

The Russell County Commission  
Meeting Minutes  
January 26, 2011  
9:30 A.M. EST.

Public Comments:

Charles Sizemore and Morris Bowman discussed sewage systems in the County.

Chauncey Loftin asked for an update concerning Lonesome Pine Road.

An adjourned meeting of the Russell County Commission was called to order. Members present were: Chair Peggy Martin, Vice Chair Gentry Lee, Tillman Pugh, Ronnie Reed, Cattie Epps, Mervin Dudley and Larry Screws. Also present was Attorney Robert Lane and County Administrator LeAnn Horne, who kept the minutes.

A quorum was established.

Chair Martin requested a motion approving the meeting agenda. Commissioner Dudley motioned to approve the agenda. Seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Charlie Sanders, Pastor of Liberty Hill Baptist Church.

The Pledge of Allegiance was led by Commissioner Reed.

Chair Martin welcomed elected officials, department heads, media and visitors.

Chair Martin requested an approval of the January 12, 2011 meeting minutes. Commissioner Epps motioned to approve the minutes and were seconded by Commissioner Dudley. The vote was unanimous.

Commissioner Screws presented a proclamation recognizing Thomas Cook for his many years of service to his community. The proclamation will be presented to him at his church January 28<sup>th</sup>, 2011. Commissioner Reed motioned to approve the proclamation. Seconded by Commissioner Dudley. The vote was unanimous.

Clarence Burke presented a proposal for a county sewage system. A sewer service schedule of charges was distributed to the Commission for review.

Commissioner Dudley stated he felt the Commission should be cautious before entering into an agreement with this private enterprise and Russell County's Water and Sewer Authority should play a part in this decision as well as the County Engineer Department.

Commissioner Pugh motioned to allow Mr. Burke to proceed with a study for the Russell County Sewer Authority's review. The Russell County Sewer Authority is to report their recommendations to the Commission for approval. Seconded by Commissioner Lee.

Commissioner Epps: I was elected by my district to do what I thought was best for this County. In 2001 a meeting was held by the Russell County Water Authority, who at that time stated they were unable to install a sewage line in the county. Recently the Water Authority came before the Commission and stated they were not financially able to supply sewage to county residents and would not provide that service. The Commission hinders progress in the county. The County is not allowed to grow and prosper as it should. It is time for this County to move forward. District 5 has not developed as it should with business, because of the lack of a sewage system. The Commission does not know what it would take to establish a sewage system in the county and now this Commission is going to delay one being installed, because we do not have all the facts. You have to trust someone who is in the business. Why would we delay something that will not cost the County a dime? Now we are going to delay the creation of a sewage system because we do not understand all the facts.

Commissioner Screws: I motion to allow all questions to be asked of this company before we vote to delay this project.

Commissioner Pugh: Monday, I met with Mr. Burke, who stated he was still in the planning stages of this system and had a long way before its completion. He is only asking for permission to proceed. My motion is giving him that permission as well as requesting input from our Sewer Authority that is now in place and has been in place for the last 11 even years. He could not build a sewer system quicker if we gave him permission to do so today or if we asked him to come back to this Commission with a report.

Mr. Burke: The process requires funding. The financial market today has problems. Funding for this system will not happen in this county without a mandatory connection. If The Commission is unwilling to require mandatory connections; then it's time for us to go back to Baldwin County. It won't happen on our dime, your dime or the Federal Government's dime without mandatory connection. Without that we as a company are not willing to expense any money toward the finance program, which is schedule for Tuesday morning if this meeting goes in a positive direction. If it doesn't then there will be a delay. The funding is the first step after The Commission's approval. Just because we say we are going to provide it, it still requires funding and funding is the next step. Approval for funding takes 30 to 60 days, then the system design will begin. I agreed to talk with the County's authority and we intend to do that, but us spending time, energy and money to continue without your commitment to a mandatory policy is a waste of our academics, money and time.

Commissioner Reed: If approved today, how soon would you begin on the project?

Mr. Burke: This will be contingent to the finance process approval, the engineering approval through ADEM and the State Highway Department permit process. The time-line is uncertain.

Chair Martin: What would this project cost the County money wise?

Mr. Burke: Nothing. Some of the Commissioners have discussed the addition of a percentage to money collected. We will hire local people to staff the office here. The money will be deposited in your banks, not one in Baldwin County. Money will be spent on fuel and materials locally. The State of Alabama does not charge tax on any sewer component. Pipes, pumps, services or tap fees are not taxed.

Chair Martin: Will you work with those who are unable to afford your fees?

Mr. Burke: We offer a finance program, if you have a mandatory connection and can not afford the system. We are not going to tell you to hook up to us. We are not trying to create a hardship. We will offer finance as long as 72 months and in some cases interest free for those that can not afford the amount all at one time. We have to charge something, because it cost us.

