

The Russell County Commission  
Meeting Minutes  
November 12, 2009  
9:30 A.M. EST

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

A quorum was established.

Chairman Dudley requested to place on the agenda a committee for Construction Superintendent as a business item and to add a budget amendment for the Mapping / Appraisal department. Commissioner Dudley requested a motion to approve the amended meeting agenda. Commissioner Martin motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Bob Crumbley; Pastor of Trinity United Methodist Church.

The Pledge of Allegiance was led by Commissioner Pugh.

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

Chairman Dudley requested a motion to approve the October 28, 2009 meeting minutes. Commissioner Martin motioned to approve the minutes. Seconded by Commissioner Reed. 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 due to his absence at that meeting.

Citizen Mary Mathews discussed the placement of a previously funded flashing LED sign. Mrs. Mathews stated: Due to quick turn-over of principals and superintendents, it was necessary to form a committee of seven members in order to move forward with the placement of the flashing LED. Placement of the sign at the entrance of the school is more feasible due to the cost of a power transformer which would be needed for the sign's operation, if it was located on Hwy. 431. Now the County has rapid cast for amber alerts; therefore, the sign is no longer needed for this function and can be placed elsewhere. Commissioner Lee asked if placement could be delayed until other avenues could be reviewed for funding the sign in the original proposed location. Mrs. Mathews agreed to delay the sign placement at this time; however, would like for this project to be completed as soon as possible. Mrs. Mathews is to consult with EMA Director William Alexander on sign placement and alternative site locations.

Larry Kite updated the Commission on repairs being completed on Camp Parkman Road.

Commissioner Reed reviewed the Open Meeting Law adopted by the Commission. Commissioners are allowed to change his or her vote as long as it has been changed before the next agenda item is called or before recess or adjournment has been called.

Commissioner Pugh addressed the Commission concerning a committee for a Construction Superintendent for the Judicial Building project. I would like to make a recommendation that we create a committee to report back to this Commission as to a recommendation. Seconded by Commissioner Screws.

Commissioner Lee: The roof renovations on the Judicial Building are almost complete. As far as the structure changes in the roof; they are almost covered up. An inspector at this time could not check what has already been completed. Maintenance Director Richard Sellers and/or his employee, George Worthington, are at the building everyday. By the time we get around to determining if we need someone to oversee this project, the roof will be complete and the air conditioning phase will have begun. Mr. Sellers, whose expertise is in air conditioning, and his crew will be on the job everyday and will be working along the contractor completing certain in-house renovations. We have hired an architect, who has the responsibility of making sure that this is done according to specifications. His reputation is on the line. I feel this is an unnecessary expense for the County.

Commissioner Pugh: All I'm asking for is a committee to study the renovations. The committee may come back and recommend placing Mr. Sellers over the project.

Commissioner Reed: This is a small job and I feel a committee is unnecessary.

Commissioner Martin: I would not mind serving on the Committee. We do have employees already here to oversee projects and I trust our architect and the contractor. This Commission stated to hold expenses down and that was what we did with the salary increases.

Chairman Dudley: As Commissioner Pugh has stated, it is a study. This would have been ideal to have this done on October 1st. This is not against anyone or any institute when we make this recommendation.

Commissioner Epps: Asked for the architect overseeing the judicial project could speak.

Scott Holmes: Everything is going as planned, except for the rainy weather. The old roof has been torn off. The new insulation is down and the base line is down. The roof is not complete; there should be three layers on the roof. When it rains four to five inches, there will be some water seepage at this point until it's completion. The roof should take 6 to 8 weeks; which began on October 1<sup>st</sup> and should be complete the end of December.

Commissioner Epps: What will this committee review? What is the job criteria?

Commissioner Pugh: All I'm asking is for this committee to look at what is going on and to make a recommendation to the Commission as whether a project engineer would be feasible or a county employee, such as Mr. Sellers, and designate him to look after that and relieve him of his other obligations so he could fulfill that position. The committee can determine if it should be in-house or not and make a recommendation back to the Commission.

Chairman Dudley asked the Administrator to poll the Commission. District 1 (Lee) voted, no; District 2 (Pugh) yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. Four (4) yes votes, Three (3) no votes the motion passed.

Chairman Dudley asked Commissioner Pugh to chair the Committee and Commissioners Martin and Screws to also serve and to come back in two weeks with a report.

