

The Russell County Commission  
Meeting Minutes  
October 10th, 2018  
9:30 A.M. E.S.T

An Adjourned meeting of the Russell County Commission was called to order by Chair Peggy Martin.

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

The Pledge of Allegiance to the U.S. flag was led by Commissioner Lee.

Chair Martin welcomed elected officials, department heads, media and guests. She also thanked Cable T.V. of East Alabama and The Citizen News for their coverage of the Commission Meeting.

Administrator Horne called the Commission roll. Members present were Chair Peggy Martin, Gentry Lee, Ronnie Reed, Cattie Epps, Chance Corbett and Larry Screws. Vice Chair Carl Currington was absent. Also present was the County Attorney Kenneth Funderburk and County Administrator Horne who kept the minutes.

A quorum was established.

Chair Martin explained since there was not a work session on Monday night due to the State holiday, today's meeting agenda needs to be approved.

Commissioner Corbett stated that prior to making a motion approving the meeting agenda two items that were added "Contract Out Jail Operations" and "Part Time Employees" neither had a description as required by policy, and one was not submitted prior to the noon deadline on Wednesday. A meeting in which there was not a work session. He requested the Commission remove those from the proposed agenda.

Commissioner Reed stated that any Commissioner can put anything that they want on the agenda for discussion. These items are not up for vote only discussion.

Commissioner Epps motioned to accept the agenda as is. Seconded by Commissioner Reed.

Commissioner Lee: Discussion items do not have to be placed on agenda. A Commissioner and this are only for Commissioners; can bring up anything they want and talk about anything they want during "Discussion" on agenda. The items that needs to be put on in advance are things to be voted on.

Commissioner Corbett: That may be your understanding, but I made the motioned and the motion was the agenda items had to be submitted by Wednesday noon.

Commissioner Lee: If you look up the policy that was adopted and approved by the Association; Commission Discussion Items can be brought up the day of the meeting, but they cannot be voted on.

County Attorney Funderburk stated items discussed in executive sessions cannot be talked about or brought up at meetings.

Commissioner Reed asked for the vote to be called. Administrator Horne polled the Commission: District 1, Commissioner Lee voted; yes, District 3, Commissioner Martin voted; yes, District 4, Commissioner Reed voted yes District 5, Commissioner Epps voted; yes, District 6, Commissioner Corbett voted, no; District 7, Commissioner Screws voted, yes. 6 yes votes and 1 no vote, the meeting agenda was approved.

Chair Martin requested approval of the minutes for September 10<sup>th</sup> to 12<sup>th</sup>, 2018 Budget Meeting. Administrator Horne requested the Commission table the minutes for those meetings. Commissioner Epps motioned to approve the recommendation of the Administrator to table those meeting minutes. Seconded by Commissioner Reed. The vote was unanimous.

Chair Martin requested approval of the September 26<sup>th</sup> Meeting Minutes. Chair Martin motioned to approve the minutes. Commissioner Epps stated she thought all were tabled; however, that is fine if we vote on these. Seconded by Commissioner Reed. The vote was unanimous.

### **Discussion Items:**

Commissioner Corbett announced that he received the official notification that the County was awarded a \$5,000 grant from the Wiregrass Resource Conservation & Development for lights at the Crawford Walking Trail. Matching money was approved in this year's budget at the County hearing.

Commissioner Reed asked the Sheriff if he could see anyway the County could save money at the Jail. The Commission was unable to give employees a pay raise. The City only pays \$400,000 and it cost the County \$4 million to run the Jail and we are not getting a fair share from the City. The County needs more revenue.

Commissioner Lee: He thought that should not be talked about at this time.

Commissioner Corbett: The County Attorney just said not to talk about that.

Commissioner Reed: That is public information. It was stated several times at the meeting.

