

The Russell County Commission
Meeting Minutes
December 28, 2011
9:30 A.M. EST

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

A quorum was established.

Chair Martin requested a motion approving the agenda. Commissioner Lee motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Joycelyn Carrell, Church and Community Minister at Russell Baptist Association.

The Pledge of Allegiance was led by Commissioner Lee.

Chair Martin welcomed elected officials, department heads, media and visitors.

Chair Martin tabled the December 14, 2011 meeting minutes.

Chamber of Commerce Representative James McGill along with Dr. Chandra, who is building a pediatric clinic in the Fort Mitchell area, requested a tax abatement. This 2,000 square foot clinic will have 5 employees and will be all in probability a low volume clinic, due to the high military presence in the area that are required to use Martin Army Hospital. Approving the abatement will give Dr. Chandra's clinic opportunity to grow and bring other needed physicians to Fort Mitchell. Commissioner Lee motioned to approve the tax abatement and was 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, no; District 7 (Screws) voted, yes. 6 yes votes and 1 no vote; the motion passed.

Sheriff Taylor requested approval to let the Annual Food Bid January 19th, 2012 at 3:00 p.m. in the Commission Chambers. The results will be at the January 25, 2012 meeting. Commissioner Lee motioned to approve the bid. Seconded by Commissioner Dudley. The vote was unanimous.

County Engineer Larry Kite discussed the cost of repairing the present pothole patcher versus purchasing a new pothole patcher. Mr. Kite stated it would be

more feasible to purchase the new one that will also do a better job at patching potholes and requested approval to buy the equipment. Commissioner Lee motioned to approve the purchase of the pothole patcher. Seconded by Commissioner Pugh. After a lengthy discussion the vote was called: 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, no; District 7 (Screws) voted, no. 4 yes votes and 3 no votes: the motion passed.

Mr. Kite requested authorization to repair a guardrail on Nuckols Road that was damaged. The guardrail was included in this year's budget because it had been damaged, but was further damaged October 16, 2011 by a collision; the cost of repair is \$9,450. The County has received Federal Aid to have Nuckols Road resurfaced and also has received a RRR Grant for repairs to the bridge on this road. Therefore to comply with grants regulations, the guardrail on the bridge will have to be upgraded. The County Attorney Kenneth Funderburk stated an insurance claim was made for the October accident and was paid in the amount of \$10,200 which should cover those property damages. Commissioner Lee motioned to approve the guardrail repairs and was seconded by Commissioner Epps. The vote was unanimous.

Commissioner Epps asked Mr. Kite if speed bumps placed on County Road 39 before the stop sign at the intersection of Hwy 165. He stated he would check into it.

Chair Martin asked if there were steps that could be made to also slow traffic down on Copeland Road. Mr. Kite stated he would check to see if the speed limit could be lowered further.

Commissioner Lee discussed the Engineer Employee Agreement. He stated there were changes made in the Agreement that was presented at the last meeting and the agreement that has been presented today. Attorney Funderburk presented the changes the old agreement:

- The Employer may terminate after a unanimous vote, because...
- There could be a termination after a 90 days without cause
- 4 year contract

The new agreement changes:

- Termination can be a majority vote, but the cause has to be defined.
- The County could terminate after a 90 day notice without cause
- The automatic 5%increase was deleted
- The contract will be for 1 year

Commissioner Lee motioned to approve a one (1) year agreement for the County Engineer. The motioned died due to the lack of a second.

Commissioner Epps: I believe there are questions that I and some of the other Commissioners may have and think the contract should be discussed in an executive session.

Commissioner Reed: I don't think we need to go into an executive session.

Commissioner Pugh: If we do not take action at this meeting then the old contract will automatically renew. My motion is to not approve the renewal of the contract between the Engineer and Russell County. By no means are we asking for his resignation or trying to terminate his service. I do not believe we need a contract with anyone who has been working with this county after several years. I think a contract should be used to bring someone out of state giving them stability, which our engineer has. I have a problem with wording in the agreement: section 6 which uses the wording "gross negligence" instead of "negligence". Although there is a 90 termination of the contract, the county is still on the hook for the remaining salary. For those reasons I am not supporting a contract. My motion is to nullify his current contract at this time. Seconded by Commissioner Dudley.

Mr. Kite: I believe it is not renewable after January 30, 2012, but you may want to take action today. My question is this motion is nullifying my existing contract?

Commissioner Pugh: This is the end of the contract; the motion is not to renew the contract. You'll still be working under the same contract until January.

Commissioner Screws: Do you want to include in the motion that he continue to work at the will and pleasure of the Commission?

Commissioner Pugh: I'm not asking for his job. I want to get the contract off so the Commission can make up its mind whenever it desires.

Commissioner Epps: What was your motion?

Commissioner Pugh: It is the contract will not be renewed because it has an automatic trip, so if we don't put him on notice it will renew automatically. All this motion means is the Engineer will work for the County under the same conditions without a contract.

Chair Martin: We are not terminating his services.

Commission Pugh: That's correct. We can take action before hand. Why wait another 30 days. We can take action prior to the ninety days, don't wait to the last minute to do it.

Commissioner Lee: We will have 2 more meeting before it is an automatic renewal.

Commissioner Pugh: My motion is we will make it effective the day of the renewal is correct, but he is on notice there will not be a contract.

Chair Martin: We can come back later if we want to have a contract.

The Commission was polled: District 1 (Lee) voted, no; 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. 6 votes yes and 1 no vote; the motion passed.

Commissioner Pugh: So it is not misunderstood by the general public, this vote did not renew the Engineer's contract. It is not a reflection of anything. It is my personal belief that contracts are only needed to bring employees to the County. After that contract is satisfied, it really holds the County at odds with an employee.

Chair Martin made the following announcements:

The Courthouse will be closed Monday, January 2nd, 2012 for the New Years holiday.

The Russell County Baseball has been invited to the National Invitation High School Baseball Tournament March 28th and 29th in Cary, North Carolina.

Oliver School recently hosted a talent show to raise funds for the United Way. They raised \$1,186.

The meeting was adjourned.