, City Attorney Jimmy Graham, and City Clerk Shannon Davis.

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

Reverend Molly Cross of First United Methodist Church delivered the invocation as listed on the agenda.

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

Assistant City Manager Chan Gamble and Human Resources Director Stephanie Chastain presented employee service recognitions to Amanda Hobson-Stewart – 5 years, Michael Lemieux – 5 years, Angela Dixon – 5 years, Anthony Roberts – 20 years, and Victoria Williams – 25 years.

Human Resources Director Stephanie Chastain presented a proclamation recognizing City Clerk Day.

PROCLAMATION

City Clerk Shannon Davis and Office Manager Tonya Williams, came forward to accept the proclamation.

Mayor Lowe presented the regularly scheduled meeting minutes of the April 15, 2024 Work Session Meeting, and April 16, 2024 Council Meeting for approval. Councilmember Carter moved to approve the minutes, 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 stated there was no unfinished business to address at this time.

Mayor Lowe presented resolution in reference to authorizing the Mayor, City Manager and City Clerk to sign the 2023-2024 Municipal Separate Storm Water Sewer System Permit Annual Report.

RESOLUTION NO. 2024-88

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 awarding a bid to Columbus Quarry for E24-01 Aggregates.

RESOLUTION NO. 2024-89

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 to enter into a Supplemental Agreement No. 1 with ALDOT for the resurfacing on various streets in Phenix City: Site 1 – 4th Avenue from Idle Hour Drive to 16th Street; Site 2 – Opelika Road from SR-38 (US-280) to Phenix City, City Limits; Site 3 – Seale Road from the City Limits to 5th Street South; Project # STPPC-5721 (253); CPMS Ref# 100073836 and 10073176.

RESOLUTION NO. 2024-90

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 granting permission to River Sign Company on behalf of Sierra Pacific to place a sign on City right of way at the intersection of Mill View Drive and Colon Powell Parkway.

RESOLUTION NO. 2024-91

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 several items as surplus as listed on “Exhibit A” to be recycled or sold as scrap.

RESOLUTION NO. 2024-92

Councilmember Carter 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 and enter into a contract agreement with William Morris Endeavor Entertainment, LLC for Taylor Hunnicutt to perform at the Phenix City Amphitheater on July 4, 2024 in an amount not to exceed \$2,000.00.

RESOLUTION NO. 2024-93

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 presented a resolution in reference to authorizing and directing the Mayor and City Manager to sign and enter into a contract agreement with William Morris Endeavor Entertainment, LLC for Them Dirty Roses, LLC to perform at the Phenix City Amphitheater on July 4, 2024 in an amount not to exceed \$8,000.00.

RESOLUTION NO. 2024-94

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 and enter into a contract agreement with William Morris Endeavor Entertainment, LLC for Silverada, LLC to perform at the Phenix City Amphitheater on July 4, 2024 in an amount not to \$12,000.00.

RESOLUTION NO. 2024-95

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 purchasing (2) two 2024 Ford Maverick XLT Crew Cab Vehicles from Stivers Ford Lincoln in an amount not to exceed \$55,920.00.

RESOLUTION NO. 2024-96

Councilmember Carter 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 the Mayor, Assistant City Manager and Chief of Police George Staudinger to sign a Memorandum of Understanding Agreement with the U. S. Army Garrison, Ft. Moore, Georgia to provide a Career Skills Program.

RESOLUTION NO. 2024-97

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 the Municipal Water Pollution Prevention (MWPP) 2023 Annual Report.

RESOLUTION NO. 2024-98

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 declared that now was the time and place for a public hearing in reference to an Ordinance to rezone 28.1 +/- acres of land located on Riverchase Drive from a C-3 Zone (Neighborhood Commercial District) to an R-3 Zone (High Density Residential District), Warr-Jordan, LLC.(c/o William S. Warr, Jr.), owner. Mayor Lowe stated anyone wishing to address Council concerning this ordinance should come forward and do so at this time. The following people came forward to address Council:

Mr. Bob English came forward to address Council. Mr. English thanked Mayor Lowe and Council for allowing him to address them for the rezone discussion. Mr. English stated that he has lived in the Phenix City area for 20 years and has been doing business in the area for 25 years, living in Russell County for six years and then moving into the City limits of Lee County and buying into the McIntosh Subdivision. Mr. English reviewed the subdivisions currently surrounding Riverchase Drive and stated that for as long as he has been in Phenix City, that area has been zoned as C-3. Mr. English stated that the Mayor, Council and Economic Develop Manager Shaun Culligan have done an amazing job at bringing growth into the City. Mr. English also stated that the residents in Green Island in Columbus, Georgia, would come up one exit to Riverchase to shop at the businesses and that would be 4% revenue for the City whereas residential would only be 1% revenue. Mr. English asked the people that came to the meeting that represent, Rock Island, McIntosh Estates and McIntosh Creek Subdivisions to raise their hands if they opposed the rezone and all of the attendees raised their hands in opposition of the rezone. Mr. English asked the Council to listen to the attendees and not change the zoning on Riverchase Drive. Mr. English stated that he is not opposed to the City expanding and growing just not in that area. Mayor Lowe thanked Mr. English for coming to speak with Council.

