

The Russell County Commission  
Meeting Minutes  
April 13, 2011  
9:30 A.M. EST.

An adjourned 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. The County Attorney Kenneth Funderburk and the County Administrator LeAnn Horne, who kept the minutes.

A quorum was established.

Chair Martin requested an approval of 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 Jimmie Hobbs, Pastor of Bethany Baptist Church.

The Pledge of Allegiance was led by Commissioner Dudley.

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

Chair Martin requested an approval of the March 23, 2011 meeting minutes. Commissioner Epps motioned to approve the minutes. 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, yes; District 7 (Screws) abstained due to being absent last meeting. The motion passed.

Barbara Scott, Lee / Russell Council of Government Planning and Economic Development Specialist, presented a Resolution authorizing the application of the Emergency Shelter Grant fund for the amount of \$200,000. The House of Restoration will provide the dollar match for the grant. The application also authorizes the Commission Chair to sign all certifications that go with the grant. Commissioner Epps motioned to approve the Emergency Shelter Grant application. Seconded by Commissioner Reed. The vote was unanimous.

Mrs. Scott also presented an agreement for the Geographic Information System Consultant service with J. Pierce and Associates LLC. Commissioner Dudley motioned to approve the agreement and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Reed motioned to approve the proposed legislative amendment to Act No. 343. Seconded by Commissioner Screws. The County Administrator was asked to read the amendment as follows:

**WHEREAS**, on April 13, 2011, in a meeting duly assembled by the Russell County Commission; and

**WHEREAS**, the Russell County Commission is desirous of amending ACT No. 343 and/or ACT No. 86-493 to further clarify the authority granted by the Legislative Delegation, and

**WHEREAS**, the Russell County Commission is requesting the Legislative Delegation to instruct Legislative Research to research with the intent to amend ACT No. 343 and/or ACT 86493 that provides the Russell County Commission the authority of the Appraisal and Mapping Department reporting to the Commission such as it did from August 18, 1976 until April 14, 2010; and, otherwise ACT No. 86-493 the duties of the County Revenue Commissioner remain the same except as amended herein; and

**WHEREAS**, on March 12, 1986, the Russell County Commission voted and approved proposed legislation with the intent for the Appraisal and Mapping duties to be removed from the proposed legislation combining the Tax Collector and Tax Assessor creating the County Revenue Commission Office; and

**WHEREAS**, the Appraisal and Mapping Department operated independently from August 18, 1976 until April 14, 2010, with the department reporting to the County Commission by an Appointed Official of the Commission, and the State Revenue Department prescribed the legal duties and responsibilities; and

**WHEREAS**, it is the desire of the Russell County Commission to be provided the authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property with the state Commissioner of Revenue who shall prescribe the functions; duties and responsibilities of these personnel to insure all property is properly appraised, mapped and valued in accordance with the law and amend Section 2 of ACT No. 343 clarifying Revenue Commissioner to be the state Revenue Commissioner, for example, in Act No. 382; and

**WHEREAS**, the Russell County Revenue Commissioner shall collect the cost of this appraisal and mapping program, which will be borne by each agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received; and

**WHEREAS**, attached is a copy of the Russell County's current ACT No. 343 and ACT No. 86-493 for information purposes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Russell County Commission in a meeting duly assembled as follows that the Commission adopts and approves the passage of this Resolution to clarify and amend local ACTs No. 343 and/or 86-493 of Russell County, and

That this Resolution be spread upon the official minutes of the Russell County Commission and that copies of the same be transmitted to the members of the Russell County Legislative Delegation and the news media.

Passed, adopted by roll call vote and approved this 13<sup>th</sup> day of April 2011.

District 1 ( Lee) voted, no; District 2 (Pugh) no; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, no; District 7 (Screws) yes. 4 yes votes and 3 no votes; the motion passed.

Commissioner Lee requested that when this amendment is sent to the Legislative research that they research to see if this was an constitutional amendment.

Commissioner Reed presented Heath Crowe a certificate of recognition for his years of service and good work in the Mapper / Appraisal Office.

