

The Russell County Commission
Meeting Minutes
July 26th, 2017
9:30 A.M. EST

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

The invocation was given by Reverend Brady Baird, Pastor of Summerville United Methodist Church.

The Pledge of Allegiance was led by Commissioner Currington.

A public comment was made by Mic Cole who gave an update on the Ladonia All Stars, 8 to 10 year old baseball team who are the Alabama State Champs, but lost the Regional. The Ladonia All Stars, 11 and 12 year baseball team, who are still in the battle for Regional Champs.

Chair Martin welcomed elected officials, department heads, media and guests. She also thanked the Citizen news for their coverage of the Commission meeting.

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

Chair Martin requested a motion to approve the minutes for the June 28th, 2017 and July 12, 2017 meeting. Commissioner Lee discussed that the July 12th minutes could not be voted on because there was not enough Commission members to have a quorum. Administrator Horne stated the minutes were just for the record. The June 28th, 2017 minutes were voted. Three Commissioners voted to approve the minutes, Chair Martin, Commissioner Currington and Lee voted to approve the minutes. There were four abstentions. The minutes were approved.

Commissioner Corbett discussed building a restroom at the Crawford Park. There has been some money budgeted and plan to use money from the rental fees to make this project happen. Installation of the bathroom will release funds that are being spent for the port-a-potties.

Commissioner Corbett announced that the Market Day at the Crawford Park Phase II was a success. This event was a way to get the community together; there were approximately 700 people who attended and 13 vendors.

Since the Market Day was such a success it, we have scheduled to have one the 3rd Saturday in the month until October.

Commissioner Corbett reminded the Commission that Request for Proposal for Architects to present an idea for a streetscape for the 500 block of 14th Street. Two presentations were submitted. The Hect-Burdeshaw proposal focused on the external portions of the building and included the courtyard between the Old Post Office and Annex Building, which he was very pleased. He proposed to have the Administrator to contact the architect's planning team to meet with the County and City's Engineers to discuss moving the project forward. Commissioner Corbett has understood that the architects planning team has agreed to do this at pro bono and not charge for these efforts. Once there is a good plan of action, if that is a course the Commission plans to take; then we will engage into a contract with the architect.

Reverend Marty Holley presented the "Power of the Point "County - Wide Crusade". He introduced members of the Steering Team: Pastor Freddy Evans, Pastor Richie Ashburn, Marcia Johnson, Pastor Lawrence Stevens, Pastor Theodious Jordan, Pastor Jim Goodboy and himself. They have united to cross racial and denominational lines with a vision for the wellbeing of all Russell County citizens. Pastor Holley gave a history of growth of this group and their purpose is to pray for everyone in Russell County, and the revival of the county during these times. He invited all to attend the crusade which is scheduled November 5th- 9th in Seale at the point. The point is located across from the intersection of Hwy 431 and Hwy 169 across from Dollar General. Guest evangelist will be Ken Freeman.

Commissioner Corbett announced an application for the Grass Roots Grant from Alabama Power was submitted for the Old Seale Courthouse. The Old Courthouse Committee felt that it was important to apply for the grant, because a lot of trees are getting older, limbs are falling off and even the trees are falling and need replacing.

Alabama Power Representative, David Quinney presented the grant award to the Commission and stated that are competed for all over the State, but this is the only grant in the Southeast division that was awarded.

Sanitation Director, Wanda Hardie requested to update the current solid waste agreement with WI Taylor County Landfill. The only change to the contract is a name change. That is removing Commissioner Currington's name and adding Mrs. Hardie's name. Commissioner Lee motioned to approve the request. Seconded by Commissioner Currington. The vote was unanimous.

County Engineer Shawn Blakeney discussed a meeting that occurred in May with several Commissioners and ALDOT representatives. Commissioner Currington had requested a traffic study be done due to the amount of accidents at the intersection of Hwy 80 and Evans Road. Before ALDOT will do a study the Commission must send a formal request. The traffic study will be at no cost to the County. If the study shows that a traffic light is needed at the intersection, then there will be some cost for the installation of the light. Commissioner Currington motioned to send the request to ALDOT. Seconded by Commissioner Lee. The vote was unanimous.

Special Code Enforcement Officer Bill Friend discussed the history pole barn permits. Farmers traditionally build pole barns for use and they were waived when a farmer applied for one. At that time a pole barn was defined as a roof with 4 or more holes in the roof.

Over the past 6 months Mr. Friend has found several that have been turned into establishments, or becoming vendors. He it is time to revise guidelines for construction of agricultural buildings / pole barns. Going forward, if a pole barn is to be constructed you must apply for a permit. The Building Inspection Department will go to the site to inspect if it is a pole barn; at no charge. If the pole barn is upgraded to another type structure such as a club house, event center, home, anything that requires electricity; another permit is required. The pole barn will then be inspected like other structures.

Commissioner Corbett stated while discussing the Grass Roots Grant Award, he missed making a motion to accept the award. He made a motion to accept the award and authorize the Chair to sign the documentation to place the funds into the grant revenue line. Seconded by Commissioner Lee. The vote was unanimous.

The personnel report was included in the Commissioner's packet for review.

Commissioner Epps: I need clarification for Minutes. Looking over the Minutes of July 12th, the meeting was called to order. I need clarification because that is one thing that was discussed at NACO, if you do not have a quorum you do not call a meeting, because there is no quorum. In the packets it shows the meeting was called by the Chair, then the invocation and the Pledge. Then the welcome and the Administrator called the roll. My understanding on what I have learned from going to meetings, if there is not a quorum the meeting cannot be called to order. I need clarification.

