

The Russell County Commission  
Meeting Minutes  
March 28, 2012  
9:30 A.M. EDT

An adjourned Russell County Commission Meeting 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 were the County Attorney Kenneth Funderburk and County Administrator LeAnn Horne who kept the minutes.

A quorum was established.

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

The invocation was given by Chair Martin.

The Pledge of Allegiance was led by Commissioner Screws.

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

Chair Martin requested a motion to approve the Comprehensive County-wide Plan Public Hearing Minutes. Commissioner Lee motioned to approve the minutes. Seconded by Commissioner Reed. The vote was unanimous.

Chair Martin also requested a motion approving the March 14<sup>th</sup>, 2012 meeting minutes. Commissioner Dudley motioned to approve the minutes and was seconded by Commissioner Reed. The vote was unanimous.

Russell County Water Authority Manager Kevin Dabbs presented a Memorandum from Bryan M. McClure, P.E., Goodwyn, Mills & Cawood, Inc. requesting for support to establish a sanitary sewer service located on Hwy 165 down to the intersection of County Road 18 in the Fort Mitchell area. Russell County and The City of Phenix City presently have a sewage contract for a line which was installed along Hwy 80 in the Ladonia area. Russell County owns the sewage jurisdiction and will bill the customers for their usage, sharing a portion of the tap fee with Phenix City. The City supplies the manpower to repair the line. The Letter of Memorandum is requesting an addendum to the present agreement stating that the County will own and be responsible for repairs to sewage lines installed down Hwy 165 to County Road 18. The County will be allowed to keep some of the necessary fees to keep those new lines up and running. Approval of the memorandum will allow the Russell County Sewage Authority to go forward with Phenix City in the expansion project. \*\*Memorandum is on file in the Commission Office.

Commissioner Lee motioned to approve the memorandum as presented. Seconded by Commissioner Pugh. Chair Martin requested the County Attorney to give his opinion of the memorandum.

Attorney Funderburk: The memorandum was not submitted to the Commission Legal staff and goes beyond what Mr. Dabbs describes. This is a commitment on the County's part. What Mr. Dabbs is requesting does not take require action on the Commission's part. If the Commission is willing to commit this kind of money, you first should know the financing that has been prepared by the County Administrator. The Commission approved the process whereby the Commission established the Utility Board. Projects like this were to be presented to the Utility Board, who would make sure that all information and feasibility would be addressed. The document presented today was prepared by the engineer who has a financial interest in this project and will be making money off of this project. If the Commission approves this project today without any safety measures and it will have done so with out following procedures that you set up at a recent meeting to make sure the County is protected. For example: This is a commitment. I believe I'm correct in saying the Russell County Water is dealing with Clear Water Solutions. Mr. Dabbs, Am I correct?

Kevin Dabbs: Clear Water Solutions of Smith Station?

Attorney Funderburk: Aren't you dealing with them concerning handling some of the services?

Mr. Dabbs did not answer.

Attorney Funderburk: Either you are or you are not.

Kevin Dabbs: We are not dealing with Clear Water Solutions.

Attorney Funderburk: We have a letter that looks as if they are trying to deal with you, which raises the issue this County will not own the line or anything that deals with it. However, you support committing \$2.6 million where the County will have to make the payments and possibly the operating cost. If the water and sewer system decides to sell that asset to the City, which has been tried before, the City could take that line asset and bring it into the city and annex every business that is attached to that line. The Commission has not covered that. There are ways to protect the County from that, but you cannot do that by letting the engineer, whose only interest is financial, to prepare this resolution committing the County to this project. That is not what you need to do. My recommendation is: you have not had time to look at the information. If you are interested after you know all the facts and decide to commit to the \$2.6 million to this project; you need some protection. The County needs to own the line and all

the physical assets related to the sewage, then you can lease those back to the Water Authority. That way they cannot convey the asset. If they convey the asset what protection does the County has? The County will be committed on the bond and the Water Authority will not be committed on anything. The asset is sold and the County will still have to pay the bond. There is no protection.

Mr. Dabbs: That could be drawn up into the contract.

Attorney Funderburk: But, you haven't. You had your engineers draw up something that does not protect the County. My recommendation is: take your time before you commit the County to this project. The Engineers, the City, the Water and Sewer Authority are not bound to this contract. The only one bound by this document is the County. Take your time to make sure this County is protected. You can answer the question that has been raised and asking the City for information so you can determine the feasibility. I recommend you do not approve this memorandum.

Commissioner Reed: I suggest tabling this issue at this time.

Commissioner Pugh: Though this is not in my district, I am in favor of sewage systems anywhere possible in the county. There is not anything in the memorandum that could be corrected today? This is an issue that has been delayed numerous times. Growth in the county is slipping by us and at some point my vote will swing from a yes to no, because of the cost to the rest of the county. If this project is to move forward, I think we need to do something. If not I am ready to forget sewer in that part of the county and move on placing it somewhere else in the county.

Commissioner Lee: Can the last four bullet points be struck from the memorandum and approve it.

Attorney Funderburk: I recommend it be simply said that we are interested in going forward with the project and the Commission would like information from the City before making any decision. That is all that needs to be done today.