Commissioner Lee: The reason I seconded this motion is because the Commissioners received information concerning this offer only 4 weeks ago. It is an offer that seems too good to be true. I'm not opposed to it, but this is the first public notification that Russell County citizens have known and we don't know what their questions will be. I don't see a problem with waiting until this is known and our sewer authority can make a report to the Commission. Before I vote a mandatory fee on Mrs. Epps' constituents or any other district I want to make sure that I have asked all questions. Mr. Burke is requiring all new construction or any failed systems within a certain distance must hook on to their system. Mandatory means if they don't have the money, they have to come up with it. They can't have someone repair their septic tank; they will have to sign on to the system. My concern is hearing from the citizens and I will probably vote for it if it doesn't pass today if it should come up again in 4 to 6 weeks after the public has been notified.

Commissioner Screws: Clarify the statement about the 200 feet verses 1000 feet, where the lines are placed.

Mr. Burke: We provide 1000 feet of pipe on a forced main system to a resident's home. That is typically for a conversion where a septic tank has failed or residents who just want to get off of a septic tank. We run 1000 feet when the tap fee has been paid. State statue is clear; whether this Commission approves to make this mandatory on a failed system or not its already state law. If you are within 1000 feet of my system and your septic tank fails; the Health Department is mandated you hook up to my system. It is not you it's the Health Department and all we are asking is that you acknowledge that. State law prevails over County authority anyway.

Commissioner Screws: What type of system would be installed?

Mr. Burke: It would be a regional sewer system, probably a stair step approach from 250 to 500 for the first phase and will go to whatever the demand requires, up to 2,000,000 to 4,000,000. Currently Baldwin County is operating on about 3 ½ to 4

million gallon capacity, using about 1/3 of them. Whatever the demand requires is what will be built. You can't build a million dollar plant and hook only one person to it, it won't treat anything. You have to stair step.

Commissioner Screws: You have already stated you plan to place an office here, with a repair crew for Russell County.

Mr. Burke: We don't have employees from Russell County or the City; if we can find qualified help we will use local people.

Commissioner Screws: On site everyday, so if there is a problem it will be fixed.

Mr. Burke: It will be the same operation that we offer in Baldwin County, 24 hours a day, and 7 days a week a person will answer the phone who deals with the sewer, whatever the problem is.

Commissioner Screws: Would you be opposed to adjusting the language in the contract to fit this county's needs.

Mr. Burke: The premise of we provided you is the base-line for the finance program. They will not approve finance without some guidelines. If we don't have guidelines, their approval will be subject to something that we will have to get the Commission to approve. It is much easier to go with a package that is defined to seek finance. If they don't finance us, we will not be coming anyway. It has to be one foot going forward before the other and this is the most logical direction to go.

Commissioner Dudley: I hear all these comments without documentation to back up these comments. There are no review boards, nothing to look at from a professional view point. Secondly as a citizen, whatever my vote, this will impact the whole county. In reference to what Commissioner Pugh said, things done in haste often cost us later down the line. It is easy to say this is great it's not going to cost us anything. You are not going to be the one to get the complaints. Whoever is on the County Commission is the one that will have to take accountability for this. We are not saying we don't want a sewer system, the County needs one. I don't think this county should move faster. I think we should wait and be want to be fair to all of us. I want it done right and see the details. I feel there are things that are not stated. I want a review all information, so if I vote to approve this system, then it is because I have no doubts.

Commissioner Epps: Mr. Burke what are you asking us to do today? Do you want the County to approve or disapprove so you can go forward with this project?

Mr. Burke: Yes

Commissioner Epps: I heard there will be jobs and service provided?

Mr. Burke: Yes

Commissioner Epps: Also the Health Department will make the decision whether residents will be made to connect to the sewer system.

Mr. Burke: The Code that Commissioner Dudley was reading is a different code that the State Health Department code has for a failed system. The Health Department is empowered under a different set of statues than the County Commission. Every government body in the State of Alabama is empowered by the State Legislature. All governments are creatures of statue. Without a statue you could not do anything as a Commission. The statue that empowers the State Health Department is what I'm talking about.

Commissioner Epps: The County Attorney reviewed all the information presented to the Commission and advised the Commission that it was all intact. I'm not an attorney, which is why the Commission has an attorney to review such information, because we don't know. We are still discussing the sewer system and none of us have built one or know anything about it. I think its time to move forward.

Commissioner Screw: In any of our investigation of Mr. Burkes company, has anyone found anything that would not indicate that he is not on the up and up.

The Commission's answer was no.

Commissioner Pugh: I want to verify my motion. It was not to delay; it was to ask them to come forward with their plan and present it back to us along with recommendations from our sewer authority. I don't see how I could delay at any point.

