

The Russell County Commission
 October 14th, 2008
 10:00 A.M. EST

An adjourned meeting of the Russell County Commission was called to order. Members present were Chairman Gordon Cox, Vice Chair Peggy Martin, Gentry Lee, Johnnie Robinson, Cattie Epps, Mervin Dudley and J.D. Upshaw was absent. Also present were the County Attorney, Kenneth Funderburk. Larry Kite, County Engineer and the County Administrator, LeAnn Horne kept the minutes.

A quorum was established.

Chairman Cox requested to add items to the agenda before approving the agenda. These items were Malloy Road and a Resolution under the County Attorney's topic. A motion to approve the October 14th, 2008 agenda was made by Commissioner Martin and was seconded by Commissioner Dudley. The Vote was unanimous.

The invocation was given by Marvin Minton, Pastor of the Crawford Road Baptist Church.

The Pledge of Allegiance was led by Commissioner Dudley.

Chairman Cox welcomed Elected Officials, Department Heads, Media and Visitors.

The County Administrator requested, due to the length of the minutes, to table the approval of the September 16th Budget Meeting, September 23rd Commission Meeting and the September 23rd Budget Meeting Minutes until the next regular Commission meeting. Commissioner Lee motioned to postpone the approval of those minutes and was seconded by Commissioner Dudley. The vote was unanimous.

Commissioner Robinson presented a request to rename the Sandfort Road to Caldwell Road; honoring The Caldwell Gospel Singers who have resided on this road most of their lives. This item was tabled and referred to the E-911 office to assist in renaming the road.

Barbara Scott of Lee/Russell brought forth amendments to the ESG Grant. The plans for changes were discussed June 2008 by ADECA to the Memorandum of Understanding the Commission has with the House of Restoration, also changes with the Administrative Grant Agreement with Lee/Russell Council of Governments. ADECA has sent a list of changes they would like made to these documents:

- The Memorandum of Understanding will now be the Sub-Grant.
- The Administrative amount that would be paid to Lee/Russell would be taken out.
- Purchases over fifteen hundred would have to be approved by the Commission in advance of the purchase.
- Record retention period, now would say in accordance with the record retention policy of the County, The House of Restoration or for a period of four years, whichever is longer.
- An audit will take place if the House of Restoration sees more than five hundred thousand dollars of Federal assistance within a year. The audit can be requested by the County if needed, but the audit would be paid for by the House of Restoration and the Grant Fund will not be used for the audit.
- A termination date of March 31st, 2009 was added.
- ADECA wanted to be added to the list of entities that had a right to review the files pertaining to the agreement.

The Administrative Agreement between the County and Lee/Russell changes are:

- In addition to the ESG guidelines being followed also OMB Circulars and ADECA policy letters and all applicable Laws, ordinances and codes of the United States Government, the State of Alabama, and local government.
- The termination date of March 31st, 2009 is also to be added to this agreement.
- The removal of: agrees to provide and maintain office space at no expense to the local government.
- The addition of: to allow representatives and examiners of ADECA, U.S. Department of Housing and Human Development (HUD) and /or The Comptroller General of the United States to have access to confidential material and the right to expect an audit program file.
- The record retention was changed to: in accordance to the record retention policies for the County or for a period of four (4) years, which ever is longer.
- Added: any service agreed upon that the County would request Lee/Russell to do, are not to be part of the scope of service and cannot be paid for with federal or local matching funds.
- Removed: the County transactions from the scope of services.

Commissioner Lee asked if the changes could be looked over by the County Attorney and brought back to the next regular Commission Meeting. Mrs. Scott agreed to return to the October 28th meeting to request approval from the Commission.

Mrs. Scott also presented changes for the Land & Water Conservation Guidelines which went into effect October 1st, 2008. These changes will make it easier to have land approved, that has already been purchased for a land conversion. Certain conversion processes will remain the same, there should be updated appraisals of the land and all environmental should still be in place. We will still move forward with this process if it is the Commission's wish.

Commissioner Lee motioned to proceed with the Land & Water Conversion. Seconded by Commissioner Dudley. The vote was unanimously approved.

Coroner Sumbry addressed the Commission about their concerns on the vehicle purchased for his department. Thank you for letting me appear before you to address these concerns of the vehicle I purchased for the Coroner's Office. The Commission requested I acquire a more appropriate vehicle in the public's eye from the State's bid listing for transporting the deceased. When I first took office, I addressed this early on; I was not in the Coroner's Office for transporting the deceased. I do not believe that is part of the Coroner's job requirement. However, I would not leave a body beside the road. I definitely would transport the remains back if were required of me. I'm not sure whether or not past Coroner's were told what type transportation to drive. I also discussed matters with Commissioners Lee and Martin on how well I had been performing in the community. Their reply was they had not heard anything. So, this was a shock to me receiving a letter stating there had been a problem with the community about the type vehicle I drive and used to transport bodies. This vehicle was chosen because there are still a lot of dirt roads in Russell County that I need to access.

