

The Russell County Commission  
Meeting Minutes  
November 28<sup>th</sup>, 2012  
9:30 A.M. E.S.T.

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

A public comment was made by Ms. Denny concerning trash from neighbor's yard being blown in her yard due to the neighbor's dog who raids trash cans. Special Enforcement Officer Bill Friend and Sheriff Taylor who have been to her residence to help with her complaint, but are unable due to her unwillingness to sign a warrant on the neighbor. She was given suggestions on how to handle the situation since she does not want to sign a warrant. The Sherriff was asked by Commissioner Pugh if he would go to the dog's owner and talk with him about the situation. Sheriff Taylor agreed to do so.

The County Administrator LeAnn Horne called the Commission roll. Members present were Chair Peggy Martin, Vice Chair Cattie Epps, Gentry Lee, Tillman Pugh, Ronnie Reed, Chance Corbett and Larry Screws. Also present was the County Attorney Kenneth Funderburk.

A quorum was established.

Chair Martin stated there is an addendum to the meeting agenda. Administrator Horne explained the Board of Education is requesting approval of a resolution concerning the 1% sales tax. Commissioner Epps motioned to approve the agenda with the addendum. Seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Judd Stinson, Pastor of Summerville United Methodist Church.

The Pledge of Allegiance was led by Chair Martin; after which she welcomed elected officials, department heads, media and visitors.

Chair Martin requested an approval of the November 14<sup>th</sup>, 2012. Commissioner Epps motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Mr. Allen Belcher and Angela Grier presented a request for funding for the Russell County High School Baseball Program. Ms. Grier gave an outline of the success that the program has had with scholarships and several possible draftees for college and professional teams.

Mr. Belcher named several projects that have been completed for the baseball fields. They are in need of a new scoreboard and the boy's locker-room is under repair, the

school and parents have raised approximately \$38,000 but lack \$5,000 in funds to complete these projects.

Commissioner Corbett stated the Commission was very supportive of the Baseball Program, but there was at this time no need to take action. He had talked to State Senator Billy Beasley last evening and the Senator decided to give the needed amount to the Russell County Baseball program.

Jimmy Adams presented a resolution and an agency agreement that must be approved every four years. A mass mailing is required for all registered voters in the State of Alabama. The cards that are mailed are non-forwarding, therefore, are returned to the County's office. Those returned cards require a second postcard that is forwarded in order to get a Correct address. Those cards which comeback the second time are put on an inactive list, which does not mean they do not vote, but have a different address. They are not on a removal list for 2 presidential elections. The agreement keeps the county office from doing all the mass mailings and be refunded by the State for postage by giving the Secretary of State the authority to act on the County's behalf. The resolution is a request by the County to have the Secretary of State take care of the mailings. Commissioner Lee motioned to approve the agreement and resolution. Seconded by Commissioner Reed. Administrator Horne stated the documents require the Chair's signature. The vote was unanimous.

Special Enforcement Officer Bill Friend discussed clean-up of county roads and streams and the possibility of having utility companies help fund a small crew and vehicle to do trash pick-up along the roads and streams. The Russell County Utility and the Engineering Department does help by picking up trash bags thrown along the roadways. Commissioner Corbett asked Mr. Friend to bring a cost proposal back to the Commission for review. No action was taken.

Sheriff Taylor requested approval to purchase a new IP phone system which will save money. There will still be 3 analog back-up lines in case of IP failure. This is a budgeted item. Commissioner Screws motioned to approve the purchase. Seconded by Commissioner Corbett. The vote was unanimous.

County Engineer Larry Kite requested a revision to a logging ordinance that was approved September 2012 in response to a new state law regarding logging notification. Approved in September was a set of model documents that were drafted and recommended by the Alabama County Commission Association (ACCA). Prior to that a logging notification policy was in effect and was working well. The logging ordinance was a request by the logging industry, which became unhappy with parts of the law; requested revisions. The Association and the ACCA Attorney recommended these revisions be adopted to alleviate some of the concerns of the timber industry and the Alabama Forestry Association. Instead of engineering sending out notices for problems with access points, drainage features or hauling routes, which are already regulated by existing state laws, we will send out an advisory notification of those violations which will be handled through other means. Their logging operations will not

be held up. Also deleted is a requirement for the Engineering Office getting a copy of the logging industry's liability policy number. However, we will still get their insurance company's name to verify that they have a liability policy.

Commissioner Pugh stated if we have the policy number we have the ability to file a claim directly and not have to be placed into a holding situation. Commissioner Pugh made a motion to approve the recommendation, with the policy number be a requirement. Seconded by Commissioner Corbett. The vote was unanimous.