Probate Judge Harden has requested to waive the business license late fee for Mead Westvaco. The license was purchased before the penalty time frame. Due to a miscalculation the amount due was wrong. This was not discovered until the last business day licenses were due. Mead Westvaco agreed they made a mistake; however, could not get the check to us before penalties began. Their checks are processed in North Carolina; therefore it could not be paid until the

following day which would make it late. I recommend waiving the late fee. Commissioner Pugh motioned to approve the Judge of Probate's recommendation. Seconded by Commissioner Lee. The vote was unanimous.

Commissioner Pugh addressed the request to authorize a sewer study for areas of the County that are experiencing growth. Commissioner Pugh motioned to do a sewer study for the Fort. Mitchell and Ladonia areas to best address how to sewer these locations. Seconded by Commissioner Screws.

Commissioner Lee: I will have to state as I did two weeks ago. I'm 100 percent for a sewer study. My concern is ; We had a sewer study seven years ago; we have not had a comprehensive plan in 25 years. A new comprehensive plan may address more sewer issues than the one from 1985 because we have more of a sewer issue than we did in 1985. All I 'm saying is, our budget for a comprehensive plan, was basically under budgeted. We will probably have to add 40 to 50 thousand dollars to the budgeted amount to get a good comprehensive plan. We can also request in our comprehensive plan to go into more detail on sewage. Then, we will not have to do it again. If we don't get the results we want from our comprehensive plan, I will not only support a sewer study; I will make the motion. We have a comprehensive plan we have put off for three years that needs to be completed. This comprehensive plan has more benefits for the County as far as bringing in needed grants and businesses.

Commissioner Pugh: I will ask Mr. Lee to amend my motion to do whole comprehensive studies with diligence given to Ladonia and Ft. Mitchell.

Commissioner Lee amended the motion presented by Commission Pugh to a comprehensive plan with emphasis on detailed sewer studies in the Ladonia and Ft. Mitchell areas. Seconded by Commissioners Martin and Pugh.

County Administrator Horne: I'm a very strong advocate for the comprehensive plan; however, I want to caution this Commission. To-date, the budget was amended utilizing reserves \$408,000. It has been just a little over a month. One of my concerns is that we have the Judicial Building renovations to complete and the next phase is the HVAC. We have other judicial office moving expenses that the attorney will come forward with on leasing office space and paying for office rent/leasing. This Comprehensive Plan is needed; I agree. I am only cautioning the Commission on the budget. Also, the situation with the Joint Animal Shelter with the City of Phenix City and how we are to fund this going forward. This is a potential \$300,000 unexpected expense that needs resolving.

Ms. Horne: It may be a good idea to postpone this expenditure until the next meeting and hopefully the animal shelter matter will be resolved so we will know how to prioritize funding needs.

Commissioner Lee: My amendment did not change the budget. It was to go ahead with seeking bids for a comprehensive plan and emphasize sewage. When we get bids in, that is when we will decide whether we want to spend the money. The motion was not to obligate additional funds or any funds, just to include the sewer study when we get bids.

County Administrator Horne: I agree on including the sewer; I just wanted to remind this Commission where we are on the budget.

Commissioner Epps: I do support the comprehensive plan especially for my area. I agree with the Administrator about being cautious how much we are taking on at this time. I understand the growth in Ft. Mitchell, but I have talked to ADECA about a comprehensive plan and at this time, Russell County as a whole does not qualify for a comprehensive plan grant. I also talked to a professor in the Mobile area who works with the decentralized plant systems and is willing to talk to us and explain how the County could work with this type system.

Commissioner Reed: The County doesn't make money off sewage; you make money off the water usage. I think the utilities should seek some type of bond under their organization.

Chairman Dudley asked to have the Commission polled on the amendment. District 1 ( Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. The motion passed with 6 votes yes and 1 no vote.

Chairman Dudley asked to poll the Commission on the motion. District 1 ( Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. The motion passed with 6 approvals.

Commissioner Pugh presented a safety issue in the Ladonia area concerning a car wash that is no longer in business. There are open pits which contain water and oil. The vacated property is often used as a short cut to a nearby store. The pits are a danger if a child should wander on to the property and fall into one of the pits or if an adult were to slip and fall in. The owner has been asked to correct this issue.

Special Enforcement Officer Bill Friend has contacted the owner of the property to have the grounds cleared of debris, correct the safety hazards and also chaining the area off and posting no trespassing signs. The property owner has cleaned the area, but has not corrected the safety issues. Friend stated: He had been out on three occasions since February 2009. This is private property, so he is limited to what he is allowed to enforce.

County Attorney Kenneth Funderburk informed the Commission they could authorize a public nuisance suit, but the chances of winning the suit would be small and the cost of the suit would be great.

Commissioner Pugh asked the County Attorney what the laws are on open wells and for him to research this and return to the Commission with this information. (There was no motion or vote on this item).

