

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

Several Citizens expressed their opposition to Earth Services application for a landfill located in Russell County near the Chattahoochee River.

Jeffery B. Williams spoke about Black History Month.

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 were Attorney Robert Lane and County Administrator LeAnn Horne, who kept the minutes.

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

The invocation was given by Raymond Cochran, Pastor of Franchise Missionary Baptist Church.

Commissioner Epps led the Pledge of Allegiance.

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

A request was made by Chair Martin for a motion to approve the January 26, 2011 meeting minutes. Commissioner Dudley motioned to approve the minutes. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Reed recognized Black History Month and gave achievement awards to: Barbara C. Mitchell, Ricky Stewart, Sidney Battle Jr., Annie B. Simmons, State Trooper Kenneth Reynolds, Captain Phillip Pendleton, Pearl Day, Joseph Williams, Stacey R. Baker, Marketta James Smith, Columbus Times, and Gloria B. Smith. Commissioner Epps motioned to accept the proclamation. Seconded by Commissioner Reed. The vote was unanimous.

Chair Martin presented the application for the proposed landfill by Earth Services. Commissioner Lee motioned to deny the application. Seconded by Commissioner Dudley.

Commissioner Lee: I would like to explain my reasons for voting, especially on issues of this importance. I have a list for reasons to be for it and a list of reasons to be against it:

For: The land owner property rights, in Alabama if something is legal and not against the law, property owners have a right to do what they want as long as its their property. In a few cases, such as this C&D landfill, the power is given to the local governing authority to trump this right, if they think it is in the best interest of the community. That is the only reason I could find to vote for the landfill.

Against: We all agree it's the location is the main reason not to be in favor of the landfill. Its proposed location is basically on the bank of the Chattahoochee River, which could be a source of contamination of the river. We have heard engineers from one side state this will not happen and engineers from the other side state it will happen. This body may never know which side was right, because the contamination from a landfill is not known from 50 to 75 years of existence. We all know that water passes thru sand faster than clay. Therefore, there is a possibility contaminated water could move through the sandy soil to the river at a rapid rate. The State of Alabama also gives adjacent landowners a lot of authority, too. There are a lot of instances when County is required to give notification to adjacent landowners, by certified letter to see if there should be opposition to a request. The majority of Russell County residents are opposed to the landfill. A survey was taken concerning the proposed landfill where 50% of the residents were not opposed to a landfill, but were not told it would be located on the banks of the Chattahoochee. There are two other landfills in the county; neither will be at capacity for a hundred years. There has been a lot of debate of the possible future financial liability to the citizens of Russell County. In my research I have found the local governmental body was responsible for the clean-up. I will be voting "yes" to deny the application of this landfill.

Commissioner Dudley: I would like to address a couple of issues concerning the landfill, because the people that are in favor of the landfill, the company, I have listened to comments from both sides, visited the landfills already established in the area and did my own investigations. I have tried to gather as much information relative to the site that Earth Services are proposing and what it means to this county and our citizens. I'm trying to be as fair as possible. The proposed site is in a flood plain; therefore, we have to look at the long range effects of this site and the quality of our water. We have to be conscience of our greatest resource which is water and do what is best for the majority of our residents.

Commissioner Epps: I would like to thank those who have come to share their opinion on this issue. I have also listened and received the same information the other Commissioners have received. The proposed landfill site is in the district I represent and not one citizen in that district stated they did not want a landfill. They said they did not want one in South Phenix City. Legislation has empowered local governments to make a decision for a landfill that is within a mile of the Chattahoochee River. I have nothing against a landfill if it is in the right place. I have listened to both sides and I understand the issues with the landowners. I represent the people not only in District 5, but the whole county as well as our river. This river flows not only thru Russell County, but also thru other

counties. This morning my vote will reflect the best for this county and those who elected me to be their voice.