Attorney Funderburk: How do you know there is not a quorum?

Commissioner Epps: It says here.

Attorney Funderburk: No, how do you know there is not a quorum if you don't call the roll?

Commissioner Epps: You call the roll. If you only have three Commissioners here, why call the roll?

Attorney Funderburk: You have to call the roll for the record. That can happen during a meeting if you walk out as we all know. You have to call the roll.

Commissioner Lee: This is the adopted order that the Commission adopted as suggested by our Association of County Commissioners. If you want to change and put the roll call at the very front, we could.

Commissioner Corbett: We actually voted

Commissioner Epps: That is all I needed to know, Commissioner Lee cleared it up. He said the Association. If it came from the Association then I understand where it came from.

Commissioner Corbett: We do not take any business until roll call. Nothing was taken, there was no business and when the roll is called there was no quorum the meeting is over.

Attorney Funderburk: There have been issues raised regarding the Fort Mitchell Senior Center rental agreement. All you can do is convert this agreement to comply with our rules. It does at this time; however the rental violates the law. Alabama Code Section 36-25-7, DE MINIMIS essentially you cannot give things away, so you cannot have an agreement that violates the law, which this does.

Paragraph 2 needs to be removed. Legally the County Commission cannot provide a retreat or anything free for its self or employees for the public and certainly Commissioners don't have the power to do that either. So that has to be changed and the other issue that was raised is the rental.

Administrator Horne: Looking at the contract which has been in effect since 2008 is higher than the rental fee. I would recommend if acceptable with the Commission we equalize those, by reducing the deposit from \$150 to the rental amount, which is \$125; if that is acceptable to the Commission. It just seemed odd that the deposit was more than the rental fee.

Attorney Funderburk: Does anyone have a thought on that? I'm going to recommend that we eliminate paragraph 2. I will change the rental agreement, but I need a set of rules that will say all of this in the form of a rule, so whoever is handling this has this rule and the rental agreement. I would also suggest changing the name to Community Center instead of Senior Center. There is plenty of land there for a park, places for people to have picnics. It has the walking trail and is a big area located in the center of the Fort Mitchell area and across from the Fort Mitchell Fort. The Senior Center does not express the use of the property.

Commissioner Corbett: Commissioner Epps, what are your feelings on the rent, since it is in your district?

Commissioner Epps: I haven't had time to think about it. Since it is in Fort Mitchell and District 5; I would like to table this. Since, I haven't had the opportunity to review what we have and maybe come up something.

Commissioner Corbett: I'm ok with tabling the rent, but I think we should strike paragraph 2 immediately. Paragraph 2 basically says that county employees have the ability to rent it two times annually. That is absolutely illegal and should not be allowed.

Commissioner Epps: Illegal or not you ask me a question.

Commissioner Corbett: I just asked about the rent.

Attorney Funderburk: I will answer the legal question. It is illegal.

Commissioner Epps: Because, I did not write the contract, it was written up at that time and we accepted it the contact in 2008. So you asked me a question and I would like to have the opportunity to read over it.

Attorney Funderburk: You cannot legally approve something that is illegal.

Commissioner Corbett: I motion that paragraph 2 in the rental agreement be struck and removed from allowing any employee to utilize the facility for free.

Commissioner Currington: I second.

Commissioner Lee: I will make the same statement that I made Monday night. I was here Monday night so I am familiar with this. When this was paragraph was put in in 2008, we discussed at the time if employees took advantage of this by using their free privilege twice to secure the place for a family member, kin folks or friends this would probably get out of hand and probably done away with. Even though it was illegal at the time until someone complained about it, no one knew about it. That is what has happened.

Commissioner Epps: In that same discussion, Commissioner Lee, we talked about the Boy Scouts and Girl Scouts or other non-profit organizations using it, where will they go from here. When this comes out I am going to hear from the Girl and Boy Scouts leaders, who are using it for the children. I have noticed in the summer time when I go by, when the Boy or Girl Scouts are there they are outside.

Attorney Funderburk: this does not deal with the outside.

Commissioner Epps: They have to go into the building to the restrooms and that sort of thing. This is why I would like to look over this to see if there is some wording that I can add to make sure we still accommodate our children. I think it is unfair to ask them to pay for it.

Commissioner Lee: We can allow nonprofit groups access to the building. That is not the problem. We can't have a blanket rule that employees use it for free.

Commissioner Epps: I was not hearing the discussion. I was out of town at that time. I need time to really grasp and think about what I think is best for the people in District 5. I am not saying that we don't need to eliminate it, but I think that we need to add some more language into the agreement for people such as the Boy Scouts.

Commissioner Corbett: in this motion it is to simply strike paragraph 2, which is specially about employees, not nonprofits. If Commissioner Epps wants to come back and add a clause in the rental agreement about nonprofits to come before the Commission to ask for the fees to be waived, I would support that. At this time I can't support this and I will ask to see a list to see who has used it. I would like to come on. Call for the question.

Administrator polled the Commission: District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7 (Screws) voted, no. There were 4 yes votes and 3 no votes. The motioned passed.

Administrator Horne: Just for clarification for those who are handling rental of the property, this takes effect today. So, they will need to notify anybody that is on the books there is a cost going forward as of right now.

Announcements were made.

Commissioner Lee motioned to adjourn the meeting. Seconded by Commissioner Currington.

The meeting was adjourned.