

The Russell County Commission  
Meeting Minutes  
October 14, 2009  
9:30 A.M. EDT

An adjourned meeting of the Russell County Commission was called to order. Commissioners present were Chairman Dudley, Vice-chair Peggy Martin, Gentry Lee, Tillman Pugh, Ronnie Reed, Cattie Epps and Larry Screws. Also present was County Attorney Kenneth Funderburk and County Administrator LeAnn Horne, who kept the minutes.

A quorum was established.

Chairman Dudley requested a motion to approve the meeting agenda. Commissioner Martin motioned to approve the agenda. The vote was unanimous.

The invocation was given by Reverend Johnnie Robinson, Pastor of the Higher Power Outreach Church.

The Pledge of Allegiance was led by Commissioner Martin.

Chairman Dudley welcomed elected officials, department heads, media and guest.

County Administrator Horne recommended to table the September 23, 2009 meeting minutes. Chairman Dudley requested a motion to table the minutes. Commissioner Epps motioned to approve the recommendation of the County Administrator. Seconded by Commissioner Reed. The vote was unanimous.

Dr. Smith and Dr. Ring updated the progress of the Russell County / Phenix City Animal Shelter. Smith: I've got good news today. It appears we will be opening one day next week. Finally, the contractor has sent some people to do the floors that know what they are doing. The problem is they did not have enough material to seal them properly. It took far more material to seal them. They sealed the back kennel area so I could assemble the kennels to be open next week. Anyone that wants to drop by is more than welcome, but please don't stay too long because you will interrupt our work. Someone will be there to give you a quick tour. The back area looks great. In other areas the finish is dull now, because a couple more coats will go into that Saturday. Things are coming along well. There are some contract issues with the architect that the County Attorney will be addressing. Are there questions?

Commissioner Pugh: At one point there was a money issue in order to get started.

Dr. Smith: We are still short of the budget we had requested. We asked for guidance from the Commission as to what type of shelter you wanted to run. If you wanted to run a real shelter for a small fee, we gave you that budget. For what you budgeted us, we had to cut back on items. We still could use some money.

Commissioner Lee: I think what Commissioner is referring to is a onetime start-up cost, since you are just opening up and you haven't had time to do fund raising.

Dr. Smith: The onetime start-up cost. We have a half a million building. We have put together and showed you how many kennels we needed to put kennels or cages in all the rooms. That required \$194,000 expenditure for equipment alone. I believe if I'm correct we received \$80,000 for equipment money. \$60,000 was to buy stainless steel kennels for the back. This is a lifetime purchase for the

stainless steel in the back area. We elected to do this so in three to five years there would not be rusted out cages.

Commissioner Lee: If the City and the County can agree on a certain amount, would you be happy, whatever it is?

Dr. Smith: If we are given the budget amount we will operate within budget. I told everybody that at every meeting. I'm a retired Army Colonel. I've always operated within a budget. I have to know what you want done and then we will do it.

Smith: There is one mistake that occurred when this first started that has caused a lot of grief. That was when I gave the \$194,000 budget. \$74,000 of that was for stainless steel cages in all the rooms. The City did not want to do that; they wanted us to take the plastic cages from their shelter, which were dirty plastic cages. When the value of the items transferred over from the city, I'm sure this was a typographical error on their part, it show \$74,000 in equipment being transferred to us. \$9,000 is the value that was transferred to us. \$13,000 is the new value of everything usable being transferred to us. When I say useable, the only thing I did not take was the rusty freezer which I would not put in my barn. When they brought it over, they took it back. There was a delay and it broke and is no longer usable.

Smith: We met with the City last week, the city finance officer stated to me you have had over \$200,000 to use. If you can't manage that \$200,000 then you are mismanaging your budget. Well if that \$74,000 is included in that, then we found that so we saved him \$69,000. I hope he will be happy when we get a chance to talk to him again. We would be happy for anyone to come to look. We have every receipt for every small item we have bought. When we buy office supplies, I would go with Dr. Ring and we discuss what we are going to buy. We bought a black and white copier because the cost of the toner was very small. There is a very small Kodiak copier, which is the cheapest way when you need to color print. We are very frugal, believe me. All you have to do is to give us guidance. We will do what you want.

Commissioner Pugh: My question at this point: are you able to open this week and give us an opportunity to get back to the budget issue.

