

The Russell County Commission
Meeting Minutes
May 12, 2010
9:30 A.M. EDT.

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

A quorum was established.

Chair Martin requested a motion to approve the agenda.

Commissioner Lee: After the meeting Monday night, talking to several Commissioners, we decided the best way to do it is to schedule an executive session. It was too late to get it on the agenda. So the way to do it is, I'm going to make a motion that we add an executive session dealing with personnel, good name and character at the conclusion of the meeting today. This is in the form of a motion. Seconded by Commissioner Pugh.

Chair Martin: You want that after the County Attorney item?

Commissioner Epps: I was not notified of an executive session.

Commissioner Lee: Well, it wasn't added until just now.

Commissioner Epps: I know you did, but you said you had talked to the Commissioners.

Commissioner Lee: Well I did, but I couldn't catch up with Mrs. Epps.

Commissioner Epps: I don't know why not. I have my phone 24/7.

Commissioner Lee: Well I didn't try to call anybody.

Chair Martin: It is news to me also.

District 1(Lee) voted, yes; District 2 (Pugh) voted ,yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 6 (Screws) voted, yes. The motion to add the executive session to the agenda passed with 6 yes votes and 1 no vote.

Commissioner Lee motioned to approve the agenda as amended. Seconded by Commissioner Dudley. The vote was unanimous.

The invocation was given by Reverend Jimmie Hobbs, Pastor of Bethany Baptist Church,

The Pledge of Allegiance was led by Commissioner Epps.

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

Chair Martin requested a motion to approve the April 28, 2010 meeting minutes. Commissioner Dudley motioned to approve the minutes. Seconded by Commissioner Epps. The Chair asked if there was discussion about the minutes.

Commissioner Pugh: After looking over the minutes, the only thing that I saw that maybe flawed a little was the fact that the discussion with Gardnyr Michael Capital, nothing was put in about that to support why some of the Commissioners voted no. When people look over the minutes, I would like for people to understand that is was due to Michael Gardnyr's involvement in the investigation in Birmingham that led to my personal vote of no and I just wanted them noted in the minutes.

County Administrator Horne: In the first set of minutes, we had Mr. Funderburk attending and it should have been Robert Lane and that was corrected.

Commissioner Epps: About the minutes, I have to go back sometime when we had seventeen pages of minutes. When I attended school and studied taking minutes, I was taught minutes reflect what happened, not the discussion of all that went on. So, what went on and why someone voted their way is a personal opinion. I just want to know is it important that all discussion go into the minutes to note why a person voted the way that they did.

Commissioner Lee: Yes, you are correct there are two ways. You can just put in the minutes, as these minutes did, one of the few we have had like that, but you can not pick and choose. One meeting put in the discussion and the next meetings because you may or may not agree, don't put in the discussion. I 'm sure we don't have to go back, but one or two meetings and you will see a lot of discussion put in the minutes. That is the particular instance Commissioner Pugh was addressing. When a Commissioner asks a question of someone before the meeting, the question and answer should be placed in the minutes because it is part of the decision making. When it is just a discussion between the Commissioners about a particular topic, then it may not. It's important, that if a Commissioner thinks it is worthy enough to ask a question then that question and answer should be a part of the official record.

Commissioner Epps: Then we should make a decision on how we want the minutes to reflect. Whether or not we put in all the discussion or whether or not we are going to put what actually took place. How lengthy should these minutes be? When the minutes become a book then they are really not minutes. I think as Commissioners need to make a decision, whether or not we want to put in discussion and because discussion can each commissioner had their own discussion or whatever, but if you are going to spell out every word that they said then those minutes have become a book. That is my opinion and what I have learned taking minutes.

Chair Martin: That is something all of us can bear in mind. I do recall we have asked that the minutes be kept brief and not voluminous. We surely want to abide by our Commission body in what they want to have done. That is something we can take it up at the next meeting, to really address the issue and vote on it. Then, maybe, at the next session, we can do that. The Commission was polled. The vote to approve the minutes was unanimous.

