

The Russell County Commission  
Meeting Minutes  
March 25, 2009  
9:30 A.M. EST

Public comments: Lucille Dixon with Columbus Voting Association and Eric Bush, commenting on old Seale Highway drainage issue.

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

Chairman Dudley welcomed elected officials, department heads, media and guest.

Chairman Dudley requested a motion to approve the March 25, 2009 agenda. Commissioner Martin motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Steve Pace, Minister of Music at Summerville Baptist Church.

The Pledge of Allegiance was led by Commissioner Epps.

Chairman Dudley requested a motion to approve the March 11, 2009 meeting minutes. Commissioner Martin motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Joe Faulk President, of the Association County Commissioners, addressed the Commission.

Chairman Dudley requested the Commission to consider designation of a couple of parking spaces to accommodate emergency vehicles, in case the need should arise, near the front entrance of the Courthouse. A motion was made by Commissioner Martin to designate parking spaces for emergency vehicles. Commissioner Screws seconded the motion. Commissioner Martin changed her motion to table this topic until the next meeting. Commissioner Epps seconded the motion. The vote was unanimous.

Sheriff Boswell presented a request to apply for three different grants:

- Katrina Funds remaining for police equipment.
- \$100,000 for police equipment a direct grant from the Justice Department. Requirements for this grant are we must apply jointly with the Phenix City

- Police Department. This grant will be a 60-40 split with the City. We are applying for cameras to go in to police vehicles. There is a 10% match.
- The COPS Program: This program has been expanded and altered, to encourage local law enforcement to hire officers that have been laid-off due to economic times or to hire new officers. We feel we should apply for (4) four new deputy sheriff positions. Traditionally this was a 25% match grant for the first year, 50% match for the second year, and 75% match for the third year. This is been altered now for three years there is no match. This is a direct funding for four officers salaries and benefits. The only string is that the sheriff's department commits to retrain those officers for the fourth year.

I'm requesting that the Commission approve and sign a resolution stating their intent to commit to the fourth year and to support of the Sheriff's Department. Commissioner Reed motioned to support the resolution and was seconded by Commissioner Martin. The vote was unanimous for approval.

The County Administrator, LeAnn Horne, presented the Coroner's budget amendment. This is funding to carry him through the rest of the year for transporting services to the forensic lab and some within the county. He has a balance of \$2490 of invoices outstanding. He is requesting to transfer from the fuel line \$2500 which will cover those invoices. He would also like to transfer from minor equipment \$3500 in to contract services line 304 which hopefully carry him through the remainder of this year for a total of \$6,000. Commissioner Reed motioned to approve the recommendation of the County Administrator. Seconded by Commissioner Screws. Commissioner Pugh suggested rotating the service of transportation to the forensic lab with other qualified area vendors. The vote was unanimous.

James McGill, Chamber of Commerce, gave an update on the Transportation Enhancement Funding for state highway departments stimulus package. There were so many projects submitted that the window for T.E. projects was closed. The total state funding is \$15,000,000; each county will receive 3% of the state's amount. My request is permission to continue submitting for T.E. projects, incase other counties' projects have a submittal error that would not show they were not ready. Those projects will be denied. There is a possible mid-application and another project submittal in July 2010. Commissioner Epps motioned to continue submitting projects for the Transportation Enhancement Funding. Seconded by Commissioner Martin. The vote was unanimous.

Mr. McGill stated Congressman Mike Rogers visited Russell County recently. While he was here, several projects were discussed, two of which were the County Road 24 Project and the Fort Benning Alabama Gate. Congressman Rogers said he would look into support of these projects. I received an e-mail last Friday asking for an appropriation to the Congressman's Office for FY10 funding. The request was for \$17,100,000. The following Monday an appropriations form

was completed and sent back to the Congressman's Office for review. This is a 3 phase appropriation with 100% for the Alabama Bridge, County Road 24, widening and resurfacing the existing road and a new leg from Lato Road to Seale Alabama. We request the Commission's support to continue with these projects. Commissioner Epps motioned to continue with the County Road 24 projects and was seconded By Commissioner Pugh. The vote to approve was unanimous.

County Engineer, Larry Kite presented several items to the Commission:

- Request for approval to purchase a ¾ ton service truck, F250 from Ben Atkins Motors for the amount of \$25,429. This is being purchased off a state bid. The bid was issued in December and the truck is ready to be picked up. The purchase has been authorized, but with the new policy recently adopted, we need an approval. Commissioner Lee motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.
- Request to declare equipment that Engineering Department no longer needs as surplus and to sell equipment on [GovDeals.com](http://GovDeals.com).

Equipment No.	Description	Serial Number
01006	2001 Super Pac Roller	Model 508574 Serial # 226
91009	1991 Chevrolet C-2500 Service Truck	1GCFC24H8MZ193819
88009	1988 Chevrolet School Bus	2GBH31JOJ4155034

Commissioner Epps motioned to approve equipment as surplus for sale. Seconded By Commissioner Reed. The Vote was unanimous.

