

The Russell County Commission
Meeting Minutes
January 14th, 2009
9:30 A.M. EST

An adjourned meeting of the Russell County Commission was called to order. Present were Gentry Lee, Tillman Pugh, Peggy Martin, Ronnie Reed, Cattie Epps, Mervin Dudley, and Larry Screws. County Attorney, Kenneth Funderburk was absent. Attorney Robert Lane sat in for Mr. Funderburk and the County Administrator LeAnn Horne was present and kept the minutes.

A quorum was established.

Chairman Dudley requested to add an item to the agenda concerning the Coroner's Office. Commissioner Lee motioned to add the Coroner's item to the agenda and was seconded by Commissioner Martin. The vote was unanimous.

Commissioner Lee motioned to approve the January 14th, 2009 agenda as presented and was seconded by Commissioner Martin. The vote was unanimous.

The invocation was given by Alan Griffith, Pastor of Emmanuel Baptist Church.

The Pledge of Allegiance was led by Commissioner Martin.

Elected officials, department heads, media and guest were welcomed by Chairman Dudley.

Chairman Dudley requested a motion to approve the December 23rd, 2008 meeting minutes. Commissioner Martin motioned to approve the minutes. Seconded by Commissioner Reed. Commissioner Pugh asked if the Chairman had an opportunity to review the motions for the committee. It appeared to read one way, but I made the motion and Commissioner Lee verified that it was your charge to set the committee.

Chairman Dudley stated: That is the way I interpreted it, but I will listen to it one more time to make sure because there was so much discussion on that item. I will clarify and bring it back to the Commission. I knew that was your intention. I will review that closely. The vote to approve the minutes for December 23rd, 2008 was unanimous.

A Resolution for the Board of Education was read by the County Administrator LeAnn Horne. Commissioner Lee motioned for the Resolution to be approved and was seconded by Commissioner Reed. The vote was unanimous. The Resolution was presented to members of the Board of Education, Dillie Elliott, Rufus Jordan and Joseph Williams. (Copy of resolution is on file in the Commission Office.)

Bill Madison from the NAACP discussed the need for fairness within the Commission and the community. Mr. Madison discussed the county commission vehicle usage.

Commissioner Pugh discussed creating a Russell County Stimulus Package to send to our local representative and have resented to our U.S. Congressman.

LeAnn Horne stated: That there have been county projects identified and in progress for the last 3 to 4 years with regards to BRAC and federal funding. We will work aggressively as department heads and elected officials to bring the projects to a point they can be let in the 120 days as it is anticipated by the federal government.

Commissioner Pugh stated: Someone needs to get in touch with the City and Hurtsboro and have all three governments involved. I want projects to be unified before asking our representative for something. I want projects identified and presented to them and to be in a waiting position.

Chairman Dudley declared: We will give updates at each meeting until we complete the plans.

Ms. Horne acknowledged: The Chamber of Commerce has been very involved with BRAC and working with the county on projects. I have to give credit where it is due; Mr. McGill and Micheil Cole have been instrumental in meeting with those task forces as instructed by the county and will continue to work with them.

Coroner Sumbry presented a letter from The President of the Coroner's Association, Bill Harris, which declares as of January 19th, the Alabama Department of Forensics Science will suspend the transport of bodies to and from their facilities or to Funeral Homes. This service has not been charged for in the past, but now that has changed. The State will no longer send investigators to crime scenes; this will fall back on our investigators and me to do a thorough job. If there is a need for a State Investigator then it will have to be requested by the Sheriff's Department, the Coroner's Office, the D.A.'s Office or the Police Department. These budget cuts have already been approved by the Finance Department and this will affect all investigative departments. We need to find funding for transporting bodies to and from Montgomery. There is only a little over \$3,000 left in the Contract and Services in my budget that has been provided. Who will be responsible for picking up bodies after an autopsy has been preformed? Will the County fund that expense or will the funeral homes pay? If the deceased is a pauper; will the County be willing to pay transportation back to our County and also cover burial or cremation for them? The charge for pickup of a body within a 15 mile radius is \$135. There is an additional mileage charge if the transports must travel as far as Hatchechubbee, Hurtsboro or other such communities. The charges for such transports are approximately \$275.00 to \$300.00 each trip, per body based on time, materials and expenses. As the County grows so will the death rate. We need to work toward a solution.

Chairman Lee acknowledged, the State of Alabama has been cutting budgets and these cuts will also affect us. We will be reducing budgets as they have. We are not the only county that has been affected by these cuts; all of Alabama has been affected.

