

The Russell County Commission  
Meeting Minutes  
December 23, 2009  
9:30 A.M. EST

Public comments from citizen(s) including the Animal Shelter Board were presented regarding the proposed agreement amendment between Russell County and Phenix City concerning the joint Animal Shelter.

Judge Bellamy discussed the relocation of offices in the Judicial Building during renovations. He requested to temporarily relocate his offices and court to the new Courthouse until time to move back into the Judicial Building due to the proposed building's condition and funding. He also requested to be added to the agenda to discuss the Commission funding a new Juvenile Detention Center.

Hecht-Burdeshaw Architect, Scott Holmes updated the Commission on the Judicial Building renovations. The roof is almost completed and is only a few days behind due to an excessive rainy season. The original contract price for the roof was \$240,571. The County purchased the roofing materials for the Judicial Building which resulted in a savings of \$3,324. With the contingency money, that was not utilized. The bid cost is now \$223,677.53 with a savings of \$16,893.47. The roof has been inspected and pictures of the project are available.

Kim Davis and Fletcher Tolbert requested the Commissioner's to sign a Resolution supporting South Phenix City in their demand of No New Landfills in the South Phenix City area and along the Chattahoochee River. They stated that Phenix City has recently signed an Ordinance for no new landfills within the Corporate Limits of Phenix City.

Hugh Sorrell, President of the Concrete Company and Deep South Disposal and Recycling, spoke in opposition of the No New Landfills proposed legislation. This legislation will hurt businesses and limit free enterprise. He stated free enterprise is important especially in today's struggling economy.

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

A quorum was established by the Administrator.

Chair Martin requested a motion to approve the agenda. Commissioner Epps motioned to add to the agenda under Business Items: Landfill Resolution; which was discussed during today's public comments. Seconded by Commissioner Reed. After discussions by the Commissioners not having enough time to research this matter; Commissioner Epps asked to withdraw her motion to place this on the next meeting agenda under business.

Commissioner Pugh motioned to add Dr. Caldwell and Dr. Smith to the agenda under Discussion Items. Seconded by Commissioner Lee. The vote was unanimous.

Commissioner Lee motioned to allow Judge Bellamy to address the Commission under Discussion Items. Seconded by Commissioner Dudley. The vote was unanimous.

The invocation was given by Nathan Sims, Pastor of Holland Creek Baptist Church.

The Pledge of Allegiance was led by Commissioner Pugh.

Chair Martin requested a motion to approve the December 9<sup>th</sup>, 2009 meeting minutes. Commissioner Dudley motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Bill Friend, Code Enforcement Officer, updated the Commission on business license purchases for December. Approximately 550 businesses have not bought license at this date. A total of \$830,027.15 has been collected to date for Russell County Business License.

Judicial Renovation Report was given by Scott Holmes. The next phase will be installation of a heating and air system, which is tentatively scheduled for February 2010, pending Commission approval. The offices that are currently occupied in the Judicial Building can remain in the building through February due to the projects pending and bid advertisement requirements.

Judge Bellamy discussed the mold issues in the Judicial Building and having the building inspected and for an air quality test. He also discussed moving temporarily into the new Courthouse until renovations are completed due to building reports he received on repairs needed at the current selected site and funding concerns. Judge Bellamy stated that no court would be held in the new Courthouse; the space requested would be for his staff and himself.

Also requested was for the Commission to study resources, such as the Court Cost Fund, and create preventive programs and local detention facility for the area's youth as opposed to more jails. We need to address our youth to help prevent crimes as adults. Commissioner Pugh motioned to allow the Chair and /or the Administrator to review and resolve the temporary relocation issue, bringing a solution back to the Commission. Seconded by Commissioner Lee. The vote was unanimous.

Dr. Smith gave a report on the Russell County / Phenix City Animal Shelter. Since two months of operation, 342 animals have been brought in to the shelter; 246 have been euthanized, 30 animals have been adopted with 10 pending adoptions. Animals being adopted are given medical evaluations, de-wormed, heart wormed tested, tested for feline leukemia for cats, micro-chipped, rabies vaccine and taken to a vet clinic to be spayed or neutered. A 30 day free pet insurance is included, which starts 48 hours after the pet has been adopted.

Dr. Caldwell requested the Commission to table the vote for the amendment to the animal shelter agreement.

