

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

Citizen Wanda Lamb announced a raffle will be held January 2, 2010 to raise money for the Russell County Sport Complex. Registration for Little league Baseball will begin January 2- 30, 2009 for children ages of 4 to 12. Saint Louis Cardinal, Colby Rasmus, will be at the league registration, January 30, 2009; also, a yard and bake sale will be held at the Sports Complex the same day. Special thanks go to Commissioner Martin and J.C. Dykes for cash donations they made at the last Sports Complex yard sale.

Reverend Dr. Alexander addressed the Commission concerning Hovet Dixon and Jimmie Lee Long.

William Friend reminded the Commission of the term expiration for the Russell County Rabies Officer, Dr. Caldwell, which will end December 31, 2009.

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

A quorum was established by the Administrator.

Chairman Martin requested a motion to approve the meeting agenda. Commissioner Epps motioned to approve the meeting agenda as printed. Seconded By Commissioner Reed. The vote to approve was unanimous.

The invocation was given by Reverend Wayne Burns, Director of Missions at the Russell Baptist Association.

The Pledge of Allegiance was led by Commissioner Lee.

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

Chairman Martin requested a motion to approve the November 12, 2009 meeting minutes. Commissioner Pugh requested to have a name corrected from Tim Watkins to Tim Watford. Commissioner Lee motioned to approve the November 12, 2009 meeting minutes with correction. Seconded by Commissioner Reed. District 1 (Lee) voted, yes; District 2 (Pugh) 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. Six (6) votes yes and one (1) abstention. The motion carried.

Chairman Martin requested a motion to approve the November 25, 2009 meeting minutes. Commissioner Pugh requested to correct the minutes by striking out the second vote for the chairman. It did not take place since the first vote received the majority. Horne stated she would recheck the taped minutes. Commissioner Dudley motioned to approve the minutes with corrections. Seconded by Commissioner Reed. District 1 (Lee) voted, yes; District 2 (Pugh)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. Six (6) votes yes and one (1) abstention. The motion carried.

County Administrator LeAnn Horne stated: The Christmas Holiday falls on Friday and it has been customary for Russell County to follow the State approved holidays, but there have been discussions and requests by department heads as to the pleasure of the Commission on the subject of Christmas Eve; since to date

the Governor has not approved this day. Commissioner Dudley motioned to allow the employees to take Christmas Eve off, as well as, Christmas Day as a paid holiday. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Pugh presented a report from the Judicial Project Committee. He stated the Committee is ready to make a recommendation to the Commission. Based on my meeting with the other members of the committee; it is the committee's recommendation, to allow the Chairperson to talk with, because of the situation with Richard Sellers, either the person who will be doing the inspection to make sure they feel comfortable in doing the work and to determine how many hours a day it should be done. The committee would like to see it on a daily basis. The Committee recommends this person report back to the Chair on a weekly basis and the Chair to report to the Commission on a monthly basis.

Commissioner Dudley asked if that was a motion and he seconded it.

Commissioner Reed: Who is the person? Mr. Sellers?

Commissioner Lee: The way I heard the motion, we would authorize the County Administrator to stay in-house and determine who that would be, if someone is available to spend the time. Is that correct, Commissioner Pugh?

Commissioner Pugh: The reason we did not name a person is because, Mr. Sellers is out on sick leave and is unable to oversee, at this time, and it is lengthy to explain all the ends and outs. The Committee has already taken this into consideration. They will be using someone in that department, but in part of the process, this has to be cleared with Ms. Horne to make sure this person can be relieved and can be called on during those working hours to make sure they can perform their job. That is what the Chairperson is charged with; getting everything organized.

Ms. Horne polled the Commission. The vote was unanimous.

Commissioner Pugh also gave a report on the Elections Custodian Committee. The Committee recommends hiring, Rusty Robinson for this position.

Commissioner Epps motioned to accept the recommendation of the Elections Custodian Committee. Seconded by Commissioner Reed. District 1 (Lee) voted, yes; District 2 (Pugh) yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) abstained; District 7 (Screws) voted, yes. Six (6) votes yes and one (1) abstention. The motion passed.

EMA Assistant Director, Bob Franklin, presented the pontoon boat bid results from December 13, 2009. Only one bid was received, Russell Marine located in Alexander City, for the amount of \$24,915. Grant funds were received for this purchase. He requested the Commission approve the bid and purchase order for the boat. Commissioner Dudley motioned to approve and was seconded by Commissioner Lee. The vote was unanimous.

