

The Russell County Commission
Meeting Minutes
September 8, 2010
9:30 A.M. EST.

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

The invocation was given by Steve Pace, Associate Pastor of Summerville Baptist Church.

The Pledge of Allegiance was led by Commissioner Dudley.

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

Chair Martin requested a motion to approve the August 11th, 2010 meeting minutes. Commissioner Epps stated due to the cancelled work session there has not been enough time for review of the minutes. Commissioner Epps motioned to table the minutes until the next meeting. Seconded by Commissioner Dudley. The vote was unanimous.

The County Administrator presented the ACCA Liability Self-Insurance Fund Resolution. This resolution states Russell County agrees to participate in the liability fund for the next 3 years. Commissioner Lee motioned to approve the resolution. Seconded by Commissioner Dudley. The vote was unanimous.

Barbara Scott, Lee-Russell, requested approval for the Delta Regional Authority Resolution which authorizes submittal of full application to the Delta Regional Authority for a Geographical Information System and training. A pre-application was submitted and the County is invited to submit a full application. Commissioner Lee motioned to approve the request and allow the chair to sign on behalf of the Commission. Seconded by Commissioner Epps. The vote was unanimous.

Special Enforcement Officer Bill Friend stated after attending a Revenue Meeting in Montgomery, he learned 33 Alabama counties charge a mail transaction fee separately for state and county business license. Russell County only charges an issuance fee. He requested legislation for a \$2 mail fee, \$2. transaction fee to offset the estimated \$4,000 dollars the County spends to mail business licenses for the business owners' convenience. Commissioner Lee motioned to approve Mr. Friend's recommendation. Seconded by Commissioner Reed.

Commissioner Pugh: What is estimate of revenue generated?

Mr. Friend: It would be approximately \$5,000 for the year.

Commissioner Pugh: Looking at a \$5 fee and you are only estimating it will bring \$5,000.

Mr. Friend: I did not want to go over what it cost to mail. I just wanted to off-set the expensive to the County—not make money.

Commissioner Pugh pointed out this is a discussion item; how could it be voted on. Commissioner Lee stated it can be if it is a unanimous vote.

Commissioner Reed requested to rescind his second and asked to have this item tabled until the next meeting for further review/discussion.

Commissioner Lee agreed to withdraw his motioned until the next meeting and place this item as a business item for the next meeting.

Commissioner Lee thanked the County Maintenance Crew for help given for the improvements and repairs need for the Labor Day Fair at the Old Seale Courthouse. He also thanked the Sheriff's Department for security provided and the Engineering Road Crew and Emergency Management for use of their first-aide trailer. The fair would not have been possible without the help of these departments.

Barbara Scott presented an administrative contract for the Emergency Shelter Grant the county had been awarded earlier in the year. The ESG is a dollar for dollar match, so administration fees are paid half by grant and half by the House of Restoration. Mrs. Scott requested for the Commission Chair to be authorized to sign the administrative contract. Commissioner Epps motioned to accept the recommendation of Mrs. Scott. Seconded by Commissioner Lee. The vote was unanimous.

J.W. Brannen requested the Commission to approve a tax abatement for Dr. Chandra. Mr. Brannen stated approval for the tax abatement would make it known that Phenix City and Russell County are welcoming new businesses into the County. This is a way to generate revenue without going up on taxes. There

are laws which permit local governments the right to abate non-educational portion of property taxes. These abatements are valid for a maximum of ten years and must be granted by the local governing authority prior to placing the project in service. No additional property (real or personal) may be eligible for abatement once the project is placed in service, unless a "major addition" is made. Commissioner Epps motioned to approve the tax abatement for Dr. Chandra. Seconded by Commissioner Reed.

Commissioner Pugh: I'm sad to see this issue come back before us. Although they are coming before us due to a prior technicality; there is no need for us to give tax dollars away when we are a cash-strapped county and needing projects to be completed. We are not able to help some of the other projects and we are being faced with hard budget issues today. I know it is a nice deal to try to help new business locate in Russell County; we have extended our hand to help to help them in the County. This deal was made long before they asked us to get involved and for them to ask us to abate approximately \$5,000 is too much at this time.

Commissioner Epps: Is this the clinic was to be located in Ft. Mitchell?

J.W. Brannen: It is not.

Commissioner Pugh: We have already extended our hand to help them with their project in Ft. Mitchell. This Commission has been very fair to this business. I do not see that we need to abate at this time.

Commissioner Lee stated this is the clinic being constructed next to Walmart.

Commissioner Screws: Was it that the tax amount would be for \$5,000?

J.W. Brannen: It was in the area of \$6,200 per year for seven years is the request.

Commissioner Lee: I need to clarify a statement from the last meeting. I did not say it was not legal, but that I did not know if it was legal prior to placing it in service. This could be interpreted in several different ways. I know the intent of the law; my vote is if someone is thinking about locating somewhere else or in Russell County then this is an incentive we may offer. That is the only time I will give Russell County Citizens' tax money away because that is what we are doing with abatements.

