

The Russell County Commission
Meeting Minutes
July 8, 2009
10:00 A.M. EDT

After the first Independence Celebration Ceremony was held at the new Courthouse; an adjourned meeting of the Russell County Commission was called to order. Members present were Chairman Mervin Dudley, Vice-chair Peggy Martin, 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.

Chairman Dudley requested a motion to approve the meeting agenda. Commissioner Martin motioned to approve the agenda and was seconded by Commissioner Epps. The vote was unanimous.

The invocation was given by Commissioner Martin.

The Pledge of Allegiance was led by Sheriff Boswell.

Chairman Dudley requested a motion to approve the June 24, 2009 meeting minutes. Commissioner Martin motioned to approve the meeting minutes. Seconded by Commissioner Reed. District 1 (Lee) voted, yes; District 2 (Pugh) abstained; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) abstained due to being absent last meeting. The motion stands.

Commissioner Epps motioned to approve a proclamation for Caroline Mitchell Howard, who will become 100 years old on July 28, 2009. Commissioner Lee seconded. The vote was unanimous.

Carol Gertjedes of the Columbus Times announced the Summer Cultural Festival, July 31, 2009 at 1-5 p.m. at the Liberty Theater.

Shirley Smith and Alpha Cofield presented concerns of annexation in Ft. Mitchell. The Commission was offered a petition signed by Ft. Mitchell residents opposing the annexation. After discussion with Commission members, the citizens of Ft. Mitchell understood that the county does not annex land. County Attorney Kenneth Funderburk suggested they file the petition with the city clerk and let the City Council know they are opposed to annexation. Also, do not sign petitions agreeing to accept annexation into the city.

Coroner Sumbry presented a court ordered cremation for Leroy L. Murphy; payment to Taylor Funeral Home is not to exceed \$400. All criteria were met for the requested county-paid cremation. Commissioner Epps motioned to approve payment of cremation to Taylor Funeral Home. Seconded by Commissioner Reed. The amount of the cremation is \$635. Mr. Sumbry stated he was uncertain where the extra amount will come, but Mr. Murphy did have funds at a local credit union. At this time is checking, he see if there is enough in his account to cover the overage.

Commission Pugh: What are the criteria for a court-ordered cremation?

Coroner Sumbry: He was a resident of Russell County and had no known next of kin in our area. The only person he had was a stepson, who lives in South Carolina.

Commissioner Pugh: But did he have assets?

Coroner Sumbry: All we knew of was a 1973 model 14 wide mobile home which was willed to his stepson.

Commissioner Lee: I want to ask the County Attorney. The county doesn't want to be come an agency for burial and then be reimbursed. The funeral homes, private industries and others would probably frown on the county being involved. This person did have a means to pay it himself from the estate. I don't think willing assets to someone other than the county would preclude them from being responsible for the final expensive. I request the County Attorney research this and report back to us.

Mr. Funderburk: The cremation is ordered by the Judge and is limited to \$400.

Commissioner Lee: I want you to talk to the Judge to see if he knew there was a means by this family or next of kin who were willed certain items and is that qualifying them to be buried at the County expense.

Mr. Funderburk: If copy of this was sent to the County Attorney because the county can file a lien, but we need to get involved before we receive an order from the Judge. If he had any property, we could have filed a lien. A claim could be filed by the funeral home or whoever. Once it gets to the court and the judge issues an order limiting it to \$400, anything over that you are not obligated to pay. The funeral home has a right to file against any property before it goes to the county. This situation is too far gone, but in the future, the county attorney should be notified before the petition has been filed.

County Administrator LeAnn Horne: I would like to clarify; The Probate Judge in this case has filed with his estate for any funds to be returned to the county to reimburse for cremation expenses. There is \$200 to be reimbursed from what I was told by the Probate Judge. The total cost of cremation is \$635, however; the county by court order is going requested to pay up to \$400 and the funeral home is going to waive the rest. He has issued that order and it was given to me late yesterday evening. I wanted this documented in the minutes so when the money is received our auditors will have a clear trail.

The chairman requested Ms. Horne to poll the Commission. The vote was unanimous to approve payment of \$400 to the Taylor Funeral for the cremation of Leroy L. Murphy.

Chief Appraisal J.W. Brannen requested to purchase a copy machine from the State Bid List in the amount of \$9,673.10. This item was budgeted for in the 2008/2009 budget. Commissioner Lee motioned to approve the purchase and was seconded by Commissioner Martin. The vote was unanimous for approval.