Dr. Smith: Yes. The opening day will be determined by how fast the floor finish dries on Saturday. They told me Monday afternoon as they were laying the floor finish down, if they had fans the finish would dry faster. I went to home depot and bought (5) five, \$20 fans on sale, to dry the floors, so they could get on with their work. The men doing this work are very ethical and they are proud of their reputation. They have done more than they were asked to do by the architect. They have left one room by the architect's specifications and the rest is being done the way it should be done. Because of the quality, I would like for you to come to look to see that. You would think well of the floor finish if you do. Do you have other questions?

Commissioner Epps: I stopped in yesterday and walked through the shelter. I talked with Dr. Smith about the completion of the building. One window has not been completed and another issue with the floor. I would like to know if we have a certified building inspector to inspect this building to insure the money we have invested has been invested wisely and make sure the building is up to standards. How will that be handled? Will we have someone to inspect the building or do we already have someone to do that?

Ms. Horne: Yes, the building has been inspected. The items are under warranty and are being reported to the contractor, who is responsible for the building up to one year per warranty. Anything that needs to be corrected is directed to him and he has been very responsive, according to reports that I have received from Dr. Smith and Dr. Ring.

Dr. Smith: The things Commissioner Epps has mentioned, none of us has noticed until yesterday or the day before. We think if we had a building inspector to really do an inspection, we may find a lot of other things. They may be minor things. We had one roof leak and we are not sure that's fixed yet. It would behoove us if we hired a building inspector like you would a home inspector, who would have no interest in it to tell us what we should have the contractor to get it right.

Commissioner Pugh: Do you have a city permit?

Dr. Smith: I have no idea.

Commissioner Pugh: If there is a building permit, then the City's Building Inspector is supposed to look at the construction during the building, which is part of the permit.

Commissioner Reed: I would like to say, I agree with Commissioner Epps. The floor needs to be water proofed. Dr. Smith tested it while I was there, water did not bead up on the floor as it should have.

Dr. Smith: That is the way it is in the back and the front will be Saturday. I would like to make a point. Its not because of the architect's specifications, it is because of the quality of work of the flooring contractor. They are doing more than they were told to do. They called the contractor representative and told they how bad the concrete was and what they had to grind to finish it. They were told by the contractor if they were grinding they could pack their trash and go home. I told the floor contractor to do the job right. Mr. Dudley and I would make sure he was taken care of. It is being done right.

Chairman Dudley: I would like to say this on the behalf of the building it's self. Any building will not be perfect, but this is a beautiful building. We have very capable people operating it. This is a great example of the City and County working together. You are going to have problems, but the end result is providing benefits for our citizens. We appreciate the City and the Animal Board for working with us.

Commissioner Epps questioned if Lonesome Pine Road had been included in the 2009/2010 budget and the status of the project. She also had concerns about the North Woodland Drive project.

County Engineer Larry Kite stated Lonesome Pine had been included in this years' budget and will need to be presented again to the Commission, because it was a joint agreement between the County and City. Guidance will be needed and approval of joint agreement. Engineering is still working on obtaining the right-of-ways for the project.

Administrator Horne and Judge Harden discussed the importance of Russell County residents to filling out the 2010 Census forms and the Commission appointing a committee to work with the Census representatives.

Judge Harden presented a petition from the Hudson Family requesting approval to establish a family cemetery on their property on Battle Road. The Hudsons have met all requirements and request to take the petition before the Planning Commission for approval. Commissioner Lee motioned to send the Hudson Family petition to the Planning Commission for approval. Seconded by Commissioner Martin. The vote was unanimous.

Superintendents Dr. Larry DiChiara and Dr. Yvette Richardson discussed the \$13 mill school tax renewal and how it affects the City and County Schools. Commissioner Lee motioned to set a special election for the 13 mill School Tax to be held February 2, 2010. Seconded By Commissioner Pugh. District 1(Lee) voted, yes; District 2(Pugh) voted, yes; District 3(Martin) voted, yes; District 4(Reed) voted, yes; District 5(Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) abstained, from the vote; because he is the Principal of the Russell County Elementary School, which makes him ineligible to vote on this issue. The motion carries.

Revenue Commissioner Naomi Elliott requested Commission approval for her department's annual S&W software/maintenance contract for their computers. The amount of the contract is for \$21,610. Commissioner Martin motioned to approve the contact and was seconded by Commissioner Reed. The vote was unanimous.

Chief Mapping Appraiser J.W. Brannen also requested the Commission to authorize execution of a maintenance contract for his department with S&W for maintenance and software needs on their computers. The amount of the annual contract is \$40,122. He also requested to approve another contract with SDS for the amount of \$36,306. These contracts have been budgeted for in the 2009-2010 budget year. Commissioner Martin motioned to approve the contract. Seconded by Commissioner Reed. The vote was unanimous.