Mr. Kite requested approval to advertise the Annual Materials Bid to be opened January 3, 2013 at 2:00 p.m. in the Commission Chambers. Out of 12 items there will only be only 5 items to bid this year; the other 7 are renewal for another year. Commissioner Epps motioned to approve the bid and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Corbett discussed the dangerous intersection at Hwy 431 and Hwy 165 and the recent visit from ALDOT District Engineer DeJarvis Leonard, who stated, now is the time to again request for a study of this intersection for placement of a traffic light. He motioned for the County Administrator and the County Engineer to draft a letter to be signed by the Commission Chair requesting a new study or revisit the old study for a traffic light at this intersection. Seconded by Commissioner Reed. Commissioner Pugh asked Commissioner Corbett to amend his motion to include the City Engineer since the subject area is in the City Limits. The City may wish to help fund the light if it is approved, though that will not be a factor if they do not wish to help fund the project. Commissioner Corbett amended his motion as Commissioner Pugh recommended. The vote was unanimous.

Commissioner Corbett asked the Commission to recognize a long time employee of the County, who served the County for over fifty years. He motioned to name the engineering area located on Poorhouse Road the Arthur L. "Buster" Sanders Complex. Seconded by Commissioners Lee and Reed. The vote was unanimous. Mr. Sanders was given a certificate of recognition for his service as well as a draft photo of how the sign will look.

The Election of Commission Chair and Vice Chair took place. Commissioner Screws motioned let the Chair and Vice Chair remain the same for the coming year. Seconded by Commissioner Epps.

Commissioner Lee: I move to have the positions separate like we always do.

Chair Martin: There was a motion on the floor.

Commissioner Lee: That is right and any member can ask for there to be two separate motions.

Commissioner Screws: I will not rescind the motion. I made a motion and got a second.

Commissioner Pugh: Let's vote on the separation and if it is voted down, then we move forward.

Commissioner Lee: Normally we don't vote on separation.

Commissioner Pugh: Ok you are the point of order tell them.

Commissioner Lee: I did.

Chair Martin: Are we going to ignore Commissioner Screw's motion?

Commissioner Lee: The motion stands. The first motion would be for Ms. Martin to be Chair. That is one motion. My request was for them to be separate. After that the second motion would be for Mrs. Epps to be Vice Chair instead of them together.

Commissioner Screws: No, the motion was that we retain the Chair and Vice Chair as it is and it was seconded.

Commissioner Lee: Yes, sir, but in parliamentary procedure on a motion that is doing two things, you can ask for separation and that is what I'm asking for. Not that is going to make any difference. We just don't want to set a precedence.

Commissioner Reed: Madam Chair at this time I move we call for the vote.

Chair Martin: I'm going to recognize Commissioner Screw's motion and we will poll that.

District 1 (Lee) voted, no; District 2, Commissioner Pugh stated he did not like not separating the positions. It was not fair to the other Commissioners, but in this case he will vote, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Corbett) voted, yes; District 7 (Screws) voted, yes. With 6 yes votes and 1 no vote the motioned passed. Commissioner Lee asked the Administrator to research the rules that the Commission operates under and see if the separation of the motion is listed. If it is and the Commission violated that; then election of the Chair and Vice Chair will have to be re-elected.

County Administrator Horne stated at this time of the year the Commission always sponsors the Santa Claus Float for the City's Christmas Parade, December 8<sup>th</sup>. She requested authorization to pay \$410 from the Contingency Fund. Commissioner Screws motioned to approve payment for the Christmas float and was seconded by Commissioner Reed. The vote was unanimous.

Administrator Horne announced The Severe Weather Preparedness Tax Holiday is Schedule for February 22-24<sup>th</sup>, 2013. The State is requesting a resolution from each county stating whether or not they want to participate in the program. Commissioner

Epps motioned to approve participation. Seconded by Commissioner Reed. The vote was unanimous.

Administrator Horne explained The Board of Education is in the process of re-funding several bonds. The resolution being presented to the Commission at today's meeting is authorizing the 1% sales tax to be utilized for payment of the bonds. The tax is already in place and is being received; this just verifies they are receiving the tax. The proceeds of the tax go toward the bonds. Commissioner Lee motioned to approve and were seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk reported that (old tag office) the annex building appraisal was discussed at the Monday night work session. The Commission previously voted to make the building surplus. The building now needs to be appraised for fair market value, which does not mean the Commission has agreed to sell or lease the building, but will give a basis for a decision.

Commissioner Corbett motioned to have the building appraised. Seconded by Commissioner Screws. The vote was unanimous.

Attorney Funderburk recommended going into executive session to discuss a business license issue. Commissioner Corbett motioned to go into executive session. Seconded by Commissioner Reed. The vote was unanimous.

Chair Martin made announcements before the session:

- The Historic Bridge on the west end of Lynn Road will be closed beginning December 3<sup>rd</sup>.
- The Governmental Affairs Committee Dinner will be December 13<sup>th</sup> at 6:00 p.m. at the Golden Quarters.

Commissioner Epps announced St. John's AME Church on Hwy 165 will be moving into the new Sanctuary Sunday December 2<sup>nd</sup> and all are invited.

Chair Martin requested a motion to reconvene the meeting. Commissioner Epps motioned to reconvene and was seconded by Commissioner Reed. The vote was unanimous.

Attorney Funderburk stated the Probate Judge informed the Commission that he believes it will be necessary to have Mead audited for sales and use taxes for the last seven years. Actions are not necessary by the Commission.

Chair Martin adjourned the meeting.