Jackie Furr represented the House of Restoration's request to purchase chairs for the dormitories. Commissioner Lee stated, at this time, I will motion for approval, but would like to state for the record; this is being paid for with grant money that was obtained by the House of Restoration. It is not taxpayer's money, but Commission approval is required. I motion to approve the purchase of these chairs at the amount of \$2,040. Seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk: We have been in negotiations with the county and city school system regarding the sales tax problem for 7 to 8 months. Both parties have made offers for settlement. The school systems have accepted our offer, \$150,000. I recommend in open session this be approved and I can proceed to prepare papers to settle all matters involving the school system and the county concerning the sales tax issue. This will be a full release by all parties. We also need to authorize the county chairman to execute the paper on the behalf of the commission.

Commissioner Lee: I make a motion to approve the payment of \$150,000 to settle this matter. For the record: This total will be divided between the Russell County School Board and the Phenix City School Board. The school systems will

come up with the formula for dividing the money. Seconded by Commissioner Martin.

Mr. Funderburk: The procedure is the County will make the check payable to the County School System, which is the way the taxes are paid. They will divide it with the City School Board based on a formula they have already worked out.

Commissioner Pugh: I would like to ask the County Attorney. We have talked about the possibility of going back to AlaTax for reimbursement, because we feel it was their oversight that caused this problem. Where do we stand on that?

Mr. Funderburk: I wrote AlaTax and they have responded, but I will probably write them again since we now have an exact figure. We are communicating with the lawyer for AlaTax. We are working on this issue.

County Administrator LeAnn Horne: This is not an isolated incident with counties in the state several have had the same issue with Ala Tax & BOE's. The State Examiners requested for counties to use the following line items. This is an unbudgeted figure and will be transferred from fund balance. The amendment is as follows:

Increase 001 35500 000	Fund Balance	\$150,000
Increase 001 58100 297	Direct Support for Education	\$150,000
	Total	\$150,000

The vote was as follows: District 1 (Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) abstained. The motion stands.

Mr. Funderburk recommended going into executive session to discuss three matters concerning personnel and contracts. Commissioner Martin motioned to go into executive session and was seconded by Commissioner Reed. The vote was unanimous.

Chairman Dudley requested a motion to resume the meeting. Commissioner Martin motioned to reconvene the Commission meeting and was seconded by Commissioner Epps. The vote was unanimous.

County Attorney Kenneth Funderburk: The first motion discussed in executive session was regarding the Driver's License Department.

County Administrator LeAnn Horne recommended the Commission approve and officially notify that the State Driver's License Office, who are presently housed in the former Mapping/ Tag Office, that they need to prepare to relocate by August 30, 2009, to the former Veterans Administration Office. I informed the Lieutenant recently that we would allow them at least 30 to 60 days to relocate because they have to work with the State on moving computer equipment. Commissioner Reed motioned to approve the recommendation of the County Administrator. Seconded by Commissioner Martin. The vote was unanimous.

The second recommendation presented by Mr. Funderburk concerned the AIA contract with an architect that is consistent with the fees the Commission had previously approved. He recommended authorizing the Chairman to execute the contract with the architect. Commissioner Epps motioned for approval of the County Chairman to sign contracts between the Commission and the architect. Seconded by Commissioner Reed. The vote to approve was unanimous.

The third motion was by Commissioner Lee to provide temporary space for the judicial offices and courts in the former Mapping/Tag Office with no changes in the building, unless it is approved by the Commission. The space is provided on or at October 1, 2009, but not before October 2009.

Commissioner Lee replied he was not sure that could be limited to six months due to the inability of knowing when the renovations will be complete and when the architect will allow the Judicial Building to be reoccupied.

Commissioner Pugh stated: It was discussed that the temporary space would be available 30 days after completion of the Judicial Building and would be no longer than six months, that way we could control the temporary status of the Mapping/Appraisal Building.

Commissioner Lee asked to place Commissioner Pugh's addition to his motion. Seconded by Commissioner Epps. The vote was unanimous.

Commissioner Lee motioned the Commission is not responsible for materials, supplies or anything else ordered by anyone other than the County Administrator/Purchasing agent.

Ms. Horne asked to clarify that the moving expenses or any matters related to their offices are their responsibility.

Commissioner Lee restated: Expenses are that department's responsibility unless they can get approval from the Commission. The recommendation was approved by a unanimous vote.

The meeting was adjourned.