

The Russell County Commission  
Meeting Minutes  
August 11<sup>th</sup>, 2010  
9:30 A.M. EST

A public comment was made by Walter Garrett, solid waste worker from Russell County Utilities concerning the one day strike held Monday, August 9<sup>th</sup> by solid waste workers in protest of unsafe trucks and low wages. Their complaints also included personnel policies and procedures not being available to employees. Five workers lost their jobs due to the strike. Mr. Garrett requested the Commission to look into safety factors and low wages.

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

A quorum was established.

Chair Martin requested an approval of the agenda. Commissioner Dudley motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Tommy Poole of Pine Grove Baptist Church.

The Pledge of Allegiance was led by Commissioner Epps.

Elected officials, department heads, media and visitors were welcomed by the Chair.

Chair Martin requested a motion to approve the July 28<sup>th</sup>, 2010 meeting minutes. Commissioner Dudley motioned to approve the minutes. Seconded by Commissioner Reed. Commissioner Lee stated after talking with County Engineer Larry Kite the July 28<sup>th</sup> minutes reflected an amount of \$55 per yard for gravel; he meant to say \$1.50 per yard. Since an incorrect amount was stated and recorded in the last minutes; those minutes will have to stand as presented. He requested for the record to show the amount was misquoted and the amount should be \$1.50 in today's minutes. The vote to approve was unanimous.

Chair Martin presented a resolution honoring Corporal Christopher Chancellor, who was wounded in Afghanistan and earned a Purple Heart for his bravery. Commissioner Epps motioned to approve the resolution and was seconded by Commissioner Lee. The vote was unanimous.

Barbara Scott of Lee/Russell Council of Governments presented two resolutions.

Both resolutions were related to the Community Development Block Grant Application for the construction of a multipurpose field at the Seale Sports Complex. The Participation Plan Community Development Block Grant Program Resolution amends the citizen involvement plan for the provision of accommodations for non English speaking residents and people with disabilities. The CDBG resolution authorizes the chair to make application for grant funds in the amount of \$250,000 with a commitment of a \$40,646 match from the County. Commissioner Dudley motioned to approve the Participation Plan Community Development Block Grant Program Resolution. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Dudley motioned to approve the CDBG resolution. Seconded by Commissioner Reed. The vote was unanimous.

County Engineer Larry Kite stated in February 2009, resolution for project RCP57-005-09 was approved and signed for application of stimulus funds intended for widening, resurfacing and traffic striping of (4.622 miles) of Knuckols Road. Engineering plans are to proceed with this project at the beginning of 2011; therefore, this resolution requires updating for the Alabama Department of Transportation. The update will consist of a today's date and signed by the Commission. Commissioner Lee motioned to approve updating Resolution RCP57-005-09. Seconded by Commissioner Epps. The vote was unanimous.

Sheriff Elect Heath Taylor brought back the City of Auburn Professional Services Contract for review and request for approval. The Auditor for the Sheriff's Department recommended for the Commission to contract with the City of Auburn. Statutes have been provided which do make it legal and ethical to contract with the City of Auburn. The Deputies will be paid an hourly rate and Auburn will reimburse the County. This method of payment will not be a cost to the Russell County Citizens and will still allow deputies to work Auburn games.

Commissioner Lee asked for the Sheriff to let it be known to the deputies they will receive, after taxes, money not as great as it was under the previous contract. Money received will come to the Commission and taxes will be withheld so the amount will be less than they received before.

Mr. Taylor added there will be benefits even though deputies will not receive the full amount that Auburn will be paying which will cover retirement and FICA, but it will go towards their retirement.

County Administrator Horne stated, she had spoken with the Lee County Administrator, who also entered into a contract with Auburn last year, and recommended stressing to deputies who will be working in Auburn, that they will make their regular hourly wage, not the amount the contract states. Benefits will be deducted from money they receive. Time and a half pay will not be paid until a deputy works over 170 hours, which is their regular schedule after 28 days. The Industrial Relations Board does monitor this and check payroll records, and it falls under the wage laws. At this point, once the Commission contracts with the City of

Auburn, our office will handle the accounting and make sure all the administrative cost as well as benefits cost that are county matched are covered in the negotiations with the contract, if not this year, certainly the next.

Mr. Taylor stated he anticipates before the next football season, if this contract is approved, there will be opportunity to renegotiate with Auburn, the hourly rate as well as other issues involved.

Commissioner Lee motioned to approve the contract and was seconded by Commissioner Reed.

Commissioner Pugh discussed his uncertainties with the contract, but would consider voting for it if the County Attorney would give his approval " so I would not have a charge back situation, because that is what ya'll are trying to do is get out of a charge back situation and placing it on the Commissioners". He asked the Attorney to give opinion of what should or should not be done.

Mr. Funderburk stated the contract is legal and ethical and explained the direct payment to each deputy and a1099 would be the best situation, but this is not a possibility this year. This must be zero cost to the County tax payers. Until the contract is ratified, the amount paid will be based on the salary schedule and not on an officer receiving the hourly sum. The amount will be paid to the county and there should be adequate money to cover all costs so there will not be a shortfall. He suggested noting, if there is a shortfall, the Sheriff should guarantee it will not fallback on the Commission. There should not be legal issues, but next year the contract needs to be rewritten.