Judge Harden discussed county reapportionment. Due to growth the district lines will be changed. Judge Harden requested approval for the County Administrator LeAnn Horne and himself to contact the State Reapportionment Office to set up a meeting between the Reapportionment Office and the Russell County Commission for discussion of the new district lines. This will allow Commissioners to give input for their districts and hear suggestions the Reapportionment Office may offer. Commissioner Lee motioned to approve Judge Harden's recommendation and was seconded by Commissioner Dudley. The vote was unanimous.

District Attorney Ken Davis gave an update on finding concerning a letter received by the previous Sheriff concerning several allegations against the jail staff and Sheriff's employees. After a 2 month investigation he could not find creditable evidence that could be presented to a Grand Jury to ask for indictments against any member of the Sheriff's Department or Jail Staff that would result in a criminal charge. Other allegations concerning the jail maintenance and cleanliness are out of his area but, he did find the jail seriously over crowded. At this moment it is housing approximately double the number of inmates that it was designed . Mr. Davis presented the Chair with investigation documents for the Commissioners to review. Commissioner Epps motioned to accept the findings of the District Attorney. Seconded by Commissioner Screws. The vote was unanimous.

Chair Martin announced the Commission Search Committee has submitted a recommendation for the position of County Sports and Recreation Director. The County Administrator gave a brief history of the Sports Complex and its need for a Recreational Director and the review process for all the candidates. Max Wilkes who was Chair of the Committee recommended Mike Parker "Coach Parker" to fill

the Recreational Director position. The Committee set a recommended salary for this position of \$45,000 with full benefits as all other county department heads. Commissioner Dudley motioned to accept the Committees' recommendation. Seconded by Commissioner Pugh. The vote was unanimous.

Russell County Chief Deputy Osteen presented two applications for liquor license:

- The Little Bar Located at 5231 Hwy 431, Pittsview, whose owner, Alice Beach, is applying for a 010 Lounge Retail Liquor-Class 1 license. The basic investigations by the Sheriff's Office show the lounge's proximity to churches or schools meet legal requirements. Interviews with area residents show no reason for denial of this application. Commissioner Screws motioned to accept the application for the liquor application. Seconded by Commissioner Reed. District 1 ( Lee ) voted, no; District 2 (Pugh) abstained; 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. With 4 yes votes, 2 no votes and 1 abstention; the motion passed.
- The Time Out located at 12 Cottonton Road, Cottonton, whose owner Terri Williams Teel, are applying for a 020 Restaurant Retail Liquor. The building is adequate and is ½ mile from the Cottonton Baptist Church and is also not located near a school. The residents within a reasonable area have been interviewed and had no objections to the license. Commissioner Screw motioned to accept the application and was seconded by Commissioners Dudley and Reed. District 1 ( Lee ) voted, no; District 2 (Pugh) abstained; 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. With 4 yes votes, 2 no votes and 1 abstention; the motion passed.

Chief Osteen reported the results for the Uniform Bid held March 24<sup>th</sup>, 2011. He recommended accepting the low bid from Commando Military and Supply, also known as "Maneuvers". Commissioner Dudley motioned to accept the recommendation and was seconded by Commissioner Reed. The vote was unanimous.

Special Enforcement Officer Bill Friend requested a budget transfer for the purpose of purchasing ticket books as well as day to day operations. His transfer request is as follows:

|                       |               |                 |          |
|-----------------------|---------------|-----------------|----------|
| GENERAL FUND 001      |               |                 |          |
| INSPECTOR ENFORCEMENT |               |                 |          |
| DECREASE              | 001 52711 214 | MINOR EQUIPMENT | \$300.00 |
| DECREASE              | 001 52711 215 | TIRES & TUBES   | \$500.00 |
| INCREASE              | 001 52711 219 | OTHER MISC      | \$800.00 |
| TOTAL                 |               |                 | \$800.00 |

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

Mr. Friend stated in 2009 Governor Riley signed legislation to allow County Commissions to adopt regulations requiring the issuance of permits for the operations of junkyards and similar establishments within the County. Prices set were the minimum of \$100 with the maximum \$1,000. Fees have not been set for Russell County and at this time would like to set fees at \$200 per permit for (3) three different areas:

- Junkyard, parts recyclers and automotive dismantlers
- Used appliance dealers
- Used tire dealers

The permits will allow for the Health Department to do yearly inspections of these establishments keeping them within health codes. Commissioner Pugh motioned to approve the fees. Seconded by Commissioner Dudley. The vote was unanimous.