Commissioner Reed: I believe we should try to support new business especially when they are creating jobs for the community. That is what this Commission is all about; helping citizens'. Sometimes you have to give something to get something. We need jobs in this community and we need to encourage other businesses to come to Russell County.

Dr. Chandra stated: I started this medical practice 3-1/2 years ago. Much of what we have generated from this practice is being reinvested into the practice and new construction. We are trying to grow services here in a tight economy—it is a gutsy project for anyone to undertake. We are asking for help because we are trying to start a clinic in Fort Mitchell which entails the hiring another physician, more staff, and the construction of a new building. As a small business, we are trying to keep some cash flow on the positive side so we can grow and provide more services. I'm sorry we had not come to the County sooner but we went before the City and thought all taxes went to the City. It was later I realized Russell County receives a portion of the taxes; that is the reason for the delay in coming to the Commission. It is our humble request, we are a small business and we need a little help.

Commissioner Lee addressed the Probate Judge Alford Harden. By law, physicians are exempt from Russell County Business License or gross receipts; does the City also exempt them from that also? Dr Chandra: The clinic does pay gross receipts to the City.

Commissioner Pugh: If we as a Commission approve this to day, other businesses that may need things and are just as important to their business may want us to abate their taxes for ten years. I do not think we should start opening the door for this. We should treat everybody fair.

Commissioner Dudley: What is fair? The idea is to grow our economy and the community. How far should we go to encourage other business to see what they are able to tap into to grow their business also? There are large businesses in the area that have never gotten that benefit.

Mr. Brannen: We encourage expanding and helping local people that are already here. This is a complaint that I have heard for years against both local governments, they work to help new businesses come in, but not help those businesses that are already here.

Commissioner Epps: We should treat everyone fair. This is not the first time someone asked for tax abatements since I've been on the Commission. We have given business tax abatements before. If you listen to the news and reports about the economy; the first thing mentioned is to grow small businesses which will help the economy. If we are sitting in a position to help small businesses grow and repair our economy by giving people jobs; then let's help. We need to put personal feelings aside and treat everyone fair. We have to get ourselves out of the way and stop sending a negative report out to Russell County Citizens. A new business of \$1.4 million is not a small sum for this county; so we need look at this in a positive way and treat everybody fair.

Commissioner Reed: I think we should try to help support this business.

Commissioner Lee: The question has gotten away from us. The question is not whether we give abatements for expansion, or given abatements in the past or even denied abatements in the past. I have never voted on abatement for a business that has already made the decision to locate in the County. The only time I have voted for one is whether a business wants to locate here as an enticement.

Commissioner Pugh: For the record, referring to what Commissioner Epps said; I have to respond and call a name of a company " Phenix Lumber" had ask for an abatement when they expanded and this Commission turned it down because it was a very large expansion.

Chair Martin asked the Administrator to poll the Commission. District 1 (Lee) voted, no; District 2 (Pugh) voted, no; District 3 (Martin) voted, no; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, no; District 7 (Screws) voted, no. Two yes votes and five no votes; the motion failed. The request for tax abatement was not approved.

Sheriff Boswell gave a brief history about the formation of the Ambulance Committee and their role. There have been several meetings as of late due to a new ambulance company (Life Line EMS) being established in the area. Presently, the County is contracted with Care Ambulance. However Life Line EMS is requesting to contract with us as well. One of the County's requirements has been for the ambulance service to have seven days a week, 24 hours a day station located in Seale which other ambulance companies were not willing to do at the time of the contract. Life Line EMS has taken steps to open an office in Seale already and plans to keep it manned fulltime. There are several options available for implementing ambulance services for Russell County: one is a bid and only award the contract to one company. Another; according to the current County Contract, in paragraph 7; it states at anytime during the term of the contract if another ambulance service submits in writing a plan to answer the emergency 911 calls at no cost, notice will be given and negotiations will begin to include said ambulance company in the service contract.

Life Line EMS met county requirements and the Ambulance Committee has reviewed and recommends to the Commission, who is the contracting party, to add the new company to the contract to allow Life Line to answer calls on a rotating basis. Also to approve the Committee to meet with the two ambulance companies and decide how E-911 calls are to be distributed.

A term in the current contract is the County is to provide a station in Phenix City and Seale for the company to work out of. The new company has agreed to allow that 5 year contract to expire; which it does expire in June 2011. At that time negotiations will take place for provisions of ambulance company locations.

Sheriff Boswell recommends the addition of the new company to the contract; let the Ambulance Committee decide distribution of the 911 calls and let the terms of the present contract (provision of location for Care Ambulance) stand until the contract expires in June 2011.

Commissioner Lee asked if there were a possibility of both companies working out of the same building.

Sheriff Boswell said he did not think that could happen.

Commissioner Lee I will not be in favor of the county paying for another facility.

Sheriff Boswell stated, in the contract the ambulance service is required to provide a lot of services, such as respond to structure fires, transport of sick or injured inmates and county employees who have been injured on the job for no cost to the County. There are a lot of terms in the contract that are benefits to the County. If the Commission approves amending the current contract adding the new company, these terms also apply to them. The contract will need to be renegotiated when it expires in 2011. Also, there is a thirty day out for any party involved in the contract, including the County and either of the ambulance services. This benefits each ambulance service as they will have a select number of E-911 calls from us; therefore, generates revenue for both services fairly.