Commissioner Reed suggested Coroner Sumbry return the Commission with a plan for review by the Commission and the County Administrator.

Probate Judge Alford Harden submitted to the Commission an amended letter concerning the Elections Custodian. Commissioner Pugh and I discussed and have added that the Custodian is appointed by this body, however is supervised by the Probate Judge. Commissioner Lee motioned to approve the amendment to the Custodian's job description. Seconded by Commissioner Pugh. The vote was unanimous.

Chairman Dudley presented the use of the County Commission Vehicle. He informed the Commission, after his research and talking with former Administrators, that there has never been a policy concerning the use of the county vehicles. Ben Thornhill stated that there was a car that was assigned to him and the Commissioners used it, but there was not a formal policy.

Commissioner Martin stated: Last meeting I abstained from the vote for the vehicle policy, because Commissioner Screws asked if we could research to see if there was a current policy. Commissioners are elected by the people and we do receive compensation. I do not have a problem using my own car. Times being as they are, I feel we must think of stewardship even more so. It is my desire that the Commissioners not use the county vehicle, unless they are

traveling outside this County or unless it is an emergency situation. I appreciate Mr. Madison coming to share his opinion and Commissioner Reed has a right to his opinion. We need to be good stewards. This is not a black/white issue. We are seeking to be unified, but we still have the right to our opinions. Commissioner Martin motioned to have a policy for the use of county vehicles put into place. The motion was seconded by Commissioner Pugh.

Commissioner Epps stated: Since we are held responsible as elected officials; however, I also think this use of such a vehicle policy is out of control. I suggested we put county tags and county decals on the car so we would know where they were and who they belonged to. Somewhere down the line, it was decided by the commission that department heads and the Sheriff's Department are exempt. Since I have been here; I have not had a problem with the county car. Commissioner Martin lives in the city. No one will call Commissioner Martin to look at road repairs. Phenix City takes care of the roads in her District. Commissioner Screws and I live in the county. We represent a very large area. When we get calls about roads and other problems, we need to be able to go. When we need to meet with citizens; we should be able to be identified. You use to be able to go up and talk to people in a regular car. Now with the change and growth; if I drive up in my personal car people don't know who I am. However, if I go out in a county car and they see a county tag they know I represent the County. I don't have a problem with a policy, but I do have a problem with buying vehicles and our county citizens are paying for them and we can't use the vehicle in this county. Commissioner Screws represents his District and should be able to use this county car. I never had a problem with the county car, but I am puzzled. Here it is 2009 and we are discussing once again vehicles and county cars, who can use it and where it can be used. We were elected officials in Russell County. I was not elected in Muscogee County or Lee County. So, if your county is paying for the car and you are not allowed to use the car for your county business; then what good is the car? Then, you say we cannot use personal vehicles and get mileage either in the County? These are my thoughts. All of the sudden there is an issue now. You all are making a huge issue when really, we as Commissioners, have so many other issues to attend to. This is petty in my opinion. I would like to ask Commissioner Lee, did you have a lot of calls concerning this issue after the last meeting? Commissioner Lee's response stated: Yes, lots of them. Commissioner Epps stated: I know I told them to call you because this is a petty issue.

Commissioner Lee asked for a clarification on the motion. Is the same motion that was made at the last meeting, if it is, I would like for the Chairman to restate it.

Commissioner Dudley restated the motion: **“Not to have use of county vehicles unless on county business traveling outside of Russell County or Muscogee County. Commissioners may only be reimbursed at standard mileage rate for travel outside of Russell County for county business if using their personal vehicle. If adopted this policy replaces previous policies.”**

Commissioner Martin stated: I do have Goat Harris in my district. It's not as far as Hurtsboro. I have talked to The County Engineer and asked Mr. Kite if we had a need to investigate properties belonging to the County, could it be arranged for him to pick us up and take us to the areas that need inspecting? He said; he could schedule a time if it were needed. It would be a savings in time and money, because he would also be there for discussion of the property at that time. That is what I had in mind. These are the taxpayers' vehicles and we are managing their money.

Commissioner Reed stated, if all of the Commissioners do not agree on a commission policy; then it will not hold water. I want to get the Attorney General's opinion on this policy. All of the Commissioners will have to be in agreement and

a resolution should be done. If everyone does not agree; it will not go into effect. I am not going to sign.