James McGill from the Chamber of Commerce addressed the Commission concerning tax abatement for the 165 Partners and Dr Ahmed. They are proposing to build two retail outlets at the intersection of County Road 18 and Hwy 165 and are requesting relief from some of the taxes, the abatement of sales on construction and ad Valorem tax on phase 2 of the project. Commissioner Epps motioned to accept the request of Dr. Ahmed and the County invests \$60,000 in the turning lane to the business leaving the balance of the cost to the owner. Seconded by Commissioner Reed.

Commissioner Lee: This is the third time this abatement has come before the Commission, have all issues concerning this been completed?

Commissioner Epps: At the beginning there had been miscommunication about what was being requested. That has been clarified, so now is the time to resolve this issue.

Attorney Funderburk: Setting the figure has been the problem. This should be clear now.

District 1 ( Lee) voted, no; 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, yes. With 4 yes votes, 3 no votes; the motion passed.

County Engineer Larry Kite announced additional Federal aide funding the County will receive, 2010-2011 High Risk Rural Roads Program (HRRRP). Total estimated cost for these projects is \$109,810; a 10% match is required from the County. An exact amount will not be known until the projects been bid. This has been budgeted in this year's budget. Three applications were submitted for funding:

- Project No. RCP 57-11-10 Traffic Striping, Marking and Pavement Markers at five sites(Battle Road, Howard Road, Lato Road, Old Seale Hwy and Zion Hill Road)
- Project No. RCP57-12-10 Installation of guardrail bridge end anchors at Nuckols Road bridge over Uchee Creek
- Project No. RCP-002-11 Installation of road sign upgrades at various locations.

Mr. Kite is requesting approval of three resolutions authorizing to proceed with plans, specifications and other ALADOT requirements. Commissioner Screws motioned to approve the resolutions. Seconded by Commissioner Epps. The vote was unanimous.

Coroner Sumbry presented a court ordered cremation for Winston Baker not to exceed \$400 to Taylor Funeral Home. Commissioner Epps motioned to approve payment for the cremation. Seconded by Commissioner Reed. The vote was unanimous.

Russell County Water Manager Roger Conner requested to lease 2 -25 yard rear loader Kenworth garbage trucks at the cost of \$148,123 each. Total lease payment for 2 at \$5,382 which the Utility board will fund, the County is the guarantor of the loan. Commissioner Lee motioned to approve. Seconded by Commissioner Dudley. The vote was unanimous.

Mr. Conner: The Sewer Authority and Goodwyn, Mills and Cawood have completed a sewer project proposal for the Commission's approval. The plan is to tie into Phenix City's sewer line at the Industrial Park and install a force main approximately 10 miles down Hwy 165 to County Road 18 turn east to proceed 3 miles down to McLendon Road. This plan would capture a lot of the development that is taking place in that section of the County. This project is estimated to cost 2.5 million dollars with a payout of 7 to 8 years.

Billy Belk with Goodwyn Mills & Cawood: This is an important project for Russell County. The County Commission will only be responsible to pledge as a backup. If you have reservations about something you think will not succeed then you have an issue. The Russell County Utility will stand good for the 2 million bond and will not have an impact on your debt service. The Commission is only supporting and pledging that the County is back up for financing on this project. Without that pledge no one will be able to get a bond.

Commissioner Reed: I would ask the County Attorney's opinion, if we decide to support the bond.