County Attorney Kenneth Funderburk stated the contract provides that Care Ambulance can sign the contract with approval based on the recommendation of the Ambulance Committee. All the Commission has to do is approve the assignment of some of the duties, subject to approval of the Ambulance Committee, if it is their recommendation. It is then up to the two ambulance companies to work out what functions are carried out by each of them, so long as both companies qualify for the insurance and other issues. As it is now, the only thing that the Commission needs to do is to approve the assignment of those duties once Care gives approval.

Commissioner Lee asked if that meant it was left up to Care Ambulance if they would allow the other company to get 911 calls.

Attorney Funderburk stated; that was correct. It was my understanding from talking with the Sheriff that the companies had already worked this out and the Committee was making the recommendation to the Commission for the assignment of some of the duties to the new company.

Sheriff Boswell stated he did not interpret the contract that way.

Commissioner Lee said due to not having a copy of the contract and there is conflicting opinions; I move that this item be tabled until the next meeting.

Seconded by Commissioner Epps. The Commission was polled District 1 (Lee) voted, yes; District 2 (Pugh) was called away from the meeting; District 3 (Martin)

voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. The motion passed.

Sheriff Boswell presented the Investigation of Liquor License for Sarge Lounge. Pictures were distributed of the premises of Sarge Lounge located in Hatchechubbee. The applicant is an employee of the Sheriff's Department. At the time of his hiring, a stipulation for his employment was he would close this lounge down. The Sheriff's Department does not allow for employees to operate a place where alcohol is served on the premises. They are allowed to work in an establishment such as a convenience store, etc, but not be proprietor. The employee's wife has applied for the license, and he is leasing the lounge to his wife, which is in the yard of their house. The building is inadequate and does not meet codes and its location would make it hard for Deputies to respond to calls at the establishment if needed. Sheriff Boswell recommended denying the application for the liquor license. Commissioner Lee motioned to approve the Sheriff's recommendation of denial of the license. Seconded by Commissioner Dudley. The vote was unanimous.

County Administrator LeAnn Horne stated the E-911 Board appointment for District 2 is up for reappointment. Mike Corbett is the present board member. Due to Commissioner Pugh having to leave earlier, I suggest the Commission to table this item until the next meeting to allow him time to research this action item. Commissioner Lee motioned to table until the next meeting. Seconded by Commissioner Dudley. The vote was unanimous.

Ms. Horne discussed the County providing a service rescuing large animals, which has taken place recently by the Sheriff's Department, and the need for a suitable containment space to hold them until they are able to be adopted or for a court ruling. It was suggested the Old Sandfort Road School Facility is abandoned and that was an area to consider. The school sits on a 5 acre, partially fenced tract, which does have water pipes running to the facility but are not in service at this time. Commissioner Dudley has already been looking into this property for this purpose and may have additional information to offer at this time.

Commissioner Dudley stated: The Animal Shelter does not have a place to hold horses and livestock; therefore, the Sheriff's Department employees have to hold these animals at their residents. Since the County owns the school property, he requested approval to use this area to house large animals and allocate approximately \$1,000 to \$1,500 to have water turned on and fencing repaired. Commissioner Dudley motioned to allow the Sheriff's department to see if they can utilize this property for the containment of large rescued animals and give funds of \$1,500 or more toward improvements of the fence and water lines. Seconded by Commissioner Lee. Commissioner Dudley amended his motion to request the Sheriff to investigate the cost repairs for the property for the purpose

of containing livestock. Seconded by Commissioner Lee. The vote was unanimous.

Commissioner Epps announced a Fort Mitchell Town Hall meeting being held by Alagasco at 6:00 p.m. on September 14, 2010, at the Fort Mitchell Senior Activity. Any one interested in the Alagas Company plans for Russell County should attend.

Commissioner Epps also discussed the collection of 911 taxes on cell phone bills and what state receives these funds. If you have a 706 area code; Georgia receives the funding. If you have an 334 or an Alabama area code; Alabama receives the fees.

Commissioner Dudley announced the 100th birthday of Millard Herring that will be celebrated Sunday September 12, 2010 at the Shiloh Baptist Church. He requested to have a resolution honoring Mr. Herring. Commissioner Lee motioned to suspend the rules to add the resolution so it could be written and presented to Mr. Herring this Sunday during his birthday celebration. Seconded by Commissioner Dudley. The vote was unanimous. Commissioner Dudley made a motion to have a resolution prepared honoring Mr. Herring on his 100th birthday and was seconded by Commissioner Lee. The vote was unanimous.

Commissioner Dudley also thanked the Engineering Department on work they completed on the Dixie Walking Trail.

Commissioner Lee motioned to recess the Commission Meeting until 1:00 p.m. to return for the budget portion of the meeting. Seconded by Commissioner Dudley. The vote was unanimous.