

The Russell County Commission
Meeting Minutes
July 28, 2010
9:30 A.M. EST.

Public Comments were made by Citizens Jean Smith and Gwen Davis who have concerns about road conditions on Samuel Road and Sunset Drive.

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 and Larry Screws. Also present were County Attorney Kenneth Funderburk and County Administrator LeAnn Horne, who kept the minutes.

A quorum was established.

Chair Martin stated County Engineer Larry Kite has asked to add an agenda item which will be added to business items. Chair Martin requested a motion to approve the agenda. Commissioner Dudley motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Father Tom Weise, Pastor of Saint Patrick and Mother Mary Mission.

The Pledge of Allegiance was led by Commissioner Reed.

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

Chair Martin requested a motion approving the July 14, 2010 meeting minutes. Commissioner Dudley motioned to approve the minutes. Seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk presented Citizen Jimmy Adams' request to repair an erosion issue on his property. Mr. Adams indicated the problem occurred when the county was allowed to excavate dirt, as needed, for county projects. In turn, the county was to make improvements to the property and did make some of those improvements, but did not complete the work, therefore erosion is occurring. Mr. Adams is requesting the county to complete the work not finished at the time of the dirt hauling, which he estimates the work value is \$300. The County doesn't have a written agreement, but the work does relate to soil that has been removed. Work being requested is not being done on private property in a way that is illegal.

Commissioner Reed suggested the County complete the job. He stated he was embarrassed at Monday's work session when a private citizen offered and paid to have work completed that is a responsibility of the County.

Commissioner Lee stated if the Commission approves to correct this issue; the Engineering Department is to have a work order of job expectations signed by the property owner before the job begins and again signed after the job's completion by both the Engineer and the property owner.

Commissioner Reed motioned to approve work on Mr. Adams property and return the money to Mike Cochran. Seconded by Commissioner Epps.

Commissioner Pugh questioned if it was proper work ethics for the county to do work on private property. He would vote to approve the work if the County Engineer recommended the County repairing the erosion and the County Attorney's opinion states that this is not a violation of ethics. The ethics law states if the county makes an improvement on private property is a violation. We need to get the Attorney General's opinion or the County Attorney's blessing, so we can travel under his call.

Mr. Funderburk state: The property owner, Mr. Adams, wants to file a claim against the county if an agreement is not made today. The County Engineer is unable to make the decision for settlement without guidance of the Commission. This is not a case of just doing work for the improvement of private property. There was a non-detailed written agreement and a verbal agreement. I believe this is a matter of uncompleted work and today's decision could stop a claim against the Commission.

Commissioner Epps stated: Since the previous engineer, who made the agreement, is not present and all we have to base our decision on is before us now is an incomplete report, let's a signed report. The property owner kept his part of the agreement by the donation of dirt. Mr. Funderburk gave his opinion, so the Commission should go forward with the vote.

Commissioner Lee asked if the value of dirt equaled the work. Mr. Kite stated dirt is \$55. per yard and Mr. Adams is requesting gravel placed to repair the erosion to his drive.

Commissioner Pugh, who was on the Commissioner at the time, the trade took place, recalled the County was to cut down the bank on his property and to make a slow grade of this area. It was also agreed to make a driveway on the lower portion from another property that adjoined his. It is not certain that the County used the drive going to and from his residence. We did put gravel on the drive at the completion of that job. It has since washed into the ditch back onto the county. The erosion on his private property is not something the County can control. I need a recommendation from the present Engineer to do this project before I can give a positive vote.

Commission Dudley stated: this project dates back 5 years ago. The present Engineer made his stand known at the Monday night work session and has also corresponded by letter to all involved parties as to why he felt it was improper to do anything at this time concerning this issue.

He also maintained the portion which washed onto the county; we are responsible for that erosion up to the property line. All circumstances must be taken into consideration. The County also spent a lot of money seeding the slope more than once, which also impacts my vote. How long should the County guarantee work that was correct when the job was completed. I can only support repair to the driveway area up to the property line.