Mr. Ed Echie came forward to address Council. Mr. Echie stated that he is a homeowner and he opposes the rezone to commercial. Mr. Echie also stated that they already have an abundance of apartments lining Riverchase Drive and transitioning further commercial zones into apartments and multi-family units would compound existing issues. Mr. Echie further stated that property values would be affected as their homes are not just places of residents but they are investments in their future and their families further and that rezoning these areas for apartments and multi-family units would inevitably lead to oversaturation of those properties consequently driving down the property values. Mr. Echie stated that the additional residents in this area would also translate into increased demand for public services such as schools, roads, utilities and that they are challenged now to address many of those concerns. Mr. Echie asked Council to consider the thoughts of the citizens that live in that area that would be greatly affected by the rezoning. Mayor Lowe thanked Mr. Echie for coming to speak with Council.

Mr. Brady Benton came forward to address Council. Mr. Benton stated that they are not proposing apartments for Riverchase Drive, but that they will be high end duplexes that have two-car garages for older residents that are at the stage of downsizing and also providing assisted living amenities. Mr. Benton also stated they could not help that it has to be rezoned to a R-3 in order to go through with the plan. Mr. Benton reviewed the traffic report that was completed and read a letter from a local business man and property owner Mr. Spud Warr who does not believe

that the elevation of the land is suitable for commercial property. Mr. Benton stated that rezone would be beneficial to the City as a whole. Mayor Lowe thanked Mr. Benton for coming to speak with Council.

Mr. Bob English came forward to address Council in response to Mr. Benton's statement. Mr. English stated that with a dump truck and an excavator, they could build up enough land suitable for commercial property.

Councilmember Bailey stated that the idea of duplexes and or assistant living apartments are good ideas but wrong location. Councilmember Bailey also stated that the location is typically what determines what goes in the area and what they are proposing to do is a wonderful idea for the residents that want to downsize and use assisted living. Councilmember Bailey further stated that he would like to see the nicer businesses throughout the City but since he represents District One, he does not see them as a good fit in that district. Councilmember Bailey stated that the City Manager Wallace Hunter has been consistent in ensuring that everything is equally provided for in each district and that is what the Council is consistent in providing. Councilmember Bailey agreed with Mr. Echie who stated the largest investment that people have is in their home and that there have been a couple of times that they have denied commercial zoning in the area. Councilmember Bailey stated that if they do not allow commercial zoning on Riverchase Drive, they will only have two other roads for growth and the residents in those areas have been there for 50-70 years and cannot relocate. Councilmember Bailey also stated that he has been opposed to this idea from the inception and has been clear on his reasons and that what they are proposing is something that Phenix City needs but just not in that location.

Mayor Lowe stated that this decision has been challenging for the Council and several of the Council members have received phone calls from citizens. Mayor Lowe also stated that he is grateful for the challenge because it gives them the opportunity to show how transparent and forthright this Council has been and that they have never attempted to encourage one another's vote in any way and will never do that as it is not ethical behavior. Mayor Lowe further stated their jobs are not easy and this Council makes decisions based on the future of the next generation and not themselves. Mayor Lowe stated that if any of them are making decisions based on the seat, they should leave. Mayor Lowe also stated that he would like to challenge the citizens that there should be no one elected to these seats that do not have integrity and good character because there is no way to lead without it. Mayor Lowe further stated that we all live here and want what is best for the City and that he appreciates what Mr. Bob English stated about helping the City to grow. Mayor Lowe stated that the City has a great Economic Development Department and that they have great development plans for the City. Mayor Lowe encouraged everyone to make the City a positive place. Neither hearing nor seeing anyone else come forward to address council, Mayor Lowe declared the public hearing closed. Mayor Lowe thanked everyone that came out to today's Council meeting.