Commissioner Pugh: I am in favor of the Attorney delaying this until the end of the meeting to make the corrections he feels is necessary with Mr. Dabbs and present it for an approval.

Commissioner Lee motioned approving a letter to the City of Phenix City expressing what is obtained at the first bullet point of the memorandum, but not making a commitment for the County at this time to be financially responsible for the bond issue. Seconded by Commissioner Dudley. The vote was unanimous.

The Director of the House of Restoration, Pastor Johnnie Robinson, requested support to apply for an ESG Grant. The amount awarded increased from

\$200,000 to \$400,000. A non-profit organization can write for the grant independently, but an award to a non-profit organization would be more probable if supported by a local governmental agency. Since the grant amount has increased the match has also increased. Pastor Robinson has assured the Commission that the House of Restoration is able to cover the grant match. He also stated Lee/Russell Council of Governments who has always written the grants, at the Commission's request, for the House of Restoration has refused to do so.

Lee/Russell Council of Government Director Suzanne Burnette stated the application for the grant is due April 6<sup>th</sup> which leaves little time to apply. Also, writing and administration of the grant is labor intensive. The amount allocated for ESG grant administration has never covered the cost of the required work. The last ESG Grant, Lee/ Russell had to use money out of its own reserve fund to cover cost. Non-profits organizations can apply directly to ADECA for the ESG grant without local government acting as the applicant/grantee. The County can be the applicant if they chose to, but are responsible as the grantee. The increase to \$400,000 makes this a multiple county or jurisdiction, which would go beyond Russell County.

Pastor Robinson stated he had been in the process of writing the grant himself until he received a call stating the grant would have a better chance if supported by the Russell County Commission.

Commissioner Reed motioned to approve support of the grant.

Administrator Horne asked if this grant is a reimbursable grant as it always has been in the past and that it will not be an advance payment.

Pastor Robinson said it was reimbursable and is not an advance payment.

Commissioner Reed motioned to approve support of the grant. Seconded by Commissioner Epps

Administrator Horne requested the motion be amended and please request that this is a reimbursable grant and if the terms of the grant change it will be brought back to the Commission for consideration.

Commissioner Reed amended the motion to reflect the Administrator's request. 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. Commissioner Pugh asked Pastor Robinson if it was his understanding that this is the last grant of this type that the Commission will be asked to support. Pastor Robinson agreed that it was.

Valerie McClain Director of the Russell County Crisis Center requested approval for both entities of the Crisis Center to consolidate into one building. The building has been brought up to code for occupancy, to include the sprinkler system. Commissioner Lee motioned to approve the request as long as proof of insurance is provided to the County and the County is protected. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Epps motioned to install lights around the Russell County Senior Activity Center sign seconded by Commissioner Dudley. The vote was unanimous.

Special Enforcement Officer Bill Friend stated his office has taken on additional duties; therefore, a departmental transfer was needed to cover those extra costs. He requested the transfer as follows:

<b>GENERAL FUND 001</b>			
<b>INSPECTION &amp; ENFORCEMENT-52711</b>			
<b>DECREASE</b>	001 52711 214	MINOR EQUIP	\$300.00
<b>DECREASE</b>	001 52711 219	OTHER MISCELLANEOUS	\$500.00
<b>DECREASE</b>	001 52711 219	OTHER MISCELLANEOUS	\$200.00
<b>INCREASE</b>	001 52711 212	FUEL & LUBRICANTS	\$300.00
<b>INCREASE</b>	001 52711 211	OFFICE SUPPLIES	\$500.00
<b>INCREASE</b>	001 52711 250	COMMUNICATIONS	\$200.00
			<b>TOTAL \$1,000.00</b>

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

Administrator Horne announced a term for the Russell County Building Authority is expiring. Clarence Taylor who is presently holding the position has expressed that he is willing to continue to serve on the board. Commissioner Epps motioned to reappoint Clarence Taylor and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Screws gave an overview of the selection process for the Chief Appraisal position. Three applications were received and all three were interviewed. The Committee recommends hiring Heath Crowe who was the most qualified applicant for the Chief Appraisal position. The Committee also recommend giving Mr. Crowe a 2 year contract that would disappear at the contract's end and that the salary be \$63,500. Commissioner Screws motioned to approve Heath Crowe for the Chief Appraisal position. Seconded by Commissioner Reed.

Commissioner Pugh asked since the County has a contract with the State of Alabama how would that stand?

Administrator Horne responded that the hiring for that position it does not nullify the contract and the State would remain in-house as long as they were needed and that Mr. Bass would work along side Mr. Crowe to make sure there is a smooth transition. The State also conducted the interviews to make sure this position would be filled by a qualified person.

The Commission was polled: 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) abstained, District 7 (Screws) voted, yes. 6 yes votes and 1 abstention; the motioned passed. Administrator Horne noted Mr. Crowe will need to give a 2 week notice to his present employer. \*\*Contract on File in the Commission Office\*\*

Bob Franklin announced that WTVM will be at Publix on Stadium Drive to program weather radios. The radios can be purchased at Publix or you can bring one that you all ready own for programming.

Commissioner Pugh wished Dee Braun who was present at the meeting Happy Birthday.

The meeting was adjourned.