

The Russell County Commission  
Meeting Minutes  
June 10, 2009  
9:30 A.M. EDT

A Citizen addressed the Commission with concerns about Lonesome Pine Road.

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

A tribute to Jerry Franklin Rutledge was given by Micheil Cole honoring the life of the reporter.

Chairman Dudley requested to move Sunday beer sales from the discussion items to business items. Commissioner Epps asked to place appointments to the East Alabama Mental Health Board back on today's agenda. Chairman Dudley stated the appointments should be placed on the next meeting agenda to give more time for discussion of nominees. Commissioner Epps agreed and motioned to accept the agenda as presented. Seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Nathan Sims, Pastor of Holland Creek Baptist Church.

The Pledge of Allegiance was led by Homeland Security / EMA Director William Alexander.

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

Chairman Dudley requested the approval of the May 27, 2009 meeting minutes. Commissioner Epps motioned to approve the minutes and was seconded by Commissioner Reed. The vote to approve was unanimous.

Eric Graves, program supervisor for DHR, along with co-workers: Mildred Morris, Kimberly Price, Wanda Martin and Mr. Chancy; explained the importance of involvement in the intervention of senior abuse and neglect. Commissioner Reed motioned to approve the World Elderly Abuse Awareness Week Proclamation. Seconded by Commissioner Screws. The vote was unanimous and the proclamation was presented to the DHR staff. (Proclamation is on file at the DHR Office)

Commissioner Screws discussed Sunday beer sales as an avenue to generate revenue for county roads improvements. He also motioned for the Commission to consider passing a 1:00 P.M. Sunday beer sales resolution and asking the legislative body to review and give permission to offer this bill. Seconded by Commissioner Reed.

Commissioner Lee: I will abstain from the vote because it would not affect my district 1; it already has Sunday sales.

Commissioner Pugh: At Monday night's work session I indicated I did not know exactly how I would vote on that issue. I don't have a clear understanding. We are going to ask the Legislative Delegation to pass a law to allow Sunday sales in the unincorporated area of the county. Will that be a vote of the people or just by the passing of this Commission?

J.W. Brannen: I can tell you what the City Council did. The Legislative Delegation created an act that allows the city to change the business hours for the purchase of Sunday beer sales. Is what you are asking Legislative Delegation—to pass a similar law for Russell County in order for Russell County to compete with Phenix City and to raise revenue for County purposes? If you pass a similar resolution, the Legislative Service will draft the legislation and will

return it to the Commission for your approval before being introduced. At that time, you can make changes before returning back to the Legislative Delegation for filing.

Commissioner Pugh: I understood the alcohol and tobacco tax basically went to the fire departments. I did not think, we as a government, received any of the money under the general fund. My question is: Do we actually derive any money ourselves to operate on?

of that, but the majority of that goes to the volunteer fire departments.

Commissioner Pugh: I would like the legislative research to give us an idea of what impact this would make on this Commission from a sales tax stand point.

J.W. Brannen: They can give you a fiscal note that will tell you how much revenue to expect and how to word the new request; after revenue projections have been completed. There are three taxes involved: Beer tax, sales tax and gross receipt tax.

Chairman Dudley: The only money the fire departments receive is beer tax, which is split 50/50 and is shared with the Commission. This is not a great amount of money. The other percent goes to the Board of Education, which is paid out quarterly. The money given to the fire departments is not a great amount.

Commissioner Pugh: My question is; if they start Sunday beer sales in the incorporated areas, how much revenue will be generated and will it be worth it?

Mr. Brannen: I recommend for the motion to ask the legislative delegation to prepare this legislation for the Commission's review and also furnish a fiscal note as to revenues projections.

Commissioner Screws agrees to the amendment of the motion.

Chairman Dudley called for the vote: District 1 (Lee) abstained; District 2 (Pugh) voted, yes; District 3 (Martin) absent; District 4 (Reed) voted, yes; District 5(Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. Five votes, yes and one abstention; the motion stood.

Yolanda Watkins presented the Revenue Discovery Recovery System which is designed to collect Russell County business license fees. An excel report was distributed to the Commissioners showing the county's potential revenue. All information would be turned over to the Probate Office or the County Administrator for license renewals for the following year. Those funds will be solely for the county, but proceeds found by their company would be split 50/50 and information would be turned over to the county. If nothing else is found, there will not be a charge to the county. County Administrator Horne requested to table this item until the next meeting and allow her and the County Attorney time to research and bring back a recommendation to the Commission.

County Attorney Funderburk: One item for the executive session today deals with AlaTax concerning their failure to collect all revenue for all sections of law they should be collecting and until we review that during the executive session I don't think we need to proceed with them (Revenue Discovery Recovery System) at this time.

Commissioner Pugh motioned to approve the recommendation of the administrator. Seconded by Commissioner Lee. The vote was unanimous.

James McGill, Roger Conner, Manager of Russell County Water and Sewer Authority, Commissioner Pugh and County Attorney Funderburk had been appointed by Chairman Dudley to research the sewer fee schedule for the Ladonia Sewer Extension. The owner of Subway Sandwiches has met the minimum fee of \$5,000 plus the additional \$3,000 for tap fees for the city and the county. Mr. Funderburk stated those fees are consistent with what Winn Dixie is using and the amount of money they paid for tapping onto the sewer line.

