

The Russell County Commission  
Meeting Minutes  
November 22<sup>nd</sup>, 2017  
9:30 A.M. E.S.T

An adjourned meeting of the Russell County Commission was called to order.

The Invocation was given by Jean Keel, Pastor of the Veteran's Outreach Church.

The Pledge of Allegiance was led by Commissioner Carl Currington.

Public comments:

Gregory Rose discussed Miller Drive which is considered a private road where 9 families live. He requested procedures for having the road maintained by the County. He presented a map of the road, which shows it is located off Hwy 165. Neighbors are ready to sign deeds giving the county easement to maintain the road.

Chair Martin thanked the Citizen of East Alabama and Cable T.V. of East Alabama for their coverage of the Commission Meetings. She also welcomed elected officials, department heads, media and guests.

Assistant Administrator Perry called the roll. Members present were: Chair Peggy Martin, Vice Chair Larry Screws, Commissioners Gentry Lee, Carl Currington, Ronnie Reed, Commissioner Epps and Chance Corbett. Also present was the County Attorney Kenneth Funderburk.

A quorum was established.

Chair Martin requested a motion to approve the November 8<sup>th</sup>, 2017 meeting minutes. Commissioner Currington motioned to approve. Seconded by Commissioner Corbett. There were 6 yes votes. Commissioner Epps abstained due to her absence at that meeting. The minutes were approved.

Commissioner Epps presented a proclamation to Money Powell IV, a resident of Fort Mitchell who currently ranks No. 1 in the United States for Boxing.

The At-Large Appointment on the Planning Commission has been vacant due to the retirement of Bill Friend. Commissioner Lee motioned to appoint James Monk to complete Mr. Friend's term. 6 yes votes and one abstention by Commissioner Corbett. The motioned passed.

Special Enforcement Office Gary Leeds stated that at the September 27<sup>th</sup>, 2017 Commission Meeting a thirty day extension was granted to the owners of 6 Irvin Drive to clean up the property before abatement was placed on their land. There have been numerous complaints about the trash and debris from neighbors. The City Building Inspection Department has also visited the property and condemned the open shed that

is only held up with 2 x 4's. Mr. Leeds requested approval of the land abatement. He is leaving the decision of removal of the shed to the Commission.

Commissioner Lee asked Attorney Funderburk if the Commission could legally tear down the shed.

Attorney Funderburk stated that the shed is in violation of both county and city regulations and the Commission could go ahead and abate.

Commissioner Corbett motioned to approve the land abatement. Seconded by Commissioner Currington. The vote was unanimous.

There were court orders for the cremations of Randy Turner and George F. McNamara. The order states that the County is to pay not more than \$400 each to the Colonial Funeral Home. Commissioner Epps motioned to approve payment of the cremations. Seconded by Commissioner Reed. The vote was unanimous.

McBride and McGill Surveyor, Mr. McGill presented a request for a subdivision regulation variance for William Jake Cox, Jr property. The plat shows a lot off Ware Road. It was built back in the early 1990's, inherited by Mr. Cox, who would like to subdivide the land and sell to the two adjoining neighbors. After the subdivision, he will only have a 25.1 foot driveway access. Subdivision regulations require the access to be 30 feet. The plat was presented to the Planning Commission, but was not able to address this issue due to recent changes in the law; therefore, it was brought to the Commission for approval or denial. Commissioner Lee motioned to grant the variance. Seconded by Commissioner Corbett.

Mr. McGill showed how Mr. Cox's driveway matches the other driveways in the area.

Commissioner Corbett: The issue brought up to me was the easement for power. The only concern that I have is the property that is legged-out belongs to Mr. Cox; the property further to the North. Will they be able to get power there if they build a house?

Mr. McGill: Power is not part of Subdivision regulations. To address that; it is either a two phase or three phase power on the corner, but those issues are his. The question of the extension of subdivision regulations, if he does that then he will have to move out of the Subdivision Regulations. If hired to do that; then, we would tear his house down to extend the road. I don't see that property being valued enough to extend that.

Commissioner Currington: What if they decide to develop this property and we grant this; then, they will have a 25 foot easement to dealing with. The Planning Commission should place a note on the plat they would have to come back to the Planning Commission to protect us. They should place that on the deed, record it and notarize it. In case they decide to develop all of that, to protect the Commission, so we're not giving away a 25 foot road that the County has to maintain.

Commissioner Corbett: If they further subdivide this property after this, would they not have to come back again?

Mr. McGill: That can't happen.

Commissioner Lee: We are not accepting that as a county road.

Mr. McGill: Any problem incurred is his. It's on a down grade. There is no pipe. It is at the end of the road and if he can't get in there it is his problem. Any further subdividing will have to come back to the Planning Commission as a full subdivision.

Assistant Administrator Perry polled the Commission. The vote was unanimous. Victor Cross introduced David Patella from Westrock who will discuss the company, its history and their request for the tax abatement. Westrock is expecting to spend approximately \$54 million this year if the tax abatement is approved and spending \$96 million next year. This project will cause half of the mill to shut down for 4 weeks. During the shutdown they plan to implement other projects. Equipment that will be replaced is part of the mill's infrastructure installed in 1971. Due to the age of the equipment maintenance cost have risen greatly.

