

The Russell County Commission
Meeting Minutes
September 28th, 2011
9:30 A.M. EST.

Public Comments:

Revenue Commissioner Naomi Elliott addressed the Commission in response to a letter that was send to the Commission concerning issues in the Mapping / Appraisal Office.

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 a motion to approve the meeting agenda. Commissioner Epps motioned to approve the agenda and was seconded by Commissioner Reed. The Vote was unanimous.

The invocation was given by Jimmie Hobbs, Pastor of Bethany Baptist Church.

The Pledge of Allegiance was led by Commissioner Pugh.

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

Chair Martin requested an approval of the September 14, 15 and 20th meeting minutes. Commissioner Dudley motioned to approve the minutes. Seconded by Commissioner Reed. The vote was unanimous.

Lee-Russell Council of Government Planning and Economic Development Specialist, Barbara Scott presented the HMGP Individual Safe Room Grant amendment which was passed August 2011. At the time the resolution was presented it was uncertain how many homeowners wanted to take advantage of this grant. Therefore, the number of homeowners has been increased to 13 and is stated on the resolution amendment. Commissioner Dudley motioned to approve the resolution. Seconded by Commissioner Reed. The vote was unanimous.

Barbara Scott stated The Emergency Shelter Grant in the amount \$180,000 has been awarded to the County. A resolution must be approved and signed by the Chair for the acceptance of the award. Kathy Miles from the House of Restoration thanked the Commission for their support in obtaining the grant. Commissioner Epps motioned to accept the grant and allow the Chair to sign all

documents for the grant. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Lee stated in the past he opted not to vote on the budgets, because those budgets included pay raises for the Commissioners. He felt elected officials should not vote themselves a pay raise during their term. He declined the 3% raise he was given in the 2011-2012. Commissioner Dudley stated he had already declined the raise. Chair Martin had decline the raise the day the budget was approved.

Sheriff Heath Taylor requested a transfer of funds for the FY 2010-2011 budget as follows:

GENERAL FUND 001

SHERIFF-52100

DECREASE 001 52100 239 OTHER REPAIRS & MAIN \$6,200.27

INCREASE 001 52100 212 FUEL & LUBRICANTS \$6,200.27

TOTAL \$6,200.27

JAIL-52200

DECREASE 001 52200 239 OTHER REPAIRS & MAIN \$30,000.00

INCREASE 001 52200 218 FOOD FOR INMATES \$30,000.00

DECREASE 001 52200 239 OTHER REPAIRS & MAIN \$3,804.73

INCREASE 001 52200 212 FUEL & LUBRICANTS \$3,804.73

TOTAL \$33,804.73

ANIMAL CONTROL-55400

DECREASE 001 55400 265 REGISTRATION & TRAIN \$640.17

INCREASE 001 55400 212 FUEL & LUBRICANTS \$640.17

TOTAL \$640.17

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

Sheriff Taylor presented a letter that requests making adjustments to the Hurtsboro Contract, which provides a Deputy in the Town of Hurtsboro. These adjustments had been discussed with the County Attorney Kenneth Funderburk. Therefore, Sheriff Taylor recommended beginning the service now and allow Hurtsboro to pay for the service in arrears. Commissioner Screws motioned to approve Sheriff Taylor's recommendation. Seconded by Commissioner Epps. The vote was unanimous.

County Administrator LeAnn Horne provided the GASB 54 Resolution for the Commission's review. This resolution is recommended to be approved to remain

in compliance with State requirements. It is a Fund Balance Reporting Policy. This does not change any accounts, funds or budget. Commissioner Epps motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk discussed the suit, Naomi Elliott vs. the Russell County Commission. Mr. Funderburk read a letter send by Bill Bass, Director of Property Division for the State of Alabama Department of Revenue in response to Mrs. Elliott's request concerning the suit.

Attorney Funderburk recommended going into executive session to discuss the Russell County Utility Board and a meeting that he had with board member E.L. Tolbert to discuss the operations of the utility system. At this meeting Mr. Tolbert stated \$1.4 million that is in the Russell County Utilities bank account belongs to the County and the board has no objection in turning those funds over to the county. There are other issues concerning the Utility Board that should be discussed in the executive session.

Commissioner Screws motioned to move into executive session. Seconded by Commissioner Reed. The vote was unanimous.

Announcements were made before moving into the executive session:

Sheriff Taylor announced the Russell County Sheriff's Department's Rodeo will be held September 30th and October 1st at the Exchange Club's Horse Arena. 1/3 of the Proceeds will go to buy bullet proof vest for the deputies.

Chair Martin announced the Phenix City Exchange Club will sponsor a Clay Shoot, October 8th at Argorosa Plantations; the clay shoot will begin at 10:00 a.m.

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

Attorney Funderburk recommended: The Code Enforcement Officer is to act as the Solid Waste Enforcement Officer for waste services. His recommendation included procedures for delinquent garbage customers as follows: A bill is delinquent after 60 days of nonpayment. If payment is not rendered at that time, the customer will be suspended from the service and their information is to be turned over to Mr. Friend. Mr. Friend will give a citation with a 10 day notice which will be filed with the County Commission. If the bill is not paid during the 10 days, Mr. Friend will go forward with a nuisance warrant and failure to be connected to the County solid waste system. That individual will go to court. It will not be necessary for the Commission to approve a warrant as long as the Enforcement Officers follow those procedures. The warrant will not be for not paying the bill, but for not being connected to the service which is a public

nuisance. Commissioner Reed motioned to accept the County Attorney's recommendation. Seconded by Commissioner Lee. The vote was unanimous.

Attorney Funderburk also recommended that the Utility Board pay their workman's compensation and liability insurance rather than it being paid by the County, since the Utility Office is in control of the operation funds. Commissioner Epps motioned to accept Attorney Funderburk's recommendation. Seconded by Commissioner Reed. The vote was unanimous.

Attorney Funderburk also requested permission to meet with The Utility Board's Attorney, Rick Chancey to create a new agreement between the Commission and the Russell County Solid Waste Board. This agreement will be brought back to the Commission for review. Commissioner Lee motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Attorney Funderburk stated there is \$1,498 million in net profit, which has accumulated through the years. Those profits belong to the County. Mr. Funderburk recommends allowing the Russell County Sewer Board to use those funds for county sewage projects. Commissioner Lee motioned to approve. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Screws motioned to expand the Solid Waste Board from 3 board members to 5 members. Seconded by Commissioner Reed. District 1 (Lee) voted, no; 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. 4 yes votes and 3 no votes; the motion passed.

Commissioner Lee asked what the perimeters were for increasing the garbage board. I may have supported the motion if I knew what the qualifications were ahead of time. There were no restrictions. The motion only stated to increase the board from 3 to 5. I think they should at least be a resident of Russell County and on the Russell County garbage service.

Attorney Funderburk stated if you go back to the 1979 Commission Minutes there were 4 members, one of which was a Commission Member. This fourth member looks to have been lost in transition. That fourth member can be the Commission Chair or the Administrator and then there will be the new member which would be the fifth member.

It was agreed board member qualifications could be brought back at a later meeting.

Chair Martin adjourned the meeting.