- Budget transfer was requested due to a miscalculation for payment to Bancorpsouth Equipment Finance. The payment of \$90,392.86 was taken out of the principal line, but should have been split between principal line and interest line. Transfer request as follows:

Decrease Line 561	Construction Equipment	\$9,529.58
Increase Line 611	Principal	\$6,628.46
Increase Line 612	Interest	\$2901.12
	<b>Total</b>	<b>\$9529.58</b>

Commissioner Lee motioned to approve the budget transfer. Seconded by Commissioner Screws. The vote was unanimous.

County Administrator, LeAnn Horne, discussed the Judicial Space Allocation & Renovation. Ms. Horne stated after meeting with Judge Green and department

heads at the Judicial Center, they would like for the Commission to approve the plan they submitted. Their priority at this time is placement of their offices and offices moving into the Judicial Center as outlined in Judge Green's letter. Commissioner Lee motioned that the proposed space allocation and funds permitting be approved. Commissioner Reed seconded. The vote was unanimous.

Ms. Horne presented appointments for the Planning Commission. Commissioner Screws, Epps, and Pugh requested to bring this back to the next meeting their choices for the board. Commissioner Reed reappointed Dr. Thomas Shelton, Commissioner Martin reappointed R.C. Adams. No opposition was stated.

County Attorney Kenneth Funderburk stated, at the request of the Planning Commission, a letter has been sent to the Bond Safeguard Insurance Company. County Engineer Larry Kite, since May 2008 tried to contact the owners of the River's Reach Subdivision due to lack of completion on this subdivision. His recommendation is for the Commission to take action invoking the bond on all four (4) phases:

- Bond # 5025543 in the amount of Six Hundred Twenty four thousand Three Hundred Seventy-five (\$624,375.00),
- Bond # 5024815 Four Hundred Forty Five Thousand Five Hundred (\$445,500.00),
- Bond # 5023197 in the amount of Three Hundred Fifty Five Thousand Two Hundred Two and 34/100 (\$355,202.34)
- Bond # 5022661 One Million Thirty One Thousand Two Hundred Fifty (\$1,031,250.00)

Mr. Funderburk also recommends authorizing the necessary litigation being filed, incase action has not taken place within 30 days from this letter. Commissioner Reed motioned to approve the County Attorney's recommendation. Seconded by Commissioner Epps. The vote was unanimous.

Mr. Funderburk recommends going into executive session. Commissioner Reed motioned to move into executive session. Seconded by Commissioner Epps. The vote was unanimous.

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

Mr. Funderburk stated the sales tax issue concerns the school and his recommendation was to offer to pay the schools (1) year, 2007-2008 fiscal years, which complies with the law. Commissioner Reed motioned to approve Mr. Funderburk recommendation and was seconded by Commissioner Epps. 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, yes; District 7 (Screws) abstained. The motion stood.

Commissioner Dudley: In reference to the personnel matter, the discussion of Mr. Elijah Perry. The recommendation provided by the personnel board and provided to the Commission at the executive session. In essences, the bottom line, their recommendation: work performance, chain of command, safety violation. After a very extensive research and review of the factors involving the termination of Mr. Perry, this is the recommendation reported to us by the Russell County Personnel review board this day. Mr. Perry stated he was terminated because of life threatening boiler violations. According to the State of Alabama Department of Labor the violations were not life threatening and should have been included on previous inspections, but were not. According to Ms. Horne several of the boiler violations were reported to Mr. Perry one year earlier. However, no reports were furnished to substantiate this statement. No violations are noted on inspections sheet from the Alabama Department of Labor 2004-2006. Therefore the final recommendation of the board is to reinstate Mr. Perry to his former position with the remunerations of lost wages retroactive to the time of termination. Thank you for the opportunity to preside over this hearing respectfully submitted this date by the Russell County Personnel Review Board. This was addressed to me as the Chair. I know we have had a very extensive review with our staff and discussion of this matter.

Commissioner Reed motioned to reinstate Mr. Perry, but I would like for him to be in a different department.

Chairman Dudley: Before you make a motion, I want to finish what I was referring to. The point and one of the factors involved in this, this is this personnel review board had reviewed all the facts and this is their recommendation they came for with. At this time, the Chair will entertain the motion to the effect that we will consider their recommendation. Seconded by Commissioner Screws.

Chairman Dudley asked the County Administrator to poll the Commission. District 1 (Lee), I have heard a lot from one side and I haven't seen anything from the other so, I abstain. 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.

Chairman Dudley: 6 votes yes and one abstention, as we understand it Mr. Perry will be reinstated.

Commissioner Reed: I want to suggest for him to be placed in another department.

Chairman Dudley: I know that was a part of your motion; we will discuss that at another time.

Chairman Dudley stated it is just a matter of time before the Commission considers establishing a personnel department. At the next Commission meeting, for discussion and consideration of a personnel director.

Commissioner Lee motioned to adjourn the meeting.

Meeting adjourned.