As you know several months ago, there was a situation with a family. The transport service that I normally use was not available on this particular call. I don't know which side of the story you heard, but the person making the comments about the circumstances was not at the scene. The wife of the deceased wanted to attend today's meeting but was unable to be present. I have copies of a letter she wrote. Her letter states how my office handled the situation with her husband; I feel it is important to let you know what happened. The woman that was interviewed by reporters was not present at the scene. This complaint should have been brought to my attention and I should have been asked what happened. The woman that had been interviewed by reporters was not present on the scene and did not know what she was talking about. This should have been brought to my attention and I should have been asked what happened. I feel as if I was not given fair judgment. The wife wrote a letter and she has no objections of providing a copy of the letter to each of you and has provided her phone number, if you have questions.

Commissioner Lee stated, Mr. Sumbry, first of all you are the first Coroner to have a county vehicle. None of the other Coroner's had one. That was the reason we did not tell you know ahead of time what type they drove. The previous Coroner was the one that brought the purchase of transportation to the County Commission. His selling point to the Commission was to purchase a vehicle he would use to transport bodies to save money we were spending for transporting. The Coroner is an elected official therefore; the County approves the budget and approved the purchase of a vehicle. It is up to you legally as an elected official to determine what type of vehicle to purchase; even though we had rather it had been a more enclosed vehicle. We were not thinking in terms of a pick-up truck, but then that is not our call. I'm sure if the public is really upset with that, then they will let you know by the time you run for re-election.

Mr. Sumbry stated, I had to use the truck once when a deceased person was in a ravine off of Highway 431. This was the only vehicle that could get down to the ravine and transport. You should also remember the plane crash; this was one of the only vehicles that could access that road. In those two situations, it has served the County well.

Mr. Dudley addressed Mr. Sumbry that concerned several statements he had received from citizens about their preference, out of respect for the family and dignity to the deceased, should be an enclosed vehicle. I will go back to what Commissioner Lee said earlier, the previous Coroner, Mr. Morgan, had discussed with the Commission the vehicle's purchase and was recommended by the Commission for the vehicle to be an enclosed type such as an SUV or a van. I know you were unaware of that, but that is recorded in the minutes. I think you and your department do an excellent job but those are comments we have had and I realize you will not hear some of the comments that we do. Example, with my work with the State, I have been on all of these roads for about twenty five years. Some have changed and some have not; most of our roads with the exception of the past week, when we had some very heavy rains and some construction work had been in progress, but basically all of our roads are assessable. In reference to what Commissioner Lee was referring to you, it was originally discussed with the previous Coroner one of the Commission's recommendations was consider getting an enclosed vehicle of that type, because up to now, all had been a van type vehicle.

Mr. Sumbry asked was that a requirement or a request and also I had to only use the vehicle only five times. I use a transport service that has four vans and a sports utility vehicle so we can more than accommodate this county with the vehicles we have through the transport services.

Commissioner Epps stated when we gave Coroner Sumbry permission to purchase a vehicle we should have specified at that time what had been discussed with the previous Coroner. I think we should accept the responsibility that there was a lack of communication. We gave him the authority to purchase a car without specifying what type. He used his own judgment in purchasing what he thought was best for this County.

Commissioner Lee added, it was the Commission's intention not to use the transport service, but we did budget for the service this year.

Commissioner Robinson stated, something that has been discovered was, this subject is very passionate with people. People in the community just did not like that a pick-up truck was going to transport their loved one. I understand there are areas where a pick-up truck is a necessity, but that is different from coming to my home to pick me up verses taking me from the side of the road. We need to find a happy medium. Do we purchase another vehicle and then the Coroner will have two vehicles, one to be used residentially and the other to be used for catastrophic situations. The problem is still a problem; so what is the truth? The truth is people are still in pain. How do we fix the situation? Maybe another vehicle should be purchased and the present vehicle should be inventory for other county uses. I believe we should come together so we can satisfy the residents of Russell County. I believe families are looking for dignity for their loved ones. Every aspect of dying is important.

Commissioner Martin asked if the truck could possibly be converted.

Mr. Sumbry stated it has a cover on the back that covers the truck bed. It is not something you would be used to seeing, but this is a new age. I have had over twenty years experience dealing with deceased people at a funeral home. That is something I know how to present to people and I know we are slow to change. We have to start somewhere. I'm willing to make that sacrifice to get people educated about death. It is nothing I understand as a whole, but it is something I'm use to dealing with. In time, they will get use to the pick-up truck.

Commissioner Dudley stated, there is always a possibility of a special type of modified camper shell, which would look more like an SUV. As Commissioner Epps stated we owe it to the citizens to cover things as practical as possible so we can arrive at a fair solution. So many have the perception of this vehicle as an old pick-up truck and the Commission knows its not.

