

The Russell County Commission
Meeting Minutes
April 8, 2015
9:30 A.M. EDT

An adjourned meeting of the Russell County Commission was called to order.

The invocation was given by Rob Goodman, Pastor of Summerville Baptist Church.

The Pledge of Allegiance was led by Commissioner Reed.

Chair Martin welcomed elected officials, department heads, media and guests. She also thanked Cable T.V. of East Alabama and the Citizen News for coverage of the Commission meeting.

The Commission roll was called, members present were: Chair Peggy Martin, Vice Chair Cattie Epps, Gentry Lee, Tillman Pugh, Ronnie Reed, Chance Corbett and Larry Screws. Also present were Attorney Kenneth Funderburk and County Administrator LeAnn Horne, who kept the minutes.

A quorum was established

Chair Martin requested a motion to approve the March 25th, 2015 meeting minutes. Commissioner Corbett motioned to approve the minutes and was seconded by Commissioner Epps. The vote was unanimous.

Commissioner Corbett and EMA Director Bob Franklin presented certificates of recognition to Ready Camp Participants. These 6 students attended camp in Huntsville, Alabama and were taught how to deal with emergencies.

Chair Martin also presented proclamations for the County Day of Recognition for National Service to Bridget Woodyard and the "No Bully Zone" to Latisha Littleton.

Commissioner Corbett motioned to approve all the proclamations and certificates given today. Seconded by Commissioner Lee. The vote was unanimous.

Commissioner Pugh reappointed David Ellis to the District 2 position on the Russell County Planning Commission. Members on the Planning Commission serve 6 year terms.

One of the Public Building Authority appointments will expire at the end of April. Commissioner Corbett motioned to table this appointment and was seconded by Commissioner Epps. The vote was unanimous.

County Administrator stated that since this is the first time that there has been a request for County records; she asked if it so pleased the Commission to waive the charges that it has cost the County to create the data base to be released with employees' names, titles and salaries. Commissioner Lee motioned to waive all charges and information is to be provided as soon as possible. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Corbett stated that after the discussion at Monday night's work session, and based on suggestions made, he rewrote the job description to be advertised and distributed copies to each Commissioner for review and approval. Commissioner Corbett motioned to replace the last job description with this description for advertisement. Seconded by Commissioner Lee.

After much discussion Commissioner Epps stated she thought that they would go along with the present job description, because it worked before and there was not a problem with it. If that description is to be changed each Commissioner should have the same opportunity to give their input.

Commissioner Corbett stated that he was fine with that and explained that he wrote this because of the lengthy discussion at the Monday night's work session which seemed to go nowhere. He did state for the records he did not agree with requiring a two or four year college degree for this job, because the County has other departments heads that were not required to have degrees, who make more money and have more responsibilities in certain cases. Therefore, he did not agree with that requirement and did not think that the present job description was good. No vote was taken.

Commissioner Pugh concurred with Commissioner Corbett and liked his description, but understood what Commissioner Epps said about being able review the description that Commissioner Corbett presented today. Commissioner Pugh motioned to table this item. Seconded by Commissioner Screws. The vote was unanimous.

Administrator Horne requested approval to transfer fund as follows:

General Funds

Parks & Recreation			
Decrease	001 57200 530	Improvements Other Than	\$50,000.00
Increase	001 57200 524	Additions & Renovations	\$50,000.00
		Total	\$50,000.00

This transfer is for continuance of construction projects at the Ladonia Sports Complex. Commissioner Corbett motioned to approve the transfer and was seconded by Commissioner Screws. The vote was unanimous.

County Attorney Funderburk discussed the executive session held at Monday night's work session, which dealt with annexation. He gave a short history to explain his recommendation to the public.

The County does not have a county-wide sales tax. Sales tax that the County does have is not assessed at the City. Therefore, when the City annexes a property the County loses that sales tax. The County and the City have had this problem for many years and the Legislative Delegation has refused to take action to correct this. Russell County is probably one of the few counties that do not have county-wide sales tax. County-wide sales tax means, taxes are assessed in the City as well as the County.