Chair Martin presented a Proclamation for National Peace Officers and Armed Forces day. Commissioner Lee motioned to approve the proclamations and was seconded by Commissioner Dudley. The vote was unanimous. The Proclamation was signed by the Commission and read by County Administrator Horne.

Chair Martin presented Recognition of Accomplishment Certificates to Joshua Bowman, who won first place for his entry to the Farm City Essay Contest and to his teacher, Ronneeke Gamble. Commissioner Lee motioned to present the certification by acclamation, if there are no objections. Seconded by Commissioner Reed. There were no objections.

The expiring term of Planning Commission member, J.C. Batcheldor was presented. This 6 year term is the appointment of District 6. Commissioner Dudley stated Mr. Batcheldor does an outstanding job and is interested in continuing to serve on the Planning Commission; therefore, he made a motion to reappoint J.C. Batcheldor. Seconded by Commissioner Lee. The vote was unanimous.

Special Enforcement Officer Bill Friend stated, a criminal litter law has been in effect for the last 25 years. Governor Riley recently signed an amendment to this law, which assigns more people to enforce the criminal littering law and changes requirements for enforcement. Before a citation is given, it is required to contact the individual in writing and allow 15 days for the recipient to clean up the dump site. If there is no response: A regulated non-traffic citation will be issued, the violator taken to court and fined. Most of the proceeds will go to Russell County. Other changes consist of locations of dump sites; previously violators could be charged if the dump site was on the side of the road, now, the law includes dumping on property. These changes must be adopted by the County Commission before Licensing Inspectors and Solid Waste Officers are allowed to enforce the amended littering law. Commissioner Dudley motioned to adopt the recommendation as referenced to by Mr. Friend and, therefore, make it a part of our official record. Seconded by Commissioner Screws. The vote was unanimous.

County Attorney Kenneth Funderburk presented two resolutions: The first is a validation, which has already been approved. This is language with Wyatt Haskell Bond Attorney says we need to adopt. The second is a reimbursement resolution with a correction, we have made. I recommend the Commission approve both resolutions. The validation has been filed and these two documents are to be taken with us to the hearing along with some of the Commissioners, if they want to attend.

Chair Martin: I have a question concerning Section 2. Does each Commissioner have that correction?

Mr. Funderburk: Yes.

Chair Martin: If you will note that. Hearing the recommendation from our County Attorney on the resolutions, do I hear a motion?

Commissioner Reed: I make a motion to approve the resolution. Seconded By Commissioner Screws.

Chair Martin: Are there any questions?

Commissioner Lee: I spoke about this Monday night and have talked to Mr. Funderburk; approving these resolutions does not obligate us to a bond or a project. It still has to come back before the Commission.

Mr. Funderburk: That is right. What this does is when the project comes back and the Commission approves it, then we can go forward. This saves some time. Actually it saves a lot of time. If we started all of this afterwards, it would take another 60 days at least.

Chair Martin: We are paying out \$15,000 a month, for people to be displaced into other offices, so we need to act expeditiously.

The Commission was polled. The resolutions were approved unanimously by the Commission.

Mr. Funderburk presented a letter and recommended going into executive session. Commissioner Lee motioned to convene into executive session and was seconded by Commissioner Dudley. The vote was unanimous.

Announcements were presented before the Commission went into session.

Commissioner Reed recognized Locy Baker, candidate for State Senate and former County Commissioner.

Chair Martin reported on the Fort Knox Information Fair attended by the Chair, County Administrator and Micheil Cole, who was not paid by the County, to promote Russell County area for the relocation of Military Personnel and business due to the BRAC initiative.

Commissioner Lee requested the County Administrator and The County Attorney attend the executive session.

Chair Martin requested a motion reconvene the Commission Meeting. Commissioner Lee motioned to reconvene and was seconded by Commissioner Reed. The vote was unanimous.

Mr. Funderburk stated there are no recommendations.

Commissioner Lee motioned to adjourn the meeting.

Meeting adjourned.