Commissioner Pugh stated: We may be elected by districts, but each Commissioner represents this entire county. I get as many calls from outside my district concerning road problems and investigate them as I do within my district. We are asking our departments to tighten their budgets and take a better look at their take home policy. This county has a need for revenue and is going to tighten the budget and be responsible to the citizens that elected us. This is what it is all about, being responsible and not about being black or white; it's about economics and doing what is right.

Commissioner Epps asked if the County Attorney would address this issue.

Robert Lane, the acting County Attorney, stated: I have not researched this and whether it would require unanimous consent or a majority vote. I think policies have been typically set by majority vote, but I have not researched this particular issue.

Commissioner Lee replied: The procedures we have adopted that were recommended by the Association states, all votes will be by majority vote.

Commissioner Screws stated: I do not have a problem with the policy itself. I think we are making the policy so rigid that there is no flexibility. As far as I'm concerned, I am not planning to get a county car to ride my district. I still think there are needs for flexibility to allow for the unexpected. If we ask the County Engineer to pick us up, then we are infringing on his time and we pay him a lot. I think there should be flexibility in the policy regardless of what it is, so if something happens we will be covered.

Chairman Dudley replied: Out of fairness to everyone here, whatever we adopt, does not mean it cannot be amended or adjusted in the future. If we do adopt this policy, we will have to recognize there will be exceptions.

Commissioner Screws suggested: In this policy we list each Commissioner has the opportunity to drive the county car one day a month if he desired and in emergency situations. That way we will be covered either way. This would make the policy not so rigid.

Commissioner Lee states: I agree with Commissioner Screws, but we can amend policy later. The reason is when you list items like emergencies; you then have to go into the definition of emergencies, etc. That was not part of this motion and we can deal with that at a later date.

Commissioner Screws stated: If that is the case then why not table this motion until we can write a policy that fits the situation and then pass it.

Commissioner Lee stated: That will just keep the issue on the headlines.

Commissioner Epps stated: I have a concern with using the County Car only outside the county. Example: when we were invited to the opening of the Sheriff's Training facility, we were all here at the regular commission meeting. We used the county car to get there. In 1999, Commissioner Pugh motioned for the Administrator to create a take home car policy for the county vehicles and was seconded by Commissioner Lee. The motion was carried unanimously. There is a policy somewhere. Here it is, ten years later, we are still talking about a policy.

Chairman Dudley stated: The discussion is closed.

District 1(Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Dudley) vote, yes; District 7 (Screws) abstained.

Commissioner Pugh discussed safety issues concerning drainage problems on Hwy.80 W. I have presented this issue to Vance Beck, Representative to the State of Alabama. Mr. Beck stated if we would create a resolution and send it to the State. They would study this problem and find a way to drain the water from Hwy. 80 for safer travel. I have also called the Mayor and the City Council to ask if they would also offer a resolution to the Alabama DOT. I would like to motion to create and submit a resolution to present to the Ala DOT concerning the Hwy. 80 water safety issue. Seconded by Commissioner Lee. The vote was unanimous.

Sheriff Boswell presented the investigation of Rockies' Bar & Grill for application for a Lounge Retail Liquor- Class 1 License. This establishment is located on Hwy. 165 South of the county's park. We have conducted the usual investigation and have found no reason to block the approval of this application. This business has been opened for over twenty years and as thus far been run as a clean, orderly business. My recommendation is there is no reason to deny a license to Rockies. Commissioner Epps motioned to accept the recommendation of Sheriff Boswell. Seconded by Commissioner Reed. The vote was unanimous.

Sheriff Boswell also requested a salary schedule changes for the Jail Staff Sergeant grade from a 10/6 to 10/7, which is an increase of \$11,000. a year. I also request the vacant sergeant position salary to be reduced from 10/7 to 10/4; that job salary will be reduced approximately \$3,000. I have an investigator who will become a sergeant. I want to reduce the vacant investigators slot from a 9/6 to a beginning deputy's of 8/3. This will be an additional savings of approximately \$5,000. With these changes the Sheriff's department salary will be reduced \$8,000. yearly. Commissioner Lee motioned to accept the Sheriff's request for salary schedule changes and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Reed motioned to rescind his earlier appointment to the Personnel Review Board (Martha Hood) and appoint Gloria Wood. Seconded by Commissioner Lee. The vote was unanimous.

Micheil O'Rourke-Cole brought before the Commission a request to create a letter to Congressman Mike Rogers requesting congressional funds for the Russell County Recreational Complex. This is a separate funding from other funding that we have been looking into and projects we are setting up. This is an annual funding and the Commission needs to generate a letter requesting the funds be available for this project. Commissioner Lee motioned to approve creation of a letter of application for congressional funding for The Sports Complex and was seconded by Commissioner Martin. The vote was unanimous.