If the City annexes a business property, such as the Wal-Mart which will be built in the Ladonia area; it causes a problem for the County, because the tax base is being reduced. Obligations place on the County by the State, since the County is a State function, do not diminish. A municipality is a State authorized corporation which has limited powers by the corporate charter, as well as by State Law. The City does not have the scope of responsibilities that the County has. The County cannot raise taxes, while the City has control of the sales tax.

The City has for years opposed to change any rules or allow the County in anyway have any part of the sales tax, which is assessed once the City takes in territory.

The issue is not reducing sales tax, because the City will not do that. The issue is who gets the sales tax and the City takes the position that, it gets the sales tax. Every time this subject comes up, the City acts as if they don't know what the County is talking about or that the County has other sources of income. The simple truth is nothing raises the money like sales tax. So, when sales tax is lost, it is a big blow to the capacity of the County to pay their personnel. Example: When a piece of land is annexed into the City, the City has the duty of policing that area, but as the case may be, much of that still falls on the Sheriff's Department, especially when the City is lassoing territory. This means taking in parcels that do not join other city property simply by running a line down the road. The County loses money, but not the responsibility.

Our Legislative Delegation has refused, for at least the last 10 years, to take action unless the County and City agree on a resolution. The City has never agreed on a resolution. Therefore, how does the County protect or do something to secure its tax base. If the County makes improvements on property and it is annexed into the City, not only do you lose tax money, but also the money it took to make the improvements.

The issue is really limited; the County probably doesn't have much of a choice when land is adjacent to City property. However, there is at least one parcel that has been lassoed by the city. The City states that they can do that based on a law, and it's not certain how secure that law is. Next time the City lassoes a property, the County should be ready to take whatever legal action is necessary to challenge that. Whether the County can win or not is unknown, but it needs to be considered.

The other consideration is the County has put a considerable amount of money into the sewage line going toward Winn Dixie on Hwy 80. There are certain agreements to cover, which could be an issue as to whether the Sewer Authority of the County has the right to provide the sewer service to the Wal-Mart that will be built. The Sewer Authority

is an independent separate authority and any action, though the County has put a lot of money in the line, would have to be in conjunction with the Sewer Authority, since the Commission cannot tell them what to do.

The only thing that is remaining that can actually protect the County, since the City has refused to make an adjustment, which is necessary and the Legislative Delegation won't do anything unless it is agreed on.

There is a novel issue; we know from Columbus that Columbus and Muscogee County consolidated. There is no existing law in Alabama dealing with that. Therefore, Mr. Funderburk recommended retaining Webb- Eley, which specializes in zoning and annexation, for exploration of whether consolidation is legally possible and if it is possible, what legislative action will need to be taken in order to bring that into being. The public would have to vote on it, but this is just to find out if it is legal.

Commissioner Lee stated that Attorney Funderburk said consolidation, but asked if he meant incorporation? Consolidation would infer the City is included.

Before Attorney Funderburk could explain; Commissioner Pugh requested to read his motion for clarification.

Commissioner Pugh motioned: At this time I move that the Russell County Commission authorize the County Attorney to employ the law firm of Webb-Eley to render an opinion on the legality of the County causing the incorporation of all of unincorporated areas in the County and merging or consolidating all new incorporated areas with County Government and what procedures could be instituted in order to create this new consolidated government. Seconded by Commissioner Screws.

After more discussion, Administrator Horne polled the Commission. The vote was unanimous.

The Personnel Reports were provided in the Commission packet for their review.

Chair Martin made announcements:

Seale Baseball Opening Ceremony will be Friday April 10th at 6:30 p.m.

- Ladonia Baseball Opening Ceremony will be April 11th, Saturday at 9:00 a.m.
- No Bully Zone Anti-Bullying Walk will be held April 11th at 10:00 a.m. to begin at the intersection of Front Street and 10th Street in Columbus, Ga.
- Russell County Senior Activity Center Open House will be April 30th from 10:00 a.m. to 1:00 p.m.

Commissioner Pugh motioned to adjourn the meeting.

The meeting was adjourned.