Homeland Security Director William Alexander presented several items:

1. Federal fund application applied for by his office. Alabama had been declared a disaster area due to rains in March and April. Areas in the County were inspected by FEMA and qualified for funding. The areas receiving funding were Carson Drive, Virginia Street, Kathleen Street, Westside Drive, Sanks Drive and Wildman Bottom Road. \$11,119.16 in funds was received. County Administrator Horne recommended a budget amendment is as follows:

**ENGINEERING FUND 111**

<b>INCREASE</b>	111 47000 000	MISCELLANEOUS REVENUE	\$11,119.16
<b>INCREASE</b>	111 53100 213	RD CONSTR MAT & SUPPLIES	\$11,119.16
		<b>TOTAL</b>	<b>\$11,119.16</b>

Commissioner Lee motioned to approve Alexander's recommendation. Seconded by Commissioner Martin. The vote was unanimous.

2. A \$25,000 grant was awarded to Russell County Homeland Security through the Alabama Department of Homeland Security for a pontoon boat and equipment. This will boat is to be manned by the Russell County Sheriff's Department and their dive team. Bids will be sent out November 13, 2009 with the bid opening to December 3, 2009 at 3:00 p.m.

Commissioner Screws motioned to approve bids for a pontoon boat. Seconded by Commissioners Epps and Martin. The vote was unanimous.

- Citizens Corps Grant was also awarded to the Homeland Security Department in the amount of \$14,500. This organization of community volunteer that will assist in the event of a natural or man made disaster. We will have to equip and train these volunteers. Ms. Horne stated there will be an increase to General funds State Grants \$14,500. The budget amendment was recommended as follows:

<b>INCREASE</b>	001 44741 810	STATE GRANTS	\$14,500.00
<b>INCREASE</b>	001 52300 211	OFFICE SUPPLIES	\$464.77
<b>INCREASE</b>	001 52300 214	MINOR EQUIPMENT	\$2,556.98
<b>INCREASE</b>	001 52300 219	OTHER MISC SUPPLIES	\$10,878.25
<b>INCREASE</b>	001 52300 265	REGISTRATION & TRAINING	\$300.00
<b>INCREASE</b>	001 52300 304	CONTRACT SERVICES	\$300.00
		<b>TOTAL</b>	<b>\$14,500.00</b>

Commissioner Epps motioned to accept the recommended budget amendment and was seconded by Commissioner Reed. The vote was unanimous.

- \$2, 000 grant was also received from the Alabama Public Health for enhancement of our operation center. Ms. Horne stated we will increase State Grants General Fund by \$2,000. Mr. Alexander recommended budget amendment is as follows:

**GENERAL FUND 001**

**EMA-52300**

<b>INCREASE</b>	001 44741 810	STATE GRANTS	\$2,000.00
<b>INCREASE</b>	001 52300 214	MINOR EQUIPMENT	\$2,000.00
		<b>TOTAL</b>	<b>\$2,000.00</b>

Commission Lee motioned to approve the budget amendment and was seconded by Commissioner Martin. The vote was unanimous.

- Request to purchase hazard material and chemical warfare agent detection in the amount of \$9,292.84 each for the total of \$18,585.68. This is Homeland Security money and will be at no cost to the County. These instruments will be used in the case of a hazardous materials call. One will be placed in the city and one in the county. At this time we are relying on other agencies to respond to those type of calls. If we do go to a scene and determine there are hazardous materials, we will still have to rely on other agencies to take care of the scene. These instruments just speed up the process in the determination of what we are dealing with.

Commissioner Screws motioned to approve the purchase. Seconded by Commissioner Reed. The vote was unanimous.

County Engineer Larry Kite requested approval of the PBS&J Construction & Inspection Service Agreement, a professional inspection service, to inspection projects on County Road 4. They will provide an experienced bridge inspector who is familiar with drill shaft construction to work along side of our engineer personnel at an hourly rate. The total agreement is not to exceed \$149,674.33 and is on an as “needed basis”. This is a budgeted item paid through contract services and is 100 percent reimbursable. Commissioner Lee motioned to approve the agreement with PBS&J Construction and Inspection Service. Seconded By Commissioner Martin. The vote was unanimous.

Mr. Kite also requested reimbursement to Russell County Water Authority for relocation of water lines during the County Road 4 project. The work preformed is also a 100 percent reimbursable by the Alabama Department of Transportation. The DOT requires the County to pay the Water Authority before the reimbursement process.