Commissioner Lee announced his vote is dependant on the agreement made, but there is no documentation by the landowner that the work was completed and satisfactory to him. It should have been documented at that time, but was not, so I would like to get this issue resolved now.

Chair Marin asked Mr. Kite if he would make a statement about this issue.

Larry Kite stated When Mr. Adams made this request, I could not do what was asked based on information provided to me and the County Attorney's opinion. If the Commission feels it is justifiable; gravel will be placed on the driveway and hopefully this will be resolved.

Mr. Funderburk stated all county work should be signed off on when completed.

Chair Martin asked for the Commission to be polled. District 1 (Lee) voted, yes; 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. 5 yes votes and 2 no votes; the motion passed.

Commissioner Epps motioned to approve a request from Citizen Mike Cochran and Dr. Rita Chandra to have the Engineering Department build up the road on Gilmore Road for a her clinic which will be located there. Dr. Chandra is agreeing to fund 600 feet of paving on Gilmore Road, which is a county maintained road and pay \$26,000 toward paving. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Epps motioned to table her agenda item concerning a turn lane on Hwy 18 until further information could be gathered. Seconded by Commissioner Screws. The vote was unanimous.

Barbara Scott updated the Commission on the Community Development Block Grant. ADECA was asked what would happen if a project comes in lower than anticipated; would the match be reduced. ADECA stated, it would be a proportional reduction of both the grant award and the match. Mrs. Scott advised for the contingency to be taken out the project as the application goes forward. At this date, there is not an estimate of the cost of fencing or conformation regarding the whether the field size will meet Babe Ruth requirements. Lee/Russell requested approval to go forward with this project; thou the scope of this project may change from an official Babe Ruth field to a multipurpose field which may more meet the approval of ADECA.

Commissioner Epps motioned to approve the recommendations of Barbara Scott. Seconded by Commissioner Lee. The vote was unanimous.

Ted Gilbert from the Extension Office requests additional funding of \$16,000 for his department to meet a budget shortfall. The extra funds will carry this department over until the new fiscal year. He requested this to be an advancement of Extension Office's appropriation for the fiscal year 2010-2011. This will enable Mr. Gilbert to find funding from other sources. Commissioner Screws motioned to approve the request. Seconded by Commissioner Epps. Commissioner Lee requested if any other agency that receives a county appropriation and come, before the Commission to ask for additional funding, they are directed to be an advance on the next fiscal year appropriations. The County Administrator stated that the Revenue Business line will be increased by \$16,000 as well as the appropriation for the Extension Office that is the only revenue item that has exceeded the budgeted amount. The vote was unanimous.

Danielle Warren presented a resolution to accept the Emergency Shelter Grant Award. The Commission applied for a \$200,000 grant and was awarded \$148,525. The Commission has contracted with the House of Restoration to provide emergency shelter services for this area. \$100,217.50 is designated for daily operations of the shelter; 20% will be salary for the executive director and book keeper, meals, utilities and supplies. \$44,557.50 will be for essential services to the clients such as counseling, job placement, and transportation for clients. \$3,750 of that will be for administration of the grant by Lee / Russell Council of Governments. The funded amount will be matched by the House of Restoration. The agreement began July 1st, 2010 and will end June 30th, 2012. Commissioner Screws motioned to approve the Emergency Shelter Grant Resolution and Agreement. Seconded by Commissioner Epps. The vote was unanimous.