County Administrator LeAnn Horne presented a request for approval to request from department heads a 12% reduction in their departmental budget. I would like for these reductions be presented to our office by the second meeting in February due to schedules. We will review the budget cuts and at that time make a determination on any budget amendments.

Commissioner Lee motioned to accept the request with one change; that the department heads bring to the Administrator their recommendations within ten working days. She will have to review and determine if their recommendations are suitable or if a need to rework the reductions exists. Seconded by Commissioner Martin. The vote was unanimous.

Ms. Horne announced: The department heads and I have met and set the second week of February (17th - 20th, 2009) as the targeted move dates into the new Governmental Building. The offices moving will be the Board of Registrars, Probate Office, Revenue Commission Office, the Tag Office, Mapper/Appraisal, Veterans Affairs and the Commission Office. This is a huge undertaking. This involves relocating personnel, computers, records, phones, office equipment and etc. into the new facilities. All computer systems in every department named will

be down for a period of time. We have based the move time on consultants that will be breaking down and setting up the network systems that provide services to the citizens in the community. I have checked with the County Association on the laws that give the Commission the authority to close these county offices. This is deemed a special circumstance. The Commission has the authority to close those offices to relocate to the new building.

Judge Harden stated: We do not want to inconvenience the citizens; however, this is a huge undertaking. The Probate Office alone has three thousand books to move and get back in order and make available to abstractors, attorneys and the general public. I would like to point out the statute referenced by Ms. Horne, only this body has the authority to approve that, but you must make a choice as how to advertise the temporary closing of these offices. It has to be posted at the courthouse and be advertised as you deem fit. As you consider this today one of you will need to make a motion to have it advertised in a certain manner for a certain amount of time and what media to use. I commend the Commission for taking the opportunity to purchase the building and renovating it to fit the needs of our citizens.

Commissioner Lee stated: I want to make sure the statute allows us to close the courthouse; also will allow extension of fees, penalties.

Judge Harden replied there is another statute which states if the courthouse is closed all of those are extended until the next business day. It is not in this particular statute, but they run concurrent.

The County Administrator stated in accordance with code section 11-1-8 under special circumstances I am requesting the Commission to authorize the moving of the following offices, Board of Registrars, Probate Office, Revenue Office, Tag Office, Mapper/Appraiser Office, Veteran's Administration Office and the County Commission Office during the week of February 17th- 20th. As it was discussed, all computers will be down, but department heads and elected officials will work to their best ability to conduct limited business such as a recording or receipt any funds. We want to give the public as much notice as possible. I would like authorization as well to advertise in every print as well as televised and post at all public offices that we will be moving from this location at the County Courthouse to the new Government Center. Commissioner Epps motioned to accept the recommendation of the County Administrator and was seconded by Commissioner Lee. The vote was unanimous.

Ms. Horne stated: With this move as you know Phase II, which is renovation of this courthouse, changing this building to the judicial center for all judicial offices. I will need at this point direction to instruct Goodwyn, Mills and Cawood, who has been our architect for the renovating of the Mead Westvaco Building. Whether to continue their services for Phase II, or if there is another recommendation at this time from the Commission.

Commissioner Reed motioned to find a local firm in the area to renovate the courthouse. Seconded by Commissioner Martin. There were 6 votes, yes. Commissioner Screws abstained from the vote.

At the end of the agenda Commissioner Epps stated she would like for her request to be entered into the official minutes of the meeting. Commissioner Epps stated: Since the county attorney is not present and I really want to do what is right and the attorney has not had the opportunity to review this; I want to reserve the opportunity to bring it back as a legal matter from the County Attorney.

Commissioner Epps announced Monday January 19th, 2009 at 11:00 a.m. the annual Freedom Walk which will begin at the Sheriff's Department and ending at the Franchise Missionary Baptist Church. All are invited.

Commissioner Reed stated he has information there are Federal funds available for building an airport in Russell County. We need to be ready to apply for these funds. There will be a presentation for this proposed airport at a future meeting.

Chairman Dudley reminded that there will be the Annual Chamber Dinner at Central High School January 29th, 2009 at 6:30 p.m.

Chairman Dudley also announced Phenix City rescinded Ordinance No. 2008-24 after our request on December 23rd, 2008. The Commission thanks Phenix City for hearing our request and acting upon it.

Commissioner Lee motioned to adjourn the meeting.

Meeting adjourned.