Commissioner Screws: I too have listened to all comments and information given to me. My concerns are the ground water. I have asked to be directed to AC&D Landfill that has contaminated the ground water. I have hunted and looked, but have not found a landfill that has done that. That does not mean it's not there and that has been my biggest concern about the project. The decision that the Commission makes today will probably impact a lot. Understand my decision will not be made on advice; it will be made on my feelings. There have been no facts to substantiate for or against, so we are going on feelings. I have heard from a couple that was for the landfill and a lot who were against. I deal with facts, but my decision will be based on what I think is best for Russell County.

Commissioner Reed: The Commission is suppose to promote business; not keep them out. We can't keep a business out of the county because we have another business like it in the county already. Other business and industries who want to locate in our area will look at how we have treated Earth Services and decide to locate elsewhere.

Commissioner Pugh: As Commissioner Screws has stated, neither side has given facts only opinions. There are fault patterns through the sand which could lead to leaking and pollution or it may lead to purification, I don't know. Based on what I have heard from this community, I will base my vote on information coming up. I will also ask this Commission to place on the next meeting agenda under Discussion, to look at some type of percentage for existing landfill's to pay for monitoring those closed landfill sites which are located on the river banks and have not been monitored for years. We need to hire expert to test these sites for pollution.

Commissioner Lee: I just want to remind you the motion was to deny the landfill application.

The Administrator polled the Commission. District 1 ( Lee) voted, yes; District 2 (Pugh) yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) abstained. Five (5) yes votes, one (1) no vote and one (1) abstention, the motion passed.

Commissioner Pugh: I would like for the Commission to put on under the business section for a resolution and to ask the River Warden and a proclamation to go to the Phenix City Council and the City of Columbus requesting them to check into their problems along the river the same as we are. They had commented to us that there is erosion on the river with garbage getting into the river and are over here trying to help us. I would like to see action on the other side of the river and up river, also.

Zara Parham and Martha Noyes presented a request for the Commission to increase appropriations for the Phenix City / Russell County Public Library.

Commissioner Lee motioned to increase the budgeted appropriation amount \$8,757 for the total of \$20,570 for this budget year. The budget will be amended as follows:

GENERAL FUND 001

APPROPRIATION-59209

INCREASE 001 43100 710 BUSINESS PRIVILEGE \$8,757.00

INCREASE 001 59209 700 PC/RC LIBRARY \$8,757.00

Seconded by Commissioner Reed. Commissioner Epps asked to verify if this is a one-time increase for this budget year or would this also increase the next budget year? Commissioner Lee stated it would only be for this year since we cannot commit for the next year's budget. The vote was unanimous.

Revenue Commissioner Naomi Elliott requested the Commission to approve the Ad Valorem Tax Resolution for this year. This resolution authorizes the Revenue Commissioner to collect tax the Commission has already approved.

Commissioner Lee motioned to approve and was seconded by Commissioner Dudley. The vote was unanimous.

Mrs. Elliott announced another class for the new GIS System would be held in the Commission Chamber, February 15, 2011 at 4:30 p.m. for those who would like to attend.

County Engineer Larry Kite requested to let bids for a used skid steer loader. \$40,000 was placed in this year's budget for a new loader, but found that a used loader with only 400 to 600 hour range could be bought for half of the amount. Mr. Kite would like to open bids March 1, 2011 at 2:00 p.m. Commissioner Epps motioned to approve. Seconded by Commissioner Pugh. The vote was unanimous.

County Administrator LeAnn Horne presented the annual ABC Levies contract. Commissioner Lee motioned to approve and were seconded by Commissioner Dudley. The vote was unanimous.

Chair Martin announced February 21 is a state holiday; therefore, the Courthouse will be closed. Commissioner Lee stated it has been precedent for the last 2 years if the work session falls on a holiday the work session is canceled and only have the regular Wednesday morning Commission Meeting.

Sheriff Taylor invited everyone to the Hurtsboro Precinct Open House, February 25, at 11:00 a.m.

The Meeting was adjourned.