Commissioner Epps was excused from the Commission Meeting at this point.

Commissioner Dudley presented an appeal from the residents on Malloy Road. Due to the number of homes now located on this short road they are requesting to have the Engineering Department reduce the speed limit of this road to 20 MPH and place a sign indicating the change. Commissioner Dudley's motion to place the 20 MPH speed limit sign was seconded by Commissioner Lee and was approved unanimously by the Commission.

The County Administrator, LeAnn Horne made a request of the Commission to extend the deadline on the RFP for the Comprehensive Plan for two more weeks to October 28th, 2008. Commissioner Lee motioned to approve the extension and was seconded by Commissioner Martin. The vote was unanimous.

Ms. Horne also presented a letter in draft form for the consideration of the Commission for the application of membership into the Valley Partnership. This does not mean that we will be accepted into the Valley Partnership. We did discuss this during budget time. Our membership fee will be \$1.00 per person based on our last census on unincorporated areas.

Commissioner Dudley agreed this would be very progressive for us and motioned to approve the letter of application to the Valley Partnership. Commissioner Robinson seconded the motion. The vote to approve was unanimous.

The County Attorney, Kenneth Funderburk reported he is creating a resolution for electronic bingo which should be ready for the next regular Commission Meeting.

The Constitutional Amendment has been on the books for approximately ten years and is the same as adopted in Houston County. Houston County has been studying this for a long time. Their Resolution is precisely what we need; the format of the resolution is what we need to look at. This can be confusing about what is legal and what is not. The reason we need to pass a resolution is a constitutional amendment anticipates there will be resolutions. It anticipates the County Commission will set up resolutions and issue permits and will take certain actions that will control and deal with bingo. We do not have regulations as we stand. The County Commission cannot make something that is illegal, legal and also can't make something legal, illegal. Bingo and certain types of bingo is not the issue, it's the law issue and controls we should have in place. There are certain things in the Houston County Resolution, such as the basic format which is good and probably should not be changed. As you read the resolution, it is very specific, like the type of entertainment that will be there. Since we don't have an agreement of that type with any group, our resolution will have to be general. We will have to decide how much money a group will have to invest in order to get electronic bingo as is described in the resolution. That will be helpful because bingo is bingo in the broad sense of the word legally in my opinion. If it qualifies as bingo,

then it qualifies as bingo. I don't care what it is or if it is not bingo. It does help that electronic bingo is described basically as a game that is played like regular bingo even though it is played on an electronic machine. It is bingo.

They have put high limits and I will suggest some figures. I'm not deciding what you are going to do only giving you a point of departure. I will review the Houston County Resolution more; I think they change the amount due on each machine annually. I'm going to suggest whatever the tax is on the machine; should remain the same every year.

Houston County gave the Sheriff the right to permit the bingo games. I don't think that is what you have in mind. I do think you want the Sheriff to do a report as he does when approving a liquor license; then the Commission can authorize whether or not to give a permit. The permits should have a fee. We do not receive funds from existing bingo games now and that will probably change as it has in Houston County.

They also set up a 501(c) 3 tax exempt and explain the reasons for implicating one and why they are able to do so. Houston County doesn't specify who is on the board. If the 501(c) 3 is set up; then all money from the charitable net profits go into the 501(c) 3 and it will disburse. The way Houston County is set up; they have a specific company they do business with. Since we don't have that, all money collected should be disbursed to all charities in Russell County. You may want to place on the board a representative of each of the existing bingo games.

I suggest the Commission set all the board members using a system you decide on, so it controls the net profits. Houston County also sets up a formula of how it is decided what the net profits are. They review this very well and all we will need to do is decide the size and the sum of the details. There is a need for this and we don't have any rules or regulations to respond to those request.

Chairman Cox replied, too sum this up if we are not prepared then they can write their own rules until we set regulations.

Mr. Funderburk stated, as of now they are not regulated or controlled.

Commissioner Martin recalled several years ago a lot of citizens were very concerned about the American Legion, who holds charitable bingo. The concern was who the organization was going to pass the money on to.

Mr. Funderburk, the Sheriff can give the permit, but, when you review what the law states, the Commission has to provide the regulations. At this time, we do not have regulations.

Commissioner Lee said we don't have regulations for this type bingo, because it has only been paper bingo until now; therefore, we didn't need parameters. How will this affect already established bingo games?

Mr. Funderburk stated, it would establish how they are permitted. A regulation is a tool you can use to limit how something, that is other wise legal, can be done. We are not making something legal that is presently illegal. A court can determine if an electronic game is not a true bingo game or not; that is not the Commission's decision. You're only placing rules, limitations and setting procedures. The 501 (c) 3 lets you be very specific on where the money is disbursed.

The meeting was adjourned.

Attest: _____
LeAnn Horne, County Administrator

Signed: _____
Gordon E. Cox, Chairman