Chair Martin: In my opinion they have given us that information and we were to review it and ask questions as we are doing today. If we continue to postpone, the residents that are in need of sewage are the ones suffering. The City has agreed if those people would annex into the City they will provide that service. Have they done so? No! I dare say where is the money coming from? We want business to come into our county to raise our revenue. We don't want to turn business away.

Commissioner Lee: What is keeping Phenix City from annexing further than they have annexed is sewage. If sewage was there, there would be no stopping annexing.

Chair Martin: We are delaying the County's development.

District 1 ( Lee) voted, yes; District 2 (Pugh) yes; District 3 (Martin) voted, no; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Dudley) voted, yes; District 7 (Screws) voted, no. 4 no votes and 3 yes votes the motioned failed.

Commissioner Reed motioned to let Mr. Burke proceed with his plans. Seconded by Commissioner Epps and added:

- the Rules and Regulations submitted for the Russell County Sewer Service, LLC;
- the Resolution authorizing the use of rights-of-ways to provide sewer lines for service;
- the Resolution relating to mandatory connection to the proposed sewer system
- Resolution authorizing the Chairman to negotiate a fee on top of any charges received by sewer utility to be deposited in the county general fund to offset the use of rights-of-ways
- Chairman to sign resolutions and contracts

Commissioner Pugh asked that the Manager of Russell County Sewer Authority, Roger Conner, be allowed to address the Commission.

Mr. Conner: I learned of this plan about 1 ½ weeks ago. Whatever the Commission decides to do for the County and decides is best for the County is what matters at the end of the day. The Sewer was formed in 1999 by the County to oversee sewage in the county. The sewer was extended into the county to help several businesses at that time. We bill those businesses and make payment back to the city back for sewer service. I have questions within the rate structures and fees because we have studied this and have presented them to this Commission on several occasions with similar systems. A study is in process now concerning this issue costing the Commission a lot of money and has not been presented in its entirety to the Commission for review. My recommendation is to look at the study at its completion and take their advice to further the sewage component in the county. The study may advise several options such as connecting to Phenix City or decentralized systems, even building a treatment plant in the county. These are just comments for consideration. We are not against anything, but tell the Sewer Authority what you would like for us to do, if you want us to disband then we will.

The vote was called District 1 ( Lee) voted, no; District 2 (Pugh) voted, no, due to the sewer study has not been completed and their recommendations are not known ; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, no; District 7 (Screws) voted, yes. 4 yes votes and 3 no votes, the motion passed.

Chair Martin recommended proposed public hearing procedures for the February 7<sup>th</sup>, 2011, Landfill Hearing Meeting as follows:

- Not a debate
- A sign in sheet will be provided and listed as: For or Against
- Only those individuals who have signed in will be recognized to speak on proposed landfill in a professional manner
- Speakers will address the Chair, who will moderate the hearing

- Twenty (20) minutes will be allotted for each group: For or Against
- Ten (10) minutes will be allotted for Questions from County Commissioners at the conclusion

Commissioner Lee pointed out that different groups for and against should get together to maximize the 20 minutes that is being allotted to each side. He asked the Chair what would happen if one side only takes five minutes for their discussion. The Chair stated that the hearing would move forward.

Commissioner Reed motioned to approve the procedures. Seconded by Commissioner Epps. District 1 (Lee) abstained due to his concerns about the 20 minute limit that everyone who wants to speak could have the opportunity; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) abstained because he felt people should be allowed more time; District 7 (Screws) voted, yes. 5 yes votes and 2 abstentions the motion passed.

Commissioner Screws motioned to have Personnel and Policy Procedures reviewed by a committee. Commissioner Screws stated he would like to be on the committee as well as have department heads that come under the supervision of the Commission. If those department heads could not participate he would like for them to appoint someone to review the policies. Seconded by Commissioner Reed.

Chair Martin asked Commissioner Screws if he would head the committee. He agreed and added he would keep all departments informed as well as Webb & Eley. He also stated as each section of the policy procedures are reviewed and possible changes made; they would be given out to department heads and Commissioners for concerns or questions. He also asked for other Commissioners serve on the committee.

Commissioner Lee stated to make clear, after changes are made, a final copy will be sent to the Commission Office in Montgomery for review, before our final approval. The vote was unanimous.

Economic Developer James McGill requested an approval for his department to send a request to Congressional Delegates requesting appropriations from their 2011 budget. Several projects which need funding are:

- The West Gate, the continuation of County Road 24, approximate cost of this 3 phase project is \$22,000,000
- Due to BRAC a school needs to be built to accommodate those families moving to the area, approximate cost would be \$20,000,000
- Ft Mitchell infrastructure
- Lighting for fields 1 and 2 of the Russell County Sports Complex, cost is between \$320,000 to \$400,000

A letter to Congressman Rogers has been written for the Commission's review and approval. The deadline for the appropriations request is in 2 weeks. Commissioner Screws motioned to approve Mr. McGill's request and was seconded by Commissioner Epps. The vote was unanimous.