The City of Auburn Professional Services Contract was presented by Sheriff Tommy Boswell. For the last 10 years, the City of Auburn has requested Russell County's assistance as well as other surrounding enforcement agencies during football season to help with the overflow of traffic during this time. Deputies are paid \$25 an hour; therefore, this is a good supplement to those officers' salary. The contract is also good for public relations and the mutual aid program with Auburn. In the past, the City of Auburn sent these funds to the Sheriff's Department for disbursement. Auburn is now requesting to send funds to the Commission Office for distribution to the deputies in their County payroll checks. This payment method will make Russell County responsible for FICA and retirement payments and is an estimated cost of \$4,433 to the County. The County Attorney recommended for each deputy to sign a contract with Auburn and sign a 1099 form which will keep the County and the Sheriff out of the transactions. If the payments for services are handled differently; legal issues could occur. Mr. Funderburk also brought up the issue of using county vehicles and fuel for commercial ventures. He also recommended not supplying transportation.

The Sheriff stated: If the Commission were to follow the Attorney's recommendation there would be no need for a Commission action and this item could be taken off the agenda. The Sheriff's Department would supervise the venture, but the contract would be between the Auburn Police Department and the individual deputies. Commissioner Reed motioned to take the City of Auburn Professional Services Contract off the agenda. Seconded by Commissioner Dudley. The vote was unanimous.

Sheriff Boswell requested a salary change for a Deputy Sheriff, who has filled the vacant Jail Sergeant's position the salary change is as follows:

Decrease Sheriff Dept. Payroll	Grade 8 step 6	\$32,432.54
Increase Jail Payroll	Grade 9 step 4	\$33,627.86
	Difference	\$1,195.32

Commissioner Dudley motioned to approve the salary schedule change and was seconded by Commissioner Reed. The vote was unanimous.

County Administrator LeAnn Horne stated for the Commission-at-large appointment for the Planning Commission has expired. The present member, Bill Friend was appointed to fill the remaining term of Mark Ellis. Commissioner Lee motioned to reappoint Bill Friend. Seconded by Commissioner Reed. The vote was unanimous.

Revenue Commissioner Naomi Elliott requested a budget transfer as follows:

REVENUE COMMISSION-51550		
DECREASE 001 51550 541	EQUIP & FURN	\$3,000.00
INCREASE 001 51550 251	TELEPHONE	\$1,000.00
INCREASE 001 51550 253	ADVERTISING	\$2,000.00
	Total	\$3,000.00

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

Chair Martin announced the week of August 23rd is the Annual Commissioner Conference, this falls on the second Commission meeting for that month. She requested the pleasure of the Commission. Commissioner Screws motioned to cancel the August 23rd work session and the August 25th, Commission Meeting. Seconded by Commissioner Epps. The vote was unanimous.

County Engineer Larry Kite requested approval for the purchase of two used vehicles from the State Surplus:

1-2005 Chevrolet Silverado Extended Cab ½ Ton Pick up	\$11,625.00
1-2005 Chevrolet Silverado Extended Cab ½ Ton Pick up	\$11,250.00

Commissioner Screws motioned to approve the purchase. Seconded by Commissioner Reed. The vote was unanimous.

Ms. Horne requested to table the State Examiners Resolution. The Attorney had a conflict in schedule and was unable get documentation to today's meeting. Commissioner Lee motioned to table the resolution and was seconded by Commissioner Dudley. The vote was unanimous.

Ms. Horne requested approval of a budget transfer for the Maintenance Department to carry this department through until the next fiscal year.

MAINTENANCE DEPT-51970

DECREASE	001 51970 541	EQUIP & FURN	\$15,000.00
INCREASE	001 51970 212	FUEL & LUBRICANTS	\$3,500.00
INCREASE	001 51970 239	OTHER REPAIRS	\$7,500.00
INCREASE	001 51970 242	GAS/WATER	\$2,000.00
INCREASE	001 51970 251	TELEPHONE	\$2,000.00
		TOTAL	\$15,000.00

Commissioner Lee motioned to approve the budget transfer and was seconded by Commissioner Screws. The vote was unanimous.

Chair Martin announced a request from DHR for donations of clear mesh book bags for the Russell County Foster Children. School supplies for the area foster children were given to DHR from the FOP and additional donations are needed.

Commissioner Dudley motioned to adjourn the meeting and was seconded by Commissioner Lee.

Meeting adjourned.