The fee schedule is as follows:

0 to 4,500 Gallons Per Month	Minimum Fee	\$5,000.00
Each Additional 1,000 Gallon		\$1,500.00
Maximum Fee		\$75,000.00

Commissioner Pugh motioned to approve the recommended fee schedule and was seconded by Commissioner Epps. The vote was unanimous.

James McGill informed the Commission other sewer line requests are being presented to the Commission. These rates will not relate to those lines and will have to be addressed as subdivisions and other entities.

Commissioner Pugh: At this time, the agreement that has been entered into for the Ladonia District, I think needs to be looked into. I would like to ask Mr. Conner and Water/ Sewer Board engage in conversation with the City about allowing private residents to tap onto the sewer line.

Chairman Dudley: Would you like to put that into a form of a motion?

Commissioner Pugh: Yes. Commissioner Lee seconded the motion.

Attorney Kenneth Funderburk: That has been talked about. There is nothing in the agreement to prohibit residents tapping on to the line. All agreements and minutes were reviewed concerning this issue.

Commissioner Pugh: At the Monday work session it was pointed out to us that the contract was strictly commercial only. I have not seen anything one way or the other. I would ask Roger Conner to get with everyone and if there is no problem, I would like it to be available to citizens as soon as we can get to it.

Roger Conner: Being commercial only was a comment made to us in 2006 by Greg Glass. There is nothing in the agreements excluding residential use.

Commissioner Pugh: I am asking for clarification.

Commissioner Lee: If we are, then we need to create a residential impact /tap fee.

Commissioner Epps: In our first discussions of this, it was for commercial use only. In that discussion we stated it did include residents, but did not state we could not include residents at a later time.

Attorney Funderburk: The document that was passed and signed did not include those limitations. This gallon and usage may not be limited to Commercial use only; it could be adopted with modifications for residential.

Commissioner Pugh: I would like a report back from Mr. Conner within the next ninety days.

Chairman Dudley: That is part of what you wanted in part of your motion, in that regard?

Commissioner Pugh: Yes.

Chairman Dudley asked the Administrator to call the vote. The vote was unanimous.

Pastor Johnnie Robinson requested \$6,000 in reimbursements from the 2008-2009 Emergency Shelter Grant for relocations due to storm damage of The House of Restoration. Insurance policies covered the cost of damages to the center, but not for relocation of those who residents of the center during that occurrences. Approval is required due to a memorandum of agreement between: The Russell County Commission, House of Restoration, Lee/Russell County Council of Government and ADECA stating any one item over \$1,500 should come before the Commission for approval. To relocate those affected residents

into a hotel constitutes rent, which is allowable for an expense in the Emergency Shelter Grant. Residents have been placed in the hotel since May 27<sup>th</sup>, 2009 and costs are approximately \$2,242.14 per week for nine rooms. The repairs to the center should be completed by June 13, 2009 and residents will be able to return. Commissioner Lee motioned to approve allowing the House of Restoration to draw from the grant to reimburse for rent, due to displacement from the recent storm. Seconded by Commissioner Reed.

Administrator Horne request it be noted; verification from urban housing development as well as supporting documentation has been provided stating this is a permissible operating expense, along with receipts for relocation expenses

The motion was unanimously approved.

Pastor Robinson also requested approval for the purchase of presentation equipment, Elmo, through grant money that has been acquired for the House of Restoration. The purchase cost of the equipment is \$2, 399. Commissioner Lee motioned to approve the purchase of the equipment and was seconded by Commissioner Reed. The vote was unanimous.

Announcements were made prior to the County Attorney's items.

Commissioner Reed announced due to appropriation of funds the Coroner's Office would no longer assume responsibility for the transportation of bodies to the state forensic lab. This will take affect October 1, 2009.

William Alexander, Homeland Security / EMA Director, introduced his new Deputy Director Robert Franklin, who has numerous certifications qualifying him for this position.

Ted Gilbert, Director of the Extension Office announced the opening of the Farmer's Market behind the Central Activities Center. Vendors will be local farmers. The market will be opened every Wednesday morning from 7:30 am until produce has sold out.

County Attorney Kenneth Funderburk recommended going into executive session to discuss two matters: Taxes and a potential case. Commissioner Reed motioned going into executive session. Seconded by Commissioner Epps. The vote was unanimous.

Commissioner Lee motioned to reconvene the meeting. Seconded by Commissioner Reed. The vote was unanimous. The meeting was reconvened.

Mr. Funderburk recommended continuing negotiations with the school board and to pursue AlaTax concerning tax issues dealing with the collection of taxes for the school. Commissioner Lee motioned to approve the recommendation of Mr. Funderburk. Seconded by Commissioner Epps. District 1(Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) absent; District 4 (Reed) voted, yes; District 5(Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) abstained. Five votes yes and one abstention; the motion stood.

Commissioner Epps motioned to adjourn the meeting.

Meeting adjourned.