Revenue Commissioner Naomi Elliott requested an amendment to the Chief Appraisal salary schedule of \$55,000, to Appraisal Department Supervisor with a salary schedule grade 12 with a step range of step 8 up to step 10, to be determined by the applicants qualifications. Commissioner Dudley motioned to approve the salary schedule change. Seconded by Commissioner Reed. Mrs. Elliott stated salary schedule is in the present budget, but does not have a step or grade. The vote was unanimous.

Judge Bellamy requested an emergency donation to the Phenix-Russell County Youth Center. Presently, renovations are in process at several county schools, therefore, due to the renovations, children who are in those school programs are being sent to Phenix-Russell County Youth Center. In order to keep the center available for these children and parents, additional funding is needed. Commissioner Reed motioned to give a one-time donation of \$6,000. Seconded by Commissioner Screws. The vote was unanimous.

Commissioner Pugh announced his district's appointment for the E-911 Board Member is Travis Pugh of Martin Drive. The term for this board appointment is for 4 years and will end August 8<sup>th</sup>, 2014. This is District 2's appointment therefore a vote was not needed.

County Engineer Larry Kite presented his recommendations for the Engineer Department annual materials and supplies bid awards which were opened on January 20<sup>th</sup>, 2011 as follows:

**Bid Number 001-11; Stripping and Marking** No bids were received for these services and requested the option to re-bid.

**Bid Number 002-11; Liquid Asphalt** Recommended an award of a split bid to **Hunt Refining Company and Ergon Asphalt & Emulsions, Inc.** for the low bid items as shown on the bid tabulation sheet. Both vendors were the lowest responsible bidders meeting the specifications.

**Bid Number 003-11; Guard Rails and Materials** No bids were received and requested the option to re-bid this item.

**Bid Number 004-11; Lubricants** Recommended award of bid to **McPherson Oil Company** for Lubricants. McPherson Oil Company was the lowest responsible bidder meeting the specifications.



**Bid Number 005-11; Bituminous Surface Treatment** Recommended award of bid to **Charles E. Watts** for Bituminous Surface Treatment. Charles E. Watts was the lowest responsible bidder meeting the specifications.

**Bid Number 006-11; Bituminous Paving** Recommended award of a split bid to **B & H Asphalt Co. and Southern Asphalt** for the low bid items as shown on the bid tabulation sheet. Both vendors were the lowest responsible bidders meeting the specifications.

**Bid Number 007-11; Aggregate** Recommended award of bid to **Columbus Quarry, LLC** for Aggregates. Columbus Quarry, LLC was the lowest responsible bidder meeting the specifications.

**Bid Number 008-11; Hydro-Seeding & Grassing** Recommended award of bid to **Parker Grassing** for Hydro-Seeding & Grassing. Parker Grassing was the lowest responsible bidder meeting the specifications.

**Bid Number 009-11; Reinforced Concrete Pipe and End Treatment** Recommended award of a split bid to **Hanson Pipe and Precast and Harvey Culvert Company** for the low bid items as shown on the bid tabulation sheet. Both vendors were the lowest responsible bidders meeting the specifications.

**Bid Number 010-11; Geotextile and Erosion Control** Recommended award of bid to **Sunshine Supplies, Inc.** for Geotextile and Erosion Control. Sunshine Supplies, Inc. was the lowest responsible bidder meeting the specifications.

**Bid Number 011-11; Aluminized and HDPE Pipe** Recommended award of bid to **Harvey Culvert Co.** for Aluminized and HDPE Pipe. Harvey Culvert Co. was the lowest responsible bidder meeting the specifications.

**Bid Number 012-11; Truck Hauling** Recommended award of bid to **J & J Trucking** for Truck Hauling. J & J Trucking was the lowest responsible bidder meeting the specifications.

**Bid Number 013-11; Motor Grader Blades** Recommended award of bid to **Thompson Cat** for Motor Grader Blades. Thompson Cat was the lowest responsible bidder meeting the specifications.

Commissioner Epps motioned to approve the County Engineer's recommendation and was seconded by Commissioner Reed. The vote was unanimous.

County Administrator LeAnn Horne presented a proposed agreement with Recovery/Discovery Services (RDS) for the collection of Business License. This one year contract agrees to give 35% of recovered fees collected by RDS back to them for the year 2009-

2010. Commissioner Lee motioned to approve the contract. Seconded by Commissioner Reed. The vote was unanimous.

The meeting was adjourned.