Mayor Lowe presented for second reading an Ordinance to rezone 28.1 +/- acres of land located on Riverchase Drive from a C-3 Zone (Neighborhood Commercial District) to an R-3 Zone (High Density Residential District), Warr-Jordan, LLC.(c/o William S. Warr, Jr.), owner. Councilmember Day moved to deny 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 exempt certain items from the municipal sales and use tax during the third full weekend of July, 2024, referred to as the “Back-to-School” Sales Tax Holiday.

ORDINANCE NO. 2023-04

Councilmember Gordy moved to approve the ordinance, 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 for second reading an Ordinance to amend the Code of Ordinance of the City of Phenix City, Alabama, Chapter 54-Miscellaneous Provisions and Offenses: Article I in General: Adding Sections 54-11 Camping on Streets in Vehicles, or in Non Residential Zones: Section 54-12 Loitering, Obstruction of Free Passage and Section 54-13 Remaining on Business Property After Closing.

ORDINANCE NO. 2023-05

Councilmember Gordy 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 Application for an Off Premise Beer License and Off Premise Wine License, submitted by Shams Nanji for Gas Express LLC dba Circle K #722 located at 3424 Crosswinds Drive, Phenix City, Alabama. Councilmember Day moved to approve the application, 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 claim against the City of Phenix City, filed by Norris Montgomery. City Attorney Graham stated that the claim alleges that on March 14, 2024, while driving near the intersection of 26th Court and Bessant Drive, the Utilities Department was repairing a water leak and was using a dewatering pump when Mr. Montgomery drove past the construction site, the pump ejected water onto Mr. Montgomery’s vehicle causing damage to his vehicle. City Attorney Graham recommendation was to approve the claim in the amount of \$150.00. Councilmember Carter moved to approve the City Attorney’s recommendation to approve 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 claim against the City of Phenix City, filed by Donna Owens. Mr. Graham stated that the claim alleges that the City is responsible for damages to the heat pump and duct work under Ms. Owens home during the flood event that took place on February 11, 2024 due to the drains being clogged prior to the water from the flood. City Attorney Graham stated that upon investigation, the City had no knowledge of the pipe being clogged at the time of the storm. City Attorney Graham recommendation was to deny the claim. Councilmember Gordy moved to approve the City Attorney’s recommendation to deny the claim, 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.

City Attorney Jimmy Graham presented a claim against the City of Phenix City, filed by Desiree Walters. Mr. Graham stated that the claim alleges that on March 25, 2024 Ms. Walters' dog was shot and injured by the Phenix City Police Department while responding to an incident and that the City is responsible for the vet bills to cover the dog's injuries. City Attorney Graham stated that upon investigation, the officer actions were justified. City Attorney Graham recommendation was to deny the claim. Councilmember Day moved to approve the City Attorney's recommendation to deny the claim, 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 that this Council and the City Manager Wallace Hunter has always been transparent and consistent in decision making. Mayor Lowe also stated that recently there has been conversations on social media that have attacked the integrity of this Council and the City Manager. Mayor Lowe read a social media post originated by Orwin Smith Sr., that was posted with negative and false comments attacking the character of the City Manager, and City Council. Mayor Lowe stated that the Council does not tolerate these kind of lies and unjust attacks and that he spoke with Mr. Smith to let him know they he would address the situation at the Council Meeting where things concerning the projects of the City are discussed for the Citizens of Phenix City. Mayor Lowe also stated that at the end of the day, the one thing that they have is their credibility, good name and integrity. Mayor Lowe further stated that they will not let people take the credibility of the Council individually or collectively with character assassination because they have never attempted to alter City records or do anything illegal. Mayor Lowe stated that the City is in good financial standings and that the more they have, the more they can do to support the Citizens of Phenix City. Mayor Lowe also stated that the City has replaced four bridges and that this is the first time they have had any issues of this magnitude. Mayor Lowe further stated that as with any business there are expenses and the City is a business. Mayor Lowe stated that another social media post questioned the spending of the funds from the Mayor's Scholarship Ball. Mayor Lowe also stated that it is announced annually, how much money was raised and how much money went to scholarships. Mayor Lowe further stated that the Mayor's Ball has expenses as well and in 2023 alone, the Mayor's Ball Scholarship blessed 40 local kids with over \$38,000.00 to help with their college expenses. Mayor Lowe stated that if anyone castigates this Council, he will push back with facts and truth. Mayor Lowe encouraged Citizens to attend the Council Meetings to see what is going on in their City and that everything that they do is for the betterment of the City.

Mayor Lowe thanked CTV-Beam for bringing the council meeting to the citizens of Phenix City, Alabama because they always want to be transparent for the citizens.

There being no further business to address, the meeting thus adjourned until May 21, 2024.