The total amount due is \$17,901.61. Kite requested the County Administrator be allowed to make payment out of the general fund. Reimbursement should be made within 60 to 90 days. Commissioner Martin motioned to approve payment to The Russell County Water Authority. Seconded by Commissioner Reed. The vote was unanimous.

Chief Mapper/ Appraiser, J.W. Brannen stated: It was recently discovered in 2007/ 2008 budget year payment for their software/hardware maintenance agreement had not been paid; due to a billing failure. The company did perform the agreed work, but did not bill the Mapping/Appraisal Department. Therefore, at the end of that fiscal year, the monies left over went back into the budget for the following year. I contacted the Department of Revenue for advice. Their recommendation was to amend the department's maintenance budget \$32,181 and send a letter to the Revenue Commissioner, Mrs. Elliott, requesting to withhold those funds in order to make the back payment to SDF. Mr. Brannen requested a budget amendment as follows:

<b>APPRAISAL FUND 120</b>			
<b>INCREASE</b>	120 41115 002	PROPERTY TAX APPRAISAL	\$32,181.00
<b>INCREASE</b>	120 51985 239	OTHER REPAIRS & MAINT	\$32,181.00
		<b>TOTAL</b>	<b>\$32,181.00</b>

Commissioner Martin motioned to approve the budget amendment. Seconded by Commissioner Reed. The vote was unanimous.

County Administrator LeAnn Horne presented a letter from Kathy Coulter requesting a mag lock for the building where her office has been temporarily located. The estimated cost is \$1,200. Commissioner Epps motioned to approve the lock for the Russell County Annex (formerly tag & appraisal offices). Commissioner Reed seconded the motion. The vote was unanimous.

The District 7 Planning Commission appointment was addressed and Commissioner Screws requested to table this item until the next meeting.

Ms. Horne reported the departments are requesting offices remain closed Friday, November 27, 2009 for an extended Thanksgiving Holiday. A vote was unnecessary as the Governor has already declared that date as a holiday according to Commissioner Lee. However, official notification had not been received to-date.

County Attorney Funderburk advised a proposal between the D.A.'s Office with Bowden Realty for temporary office space at 910 13<sup>th</sup> Street. Cost of Occupancy will be three thousand five hundred dollars (\$3,500.00) per month, to be paid on the 1st of each month. The lease will be effective January 1, 2010 and is on a month to month basis. Funderburk recommended approving the D.A.'s request and to authorize the Chairman to sign the lease for the temporary office space. Commissioner Lee motioned to approve the County Attorney's recommendation. Seconded by Commissioner Reed. The vote was unanimous.

Funderburk also read a letter from Judge Bellamy requesting space in the County Commission Offices in the Courthouse. Offices listed are: Chairman Dudley's Office, the small conference room next to the Chairman's office and the use of two of the Commissioners cubicles and two small offices in the Tag Office and relocating the entry door in the Tag Office would be necessary to allow the office total security and ease of access. Additional space at the old Mapping/Appraisal building would house Mike Suber and the Juvenile Court Staff. This would eliminate the need for renting temporary space for relocation, per Judge Bellamy's letter.

Funderburk states: There is not enough space in the old Mapping / Appraisal Building to house all of the remaining departments. The only space we have found that could house all of those offices just mentioned is the old Alabama Power Building at Judge Bellamy's suggestion. The rent would be approximately \$3,000. per month. After discussion Commissioner Pugh motioned to approve the new Courthouse for Judge Bellamy. Commissioner Screws seconded the motion.

After more discussion the Commissioners were polled. District 1 ( Lee) abstained; District 2 (Pugh) voted, yes; District 3 (Martin) voted, no; District 4 (Reed) voted, no; District 5 (Epps) voted, abstained; District 6 (Dudley) voted, no; District 7 (Screws) voted, no. The motioned failed with 4 no votes, 2 abstained and 1 yes vote.

Commissioner Pugh then motioned to approve the old Alabama Power Building for Judge Bellamy's court, offices and Juvenile offices. Seconded by Commissioner Screws. District 1 ( Lee) abstained; 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) voted, yes. The motion carried with 6 yes votes and 1 abstained vote.

County Administrator Horne reported: Last week the Commission Office was flooded with calls because of the Rabies Control outfit from Shelby County who sent out preliminary hearing notices, stating the Russell County Commission was hosting the hearing at the Courthouse. I want to report to the public that the Commission did not sponsor those hearings regarding the rabies control. Their hearings were rescheduled to the Health Department and Dr. Greene cancelled the hearings. If there are any questions, you will need to call Dr. Greene in Shelby County. Again, this was not through the Russell County Commission.

Commissioner Lee motioned to adjourn the meeting.

Meeting adjourned.