Commissioner Pugh asked Mr. Funderburk to clarify the equipment issues.

Mr. Funderburk discussed the administrative cost and fuel consumption. It is hard to see where there would be a shortfall this year.

Mr. Taylor assured the best option is for Auburn to pay each officer and give a 1099 form to each, but Auburn is not willing to do that.

Mr. Funderburk reaffirmed there should not be a shortfall, but if the Commission is worried about it add a provision that if there is a shortfall, it will be the Sheriff's responsibility.

Commissioner Lee stated, it would come from the Sheriff's budget.

Mr. Funderburk agreed, but stated a shortfall will still come from public funds. He did not foresee that happening, but if there should be, the Sheriff should have to personally underwrite it.

County Administrator Horne provided an example; a starting deputy's salary is \$14 an hour and as stated if they are paying \$30 per hour there is the difference that should cover the extra cost. Whatever their salary is on the schedule is what they

will be paid for working the games. She also stated she did not want these discussions to reflect the County did not want to contract with the City of Auburn for these services or not support deputies wanting to work, but were administrative programming issues and liabilities to be worked out.

The Commission was polled: 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, abstained, District 7 (Screws) abstained. 4 votes yes and 3 abstentions. The motioned passed.

Sheriff Elect Taylor also requested transfers within the Sheriff's Department budget as follows:

Decrease	52100	214	Minor Equipment	\$9,000.00
Increase	52100	250	Communications	\$9,000.00
			Total	\$9,000.00

Decrease	52100	214	Minor Equipment	\$12,000.00
Increase	52100	234	Motor Vehicle Repairs	\$12,000.00
			Total	\$12,000.00

Decrease	52200	239	Other Repairs & Maintenance	\$35,000.00
Increase	52200	219	Other Miscellaneous Supplies	\$35,000.00
			Total	\$35,000.00

Commissioner Lee motioned to approve the budget transfer. Seconded by Commissioner Epps. The vote was unanimous.

James McGill presented a request for tax abatement for Dr. Ritu Chandra who is building a \$2.7 million medical clinic in Phenix City. The clinic should be completed in October and will employ approximately 14 workers. The request was to grant Dr. Chandra a \$12 million county ad valorem tax abatement; this reflects approximately \$6,200 per year, with the limit of abatement set for 7 years. Commissioner Reed motioned to table for further review. Commissioner Lee stated, the request dies for lack of a motion.

Mr. McGill stated the construction project of the Ft. Benning Alabama Gate is at a stand still. Funding for this project is at a stand-still. He requested approval to hire Mowery Consulting Group, LLC, to help in find fund sources and make congressional contacts to move this project move forward. The commitment to BRAC will run out in October 2011 and congressional funding for such projects will stop. The cost to hire the Mowery Consulting Group is \$15,000. Commissioner Epps motioned to accept James McGill's recommendation to hire the consultant firm. Seconded by Commissioner Dudley. The vote was unanimous.

Coroner Sumbry presented a court order cremation for Jerry Parrish, whose only next of kin is a son who is incarcerated in South Alabama. Mr. Parrish had no known resources. The court order states to pay Striffler-Hamby Funeral Home for

cremation of Jerry Parrish not to exceed \$400. Commissioner Epps motioned to approve the cremation. Seconded by Commissioner Reed. The vote was unanimous.

Homeland Security / EMA Director William Alexander requested to transfer funds within his department's budget to cover the cost of copy machine rental as follows:

Decrease	214	Minor Equipment	\$200.00
Increase	223	Copy machine	\$200.00
		Total	\$200.00

Commissioner Dudley motioned to approve the transfer and was seconded by Commissioner Reed. The vote was unanimous.

County Administrator LeAnn Horne stated September 6<sup>th</sup> is a scheduled work session and is also a state holiday. The Commission needs to determine whether to cancel the work session or to reschedule the session on the regular meeting day on September 8<sup>th</sup>. Commissioner Lee motioned to cancel the work session. Seconded by Commissioner Epps. The vote was unanimous.

Ms. Horne requested approval to schedule the public portion of the budget meeting after the regular Commission Meeting on September 8<sup>th</sup>. She suggested recessing the regular Commission Meeting to return after lunch to begin the budget meeting with department heads and public, if it meets the Commissioner's schedule. Commissioner Lee motioned to approve the budget meeting. Seconded by Commissioner Dudley. The vote was unanimous.

County Attorney Kenneth Funderburk presented an agreement for the Dixie Walking Trail. Commissioner Lee motioned to approve the agreement and was seconded by Commissioner Reed. The vote was unanimous.  
(On file in the Commission Office)

Chair Martin reminded the public of the Annual Commissioners Conference held August 23-27; therefore, the Regular Commission Meeting has been cancelled.

Chair Martin also stated Night with the Stars which is the Habitat for Humanity fund raiser will be held at 7:00 P.M. EST, August 12 at the Central High School.

Commissioner Lee announced the Russell County Utilities garbage pick-up service is running and is in the process of catching up routes not picked up due to the Monday's strike.

Commissioner Lee also earlier in the meeting invited people to the Seale Labor Day Fair, September 6<sup>th</sup>, from 9 a.m. until 5 p.m. EST.

The meeting was adjourned.