Mr. Cross elaborated more on the mill's history, payroll and money that stays in Russell County. He discussed three options the, first being the best solution for the mill.

1. 10 year abatement on property taxes and abate the sales and use tax.
2. Do away with the 10 year abatement and have the abatement on the sales and use tax.
3. Do nothing

His recommendation is giving the mill all the help that they need.

Commissioner Corbett asked if there would be a reduction in the work force due to the new equipment.

Mr. Pattella acknowledged there would not be a decrease in their employees. The decrease would be in material cost not work force.

Commissioner Screws motioned to approve the recommendation of Mr. Cross. Seconded by Commissioner Reed.

Commissioner Lee stated that on his 26 years on the Commission. His stand on this issue has been consistent. Tax abatements are great tools. The purposes of these are for bringing new businesses to the county, help businesses expand and create jobs. He felt that this request did not fit the criteria.

Commissioner Corbett discussed reasons that he may vote no, for the tax abatement. He supports this company, but cannot support approving abating both property and sales and use tax. He wants to work with them, but does not want to give all revenue that the County should receive. The County is also struggling and need funding also.

Chair Martin read facts that Administrator Horne researched and requested they consider this before making their decision concerning the tax abatement.

The Commission has several projects which have been approved and others that are pending approval that require funding, such as the old Post Office/ Library renovation, demolition of the Raiford Building. The economic development project approved for \$125,000 for utilities that was not budgeted, roof specifications which are now being prepared for bid for the Courthouse. Also, the County's revenue are not adequate to fund 100% post-retirement health benefits for County employee retirees. That is a few projects that the Commission is obligated.

Commissioner Epps stated she understood this will not bring new jobs. She also understood that with the old equipment there could be safety issues. She questioned if the tax abatement is approved today when will the project begin?

Mr. Pattella stated that would be 2019.

Commissioner Lee did not agree that safety of a business is not the responsibility of the Commission. Commissioner Corbett agreed with Commissioner Lee's comment, but stated he did not want anyone to think the Commission did not care, but safety is the responsibility of the company.

Attorney Funderburk how much money would the County lose if they approve the abatement?

Mr. Cross said that would be \$1,131,396 million that is if the County did not approve any of the abatements over 10 years. A table was provided to show a break down of the amounts of estimated tax savings for the mill over a 10 year period.

Westrock Representative Kayly Tinsley said there would be other projects that will be capitalized and will go on the County's property tax digest that they will not request abatements.

District 1 (Lee) voted, no; District 2 (Currington) voted, no; District 3 (Martin) voted, no; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Corbett) voted, no; District 7(Screws) voted, yes. There were 4 no votes and 3 yes votes. The motioned failed.

Commissioner Corbett motioned to abate the property tax for 10 years, not abate the sales and use tax.

Commissioner Lee offered an amendment to the motion to abate the property tax for 6 years and none on the sales tax.

Commissioner Corbett said that we still get it in 10 years. Commissioner Lee agreed, but this would be a lesser amount and he would vote to approve Commissioner Corbett's motion with that change.

Mr. Cross requested to abate the sales and use tax for one year and to approve the 10 year property abatement.

Commissioner Epps seconded Commissioner Corbett's motioned.

Commissioner Corbett reiterated that he would like to help the mill, but did not want to give everything away.

Ms. Tinsley stated that it would be more beneficial for the company to have the sales and tax abatement and forgo the property tax abatement.

Commissioner Corbett withdrew his motion, to make a new motion, to abate only the sales and use taxes for 10 years. Seconded by Commissioner Epps.

Commissioner Lee asked that if this is approved for this project, you will not return to request another sales tax abatement.

Mr. Cross stated that is correct.

The Commission was polled. District 1 (Lee) voted, no; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7(Screws) voted, yes. 6 yes votes and 1 no vote, the motioned passed.

Each year the Commission Chair and Vice Chair are elected.

Commissioner Reed nominated Peggy Martin as Chair. Commissioner Corbett motioned to close the nominations. By acclamation Peggy Martin remained Chair.

Commissioner Reed nominated Carl Currington to be Vice Chair. Commissioner Lee motioned to accept the nomination by acclamation. Seconded by Commissioner Reed. Carl Currington will be Vice Chair for 2018.

Chair Martin thanked them for allowing her to serve as Chair.

Assistant Administrator Perry presented a request to pay for the Santa Float for the 2017 Christmas Parade. The payment of \$450.00 will be paid out of the Contingent Fund. Commissioner Corbett motioned to approve. Seconded by Commissioner Lee. The vote was unanimous.

Attorney Funderburk recommended going into executive session. He asked for James McGill and Mark Clark to attend the executive session. Commissioner Currington motioned to move into executive session; seconded by Commissioner Reed. The vote was unanimous.

Commissioner Lee motioned to reconvene the Commission Meeting. Seconded by Commissioner Currington. The vote was unanimous. Commissioner Corbett did not return to the meeting.

Attorney Funderburk recommended the County join in with the Sewer and Water Authority filing litigation with the City of Phenix City in seeking injunctive and other release as quickly as possible. Commissioner Currington motioned to approve Attorney Funderburk's recommendation. Seconded by Commissioner Epps. The vote was unanimous.

Chair Martin adjourned the meeting.