Attorney Funderburk: That has not been discussed previously. The last time the Sewer Authority brought this up, the Commission was told they would not be financially involved. The County Planning Commission is in the process having a mandatory sewer connection resolution approved and is being advertised now. The key to any bond issue or underwriter is to have the mandatory connect resolution. Hopefully this will pass. One thing you can do is to make sure the

Planning Commission knows the importance of the mandatory resolution. Once the resolution has been passed, it should be feasible on its own and the Commission will not have to be involved.

Commissioner Lee: I offer the motion to give 100% Commission support behind this project and would like to compliment Mr. Belk and Goodwyn, Mills and Cawood for bringing it up front. The Commission is also obligated to the garbage system. If they do a bond issue and default, it falls back on the Commission. That is part of doing business. So this time, I make a motion for this to be approved.

Dudley: I second.

Commissioner Epps: I have a question, because I'm very confused at this time. Our original discussion concerning this, the only thing that I understand is the Commission was only asked to give them our blessing.

Commissioner Lee: That is what we are doing.

Commissioner Epps: But when you stated we are going to back up this project, in my opinion that means you have to have to provide money if it falls through. I'm thinking of our discussion on the \$60,000 turning lane and now the Commission is discussing a 2.5 million dollar back-up plan. I'm confused for the simple reason, when this was first discussed; I was told the Commission would not need to do anything but support this. When you said supporting with your blessing that does not mean supporting with financing or bond money. We have the Judicial Center renovations as well as other county financial obligations. Mr. Belk is asking to use the County's credit?

Billy Belk: No, we don't. Randy Rushton who takes care of financing was not able to be here today. The bond issue will be applied under the Russell County Sewer Authority, which is now in place. The 2.5 million will be the responsibility of the Russell County Sewer System. I am not a mortgage banker, but what Mr. Rushton said the bonding company needs to have the County's full support for this project. I can assure you it will not have any affect on the debt limit of Russell County; it will be shouldered by the Sewer Authority.

Commissioner Epps: Commissioner Lee said, if it falls through then it will come back to the Commission to pay.

Commissioner Lee: That's right, just like the grant we have approved earlier; if the match is not met then it will come back on us. Anything the Commission approves, if it doesn't happen it becomes the responsibility of the Commission. This project will happen and be successful, we all know that and it will not cost the County anything.

Mr. Belk: Commissioner Epps we are being very particular and conservative with this project. When this is approved and agreeing with the County Attorney, we have to have the mandatory hook-up, but we have faced this and the bond is good

itself. With the estimated housing developments and possible commercial developments, only half of that amount will be needed to cover the bond issue. Although nothing is a sure thing, the only thing that could happen is for the growth in that area to stop.

Commissioner Screws: I'm not clear on the funding issue. I would like who ever is handing the funding issue to come back to the Commission to explain and answer our questions, so this will be clearer. I had the same understanding as some of the other Commissioners did; this project would not cost the County anything. We were only to give our blessing.

Commissioner Epps: My next concern is that now it is the new growth which the Sewer Authority is interested in and what about the county residences that have been misled over the last few years about signing a petition which did not come from the county , the petition was from the city. Those people have been waiting for the last four or five years waiting for a sewer system to be installed and now this proposed system doesn't even involve those residents at all. This project is down HWY 165 and County Rd 18.

Mr. Conner: Those residents and businesses do have an option to tie on to the sewer lines.

Commissioner Epps: You are still below that section of residents.

Mr. Conner: What we are trying to do is get it started and once system begins growing and begins to have development fees coming in which show the bond companies that we are good at paying our bonds. We are working with the City off the Whiterock Road area. There is a 123 lot development where homes are being built now.

To answer Commissioner Screws' question, the County will not be paying off this bond. The development fees and sewer fees will pay the bond off. We only want the Commission to back us, because there are no guarantees that any of this will happen. The reason for starting in the area we chose was because of the large developments. There are immediate issues in that area.

Commissioner Lee: The way to do this to keep the Commission from using county funds is develop where the greatest need is. You generate revenue which will allow for the system to grow to the area that already exists.