Paulette Colbert requested approval for her department's software/maintenance agreement with S&W in the amount of \$26,280. Commissioner Lee motioned to approve the agreement. Seconded by Commissioner Martin. The vote to approve was unanimous.

County Engineer Larry Kite these items to the Commission:

- An agreement between Alabama Department of Transportation and Russell County for resurfacing of Opelika Road. Commissioner Lee motioned to approve the agreement. Seconded by Commissioner Martin. The vote was unanimous.
- HHR Road Striping Project Agreement which has been previously approved and is a 90 percent federal funded project to stripe county roads: Bayview Drive, Greenburt Road and Oswechee Road. The total cost of this project is \$58,420, Federal portion \$52,578 and the County portion is \$5,842. The Commission is also to approve the striping bid award letter to Hornsby Striping Company, Inc. Commissioner Martin motioned to approve the agreement and the award letter. Seconded By Commissioner Reed. The vote was unanimous.
- The Owens Road /Hwy 165 realignment has been completed and Mr. Kite requested a public hearing for the closing of the old portion of the road. He recommended 9:30 a.m. EST, November 25<sup>th</sup>, 2009 as the hearing date, before the regular Commission Meeting. Commissioner Lee motioned to approve the public hearing date and was seconded by Commissioner Martin. The vote was unanimous.
- Clarification of the approved budget was needed in relation to personnel. Restructuring in the Engineering Department had taken place before budget approval. Their budget had included rehiring for the vacancies of two key positions. The approved budget set a hiring freeze, except in law enforcement. Kite requested hiring two people to fill these vital positions. Commissioner Lee motioned to approve hiring for the two vacant positions. Seconded by Commissioner Pugh. The vote was unanimous.

County Administrator LeAnn Horne updated the Commission and public where the temporary judicial offices are located. Now:

- Judge Greene, Judge Bellamy, the Family and Drug Court, the District Attorney and Juvenile Probation are still currently located at the old courthouse.

- The Driver's License Testing Office has moved to 1320 Broad Street, formally known as the Veteran's Administration Office.
- Judge Johnson's Court and the Circuit Clerks Office are housed on 7<sup>th</sup> Avenue in the old Mapper/Appraisal Office.
- Judge Funderburk's Courtroom will be temporarily at the new Courthouse at 1000 Broad Street.

The former Library has been offered to the Commission to be utilized as the Circuit Courtroom. Renovations to the Library will be at minimal cost and will be in-kind, saving the County money. Commissioner Lee motioned to approve the request of the County Attorney and Administrator with one request to supply the Commission with a written report of current locations of these offices. The County Administrator provided Commissioner Lee a written copy upon request. Seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk recommended going into executive session to discuss building space issues, cost of the temporary relocation of offices still in the old courthouse and a contract issue. Commissioner Pugh motioned going into executive session as recommended by the County Attorney. Seconded by Commissioner Epps. The vote was unanimous.

Announcements made prior to executive session were:

Commissioner Pugh stated that DeJarvis Leonard met with him and other county employees to review Highway 80. He agreed Highway 80 does have safety issues and he will try to come back at the first of the year to do maintenance required to improve water flow on that highway, as well as work on turn-outs that obstruct safe entry on Hwy 80.

Commissioner Epps announced the Tour of Schools, Oct 21, 2009.

Chairman Dudley requested a motion to reconvene the meeting. Commissioner Martin and Lee motioned to continue the meeting and were seconded by Commissioner Epps. The vote was unanimous.

County Attorney Funderburk stated a cost of relocations of remaining judicial offices will be brought back to the Commission for review.

Commissioner Lee motioned to amend the approved 2009-2010 budget to appropriate a onetime start-up of \$50,000 to the Animal Shelter with the City to be billed for half. We will pay this by the first of next month, because they do need the funds to get started. This will be in addition to what we have budgeted. This is one-time and is to be remembered at budget time next year. Seconded by Commissioner Pugh.

Ms. Horne clarified and questioned Commissioner Lee where to obtain the \$50,000 - to increase fund balance?

Commissioner Lee stated: Yes, or where ever else you may find it.

The Commission was polled the vote to approve was unanimous.

Dr. Smith stated the shelter will be opened Tuesday or Wednesday of the following week.

Commissioner Lee asked the Shelter Board to work on some innovative fund raisers to offset money that will be needed by the shelter for the next year.

Commissioner Martin motioned to adjourn the meeting.

Meeting adjourned.