Assistant Engineer Shawn Blakeney requested to approve the annual bid for materials. Opened bids on January 7, 2010 at 2:30 p.m. EST. Commissioner Lee motioned to approve the bid. Seconded by Commissioner Dudley. The vote was unanimous.

Mr. Blakeney stated, the Engineering Department has received a grant through the Wiregrass Conservation and Development. The Engineering Department is seeking approval of the Cooperative Agreement between Engineering and Wiregrass for the Bowden Road Erosion Project. This repair is for approximately 2,000 feet of road beginning at Hwy 165. The agreement is for the amount of \$3,201.01. Commissioner Epps motioned to accept the recommendation of the

Engineering Assistant. Seconded By Commissioner Reed. The vote was unanimous. (The Resolution is on File in the Engineering Department.)

Probate Judge Alford Harden requested refunds for two businesses that made errors when purchasing their business license:

- Taco Bell, who miscalculated the amount owed for their business license due to receiving an incorrect schedule. The Probate staff recalculated and found they did over pay and they are requesting a refund for the overage \$14,003.99.
- W.H. Bass, Inc. a General Contractor from Duluth, Georgia, sent a letter stating they purchased a county license in error. The business license bill lists both State and County license. This company indicated they meant to purchase only State, because they are no longer doing business in Russell County.

County Attorney Kenneth Funderburk: As discussed at the work session there are a lot of problems with refunds based on the fact we receive an application, schedule and are sworn under oath. I recommend, the County not refund W.H. Bass, Inc. I agree with the Probate Judge's recommendation of refunding Taco Bell's because their figures were incorrect due to a wrong payment schedule.

Commissioner Pugh: Based on the Attorney's opinion, I move we approve the Taco Bell refund and in the same motion deny the W.H. Bass request.

Commissioner Dudley seconded his motion.

Judge Harden requested, if the vote is yes and the Commission is going to deny the W.H. Bass refund. He asked the Commission to respond to their letter.

Commissioner Lee requested for the motion to be separated and voted on separately.

Commissioner Pugh withdrew his motion.

Commissioner Lee: I move, since the wrong schedule was provided to Taco Bell, they are granted a refund. Seconded by Commissioner Reed. District 1 (Lee) voted, yes; District 2 (Pugh) yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley), abstained; District 7 (Screws) voted, yes. Six (6) votes yes and one (1) abstention. The motion passed.

Chairman Martin asked Ms. Horne to poll Commission on the W.H. Bass refund.

Commissioner Lee: At this time and I have looked into this issue best I could. I do admit it was not thorough because I only had one day to do it. I could not find where this company has done business in Russell County, part of last year or this year. I move that their request for a refund be granted. There was no second therefore the motioned died.

Commissioner Reed motioned to accept the County Attorney's recommendation not to refund W.H. Bass. Seconded by Commissioner Dudley. District 1 (Lee) voted, no; District 2 (Pugh) yes; District 3 (Martin) voted, no; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws)voted, yes. Five (5) votes yes and two (2) no votes. The motion passed.

County Administrator Horne requested approval of a purchase order payment for the annual Christmas float, which will be paid out of the Contingent fund. Commissioner Lee motioned to approve payment and was seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk recommended going into executive session to discuss a contract matter. Commissioner Dudley motioned to enter into the executive session. Seconded by Commissioner Reed. 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, yes; District 7 (Screws) voted, yes. Six (6) votes yes and one (1) no vote. The motion stands.

Announcements made prior to executive session:

Chairman Martin announced: Christmas Wreath-Laying to honor Military Veterans at Ft. Mitchell National Cemetery, December 12th at 12:00 noon EST.

Commissioner Epps announced: WTVM Reporter, Greg Funderburg, is leaving the area to report for a new television station in Greenville, South Carolina.

Commissioner Lee stated: The annual Christmas Dance will be held at the Seale Courthouse December 12 at 8:00 p.m.

Chairman Martin requested a motion to reconvene the meeting from executive session. Commissioner Epps motioned to reconvene the meeting. Seconded by Commissioner Reed. The vote was unanimous.

Attorney Funderburk stated, based on our discussion in executive session, I make the recommendation in regards to the Animal Shelter for the County Commission to proceed with the City's proposal. If you approve today, thereafter there will be additional documents brought back to the Commission for execution. Commissioner Lee motioned to approve the Attorney's recommendation. Seconded by Commission Epps. 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. Four (4) voted yes and three (3) voted no.

Commissioner Lee motioned to adjourn the meeting. Seconded by Commissioner Epps.

Meeting adjourned.