County Engineer Larry Kite requested an approval for the agreement for the Opelika Right-of-Way Project which utilizes federal aid stimulus funds for the resurfacing of Opelika Road. The agreement certifies to ALADOT there are no encroachments on the right-of-way. We did discover a discrepancy on the right-of-way at JBL Laboratories. It appears a portion of the fence and parking lot and utilities are slightly on the right-of-way. There is 100 feet of right-of-way in this area, we only require 80 feet. To clear this issue, we are requesting the Commission to approve a quit claim deed to JBL Laboratories for the small portion of right-of-way, 0.2 acres and this will complete the requirement so this project can move forward. Commissioner Lee motioned to approve the quick claim deed. Seconded by Commissioner Dudley. The vote was unanimous.

Larry Kite also requested approve of an agreement between the ADEM and the Russell County Commission, for the removal and disposal of scrap tires. ADEM asked for an estimate for the removal of the tires, which will be reimbursed 100 percent. Our estimate for tire removal and disposal is \$4, 903.20 and should take one day to complete. After documentation has been sent to ADEM the county will be reimbursed. There are two locations in this project: land off North Uchee Road and another area off Foster Road, approximately 60 yards of tires will be removed.

Commissioner Dudley motioned to approve the County Engineer's recommendation. Seconded by Commissioner Reed. The vote was unanimous.

Sheriff Boswell presented a contract for professional service with the architectural firm, 2WR, concerning the planning development of an addition to the Russell County Jail for 100 beds. Commissioner Reed motioned to approve the Sheriff's request and was seconded by Commissioner Epps. The vote was unanimous.

Commissioner Pugh motioned to allow the Chair to appoint a committee to discuss with Judge Bellamy, problems he perceives with Court Cost money, so the Commission can address those issues. Seconded By Commissioner Screws. The vote was unanimous.

County Administrator LeAnn Horne requested an interdepartmental budget transfer for the Building Inspector's Department for a copier purchase as follows:

**General Fund 001**

**Building Inspector 52710**

<b>Decrease</b>	001 52710 212	Fuel /Lubricants	\$1,800.00
<b>Increase</b>	001 52710 223	Copy Machine Rental	\$1,800.00
<b>Decrease</b>	001 52710 250	Communications	\$1,200.00
<b>Increase</b>	001 52710 304	Contract Services	\$1,200.00
		<b>Total</b>	<b>\$3,000.00</b>

Commissioner Lee Motioned to approve the budget transfer. Seconded by Commissioner Reed. The vote was unanimous.

Ms. Horne presented the 2010 Alabama State Holiday Schedule for adoption by the County Commission and approval. Commissioner Lee motioned to approve the 2010 Holiday Schedule and was seconded by Commissioner Reed. The vote for approval was unanimous.

County Attorney Kenneth Funderburk: Each of the Commissioner's has a copy of the amendment to the Russell County / Phenix City Animal Shelter Agreement. This has been passed and signed by the City of Phenix City. The letter received was presented Oct 22, 2009; the City sent a formal binding buy - sale offer to the County. The County did not express interest in buying the City's portion of the shelter of due to lack of funding. The alternative was to sell to the City, leaving the County without an animal shelter all together. A Committee was selected to work out a compromise solution resulting in a third option. The third solution is to amend the contract making the City the main day-to-day operating partner, and the City and the County will work equally together to control the budget and overall facility. Therefore, the County will still be an equal partner in the joint Animal Shelter. This contract is between the County and the City; it is not a contract between the County, City and the Animal Shelter Board. The main change will be dissolving the joint shelter animal board and their authority.

Commissioner Pugh motioned to table this contract until he has time to read the contract and research the rights of the County, which maybe given up to the City. Seconded by Commissioner Dudley. District 1 (Lee) voted, no; District 2 (Pugh) yes; District 3 (Martin) voted, no; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. The motioned failed with 4 votes, no, and 3 votes, yes.

Commissioner Reed motioned to approve the amendment to the Joint Animal Shelter Contract. Seconded by Commissioner Lee. District 1 ( Lee) voted, yes; District 2 (Pugh) voted, no; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, no; District 7 (Screws) voted, no. The motion passed approving the Joint Russell County - Phenix City Animal Shelter Agreement. 4 votes, yes, and 3 votes, no.

Chair Martin announced a grant award, 410 HFR Federal Grant Fund, from the City of Montgomery, Alabama to the Sheriff's Department in the amount of \$9,100. The grant will pay for overtime DUI enforcement during the holidays.

Commissioner Reed recognized by a Certificate of Recognition to Woodrow Lowe for his achievements and his recent induction to the Football Hall of Fame. Mr. Lowe and his family members accepted the Certificate of Recognition.

Commissioner Reed also recognized George Worthington, a county employee, with a Certificate of Recognition for having passed the State Building Inspector's Test. Mr. Worthington accepted the Certificate of Recognition.

The Meeting was adjourned.