Commissioner Epps: The reason I'm confused because over the years our own sewer authority stated there was not any money in it and stated time and time again they could not afford it. In 2003 when BRAC had their first meetings and announced how many people would be transferred to this area. Then no one wanted to get into the sewer business. Because this private company comes into the county to address the problem and put sewage in our area, now our sewer authority says they could put place a system in the county. Mr. Conner, when we first talked about this issue, the County wasn't involved in any finance at all. I want



this service for our citizens, but I don't want to see it concentrated in a small area, when we have citizens who have been waiting for years with the promise they would have a sewerage system and they are being overlooked.

Mr. Conner: Those promises were made with the City through annexation.

Commissioner Lee: The difference is the Utilities or Sewer Authority has asked for a county utility study for the last four years and we did not provide funds for that until last year and is exactly why they can come in and said what they can do. That is also why a private company can come in to propose a system. We do have a study to show a need for sewerage. The County Commission was not willing to fund a study until last year.

Commissioner Reed: I can not support this project until I ask questions of Randy Rushton. If this project fails, the County Commission will have to pay for it.

Commissioner Lee: If the garbage fails the County pays, if the House of Restoration fails the County pays and that is what we are elected to do. I ask for the Administrator to poll the Commission.

Billy Belk: All I want to add is time is of the essence. If this project moves along it will take six months to one year to get the necessary highway permits to begin construction. If we wait another six months the contractors and developers have said they will commit to whichever sewer project will begin construction. At some time the County will have to get started in the sewer business. Developers are willing to wait on this conventional sewer, but we have to move forward now.

Commissioner Epps: I understand what is being said. I want clarification on what I'm suppose to be voting on.

Attorney Funderburk: You are committing yourself to be the guarantor on the bonds, which is not what they told you last time they were here. The company doesn't need your guarantee, if the project is feasible.

Commissioner Epps: So then I think the Attorney told us the last time, the Sewer Authority doesn't need to come before us for any thing.

Attorney Funderburk: They are the authority; they can do the bond issue without the Commission.

Commissioner Lee: But to use our credit rating and bond rating they do. We did commit to do that. Maybe not an official vote, but the commitment was made.

Attorney Funderburk: You cannot commit it without an official vote.

Commissioner Lee: Please call for the vote. District 1 ( Lee) voted, yes; District 2 (Pugh) Yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no until she get clarification concerning the bond; District 6 (Dudley)

voted, yes; District 7 (Screws) no until I get clarification also. Chair Martin changed her vote to no against the bond. She stated there had only been discussions for the Commission's blessing for the project; no discussions had taken place concerning the County being a guarantor for a bond. 4 no votes and 3 yes votes; the motion failed.

The County Attorney announced during the C&D Landfill hearing Ms. Horne and I were instructed to meet with Reaves Wrecking to change their letter of intent to a contract which has taken place. We have received the signed contract from Reaves. Their 1<sup>st</sup> payment will be due on the 15<sup>th</sup> of each month. We don't know at this time the amount of the payment, but it will begin this week.

Chair Martin announced: The Exchange Club will host a Turkey Shoot Saturday April 16 beginning at 8:00 a.m. and ending 12:00 p.m. Ft Mitchell Senior Center will have an open house April 26<sup>th</sup> from 10:00 a.m. until 1:00 p.m.

Homeland Security/EMA Assistance Deputy Bob Franklin announced: The new warning system was used during last week-end's storms and worked as it should; only setting off sirens in areas where tornado warning were needed. In the future the alarms will only sound in warning areas, therefore, seek shelter if you do hear the sirens warnings.

Mr. Franklin also announced that Russell County will be part of a State-wide Homeland Security exercise that will begin Sunday and end Thursday. There will be officers and tactical teams from all over the State of Alabama participating. They will respond to scenarios as if they are real emergencies; one will be staged in our County.

Special Enforcement Officer Bill Friend warned of the yearly fire ban that will begin May 1<sup>st</sup> and run until October 31<sup>st</sup>, 2011.

Commissioner Lee stated the Old Seale Court House will hold their annual Spring Dance this week-end from 8:00 p.m. to 12:00 a.m. also programs at the Amphitheater will begin this week end.

The meeting was adjourned.