Sheriff Taylor's response: The operations of Jail, by law and Alabama Statutes belong to the Sheriff. Code section 14-6-1, the Sheriff has the legal custody in charge of the Jail

in his or her county and the prisoners committed there too. As far as I am concerned, there is no discussion required about contracting out operations of the Jail unless he brought it to the Commission and requests it to be adopted. The Commission doesn't have the authority to contract out the Jail. There are sixteen (16) grand juries, who have gone through the jail facilities over the last 8 years. They report to the District Attorney each time they meet to inspect the jail. Copies of those letters are provided today states to the Commission from the District Attorney in accordance of the Code Section of Alabama, states two Grand Juries per year for a physical inspection of the Prentiss L Griffith Detention Center. The Grand Jury is commanded to discern a physical condition of the jail, it's operations and mindful of the safety of the inmates. These inspections have been conducted since the dedication of the Prentiss L Griffith Detention Center. Every Grand Jury issue a report detailing their term of duty and noting any area of concern. No Grand Jury has noted any area of concerns with the operation or condition of the Prentiss L Griffith Center. No Grand Jury has ever noted any concerns about the safety of inmates of this facility. Uniformly the Grand Jury has expressed satisfaction with the operations and conditions of the Prentiss L Griffith Detention Center and have made specific comments praising the cleanliness of the facility and that was signed by the District Attorney. Sixteen (16) Grand Juries have been through the facility have been through that facility.

I don't know what that is about, but you have insulted me by putting this on the agenda. There are all kinds of rumors about why it is on the agenda. My comments to you is this, our facility is already old and is probably one of the best kept facilities in this State and is certainly the cleanest that I have ever been in, in this part of the country.

If someone has an issue with the way the jail is being ran, come see me. Otherwise I don't think you have the authority to discuss contracting out the jail unless it come from me. That is my understanding of the law and my stance on it.

Commissioner Reed: Aren't the Commission Chair and the Probate Judge are suppose to make a special tour of the jail.

Sheriff Taylor: They are not required to; however, but they can and are welcome to come inspect the jail. I welcome them, but anything past that visit is not in accordance with the law.

Attorney Funderburk: By bringing it up like this, which the Commission and the Sheriff have talked, about and which in we should not go into, borders issues related to what was discussed in executive session and needs to stay there.

Commissioner Reed: Let's move on.

Commissioner Reed presented the discussion item concerning part-time employees. He stated the county had an issue with people doing volunteer work and getting paid for their volunteer work.

Commissioner Corbett requested Commissioner Reed to be more specific.

Commissioner Lee: If we have an opening in a part time slot, depending on the department and I'm not sure what you are talking about. If it is Commission staff that would be left up to Administrator Horne to fill that, if it is open with a part-time person.

Commissioner Reed: I think Administrator Horne was trying to save some money. There was a certain position that the Commission didn't approve anyway. We had a person that was working there. He was moved to the Fort Mitchell Senior Center, he wasn't suppose to be getting paid, but he is getting paid. Another thing is we are not running a limousine service. They pick this person up and bring him back.

Administrator Horne: Madam Chair, I would like to respond to Commissioner Reed. I am too like the Sheriff and was taken back when I saw this on the agenda because we had talked about it and I provided him a written update. Commissioner Reed came to our office Thursday afternoon while I was in a meeting in Montgomery. He intimidated my employee and demanded that she bring up the agenda right then at that time and made her add to the agenda which was already completed. This really upset her because she trying to honor the Commissions procedure. I agree we do need to pull the policy information and look at it because we say information must be in on Wednesday by noon. Being in a new position She was so afraid she was doing something wrong and would lose her job. Commissioner Reed stood over her and just demanded it.

This concerns me. Commissioner Reed, you could have given me a phone call or asked her to.

Never the less, the position you are talking about is a contract employee position. This position goes back to when we were in the old courthouse. Mr. Wheeler, and Mr. Sanders and several other people have worked at the information desk. This position was carried over here, once Carla was transferred upstairs we bought back the information person on Monday and Friday to help. It's not a volunteer position, we have always paid them out of contract services, which is probably \$55 or \$65 per week.

As far as the "limousine service", we just learned that the LRC bus can pick him up and take him there. Judge Johnson or Beth and others have been bringing him to work. He has a ride, but now we know that Lee-Russell buses, are going to help. It's also going to be able to help him and other seniors if they have appointments. We were unaware that the bus would go to your home to pick up citizens, take them and transport them back. That will be a big help not only to him, but to other people. We filled out the transportation application yesterday. He has only worked one (1) day for 4 hours to-date at the center. I apologize. This decision goes way back, and it was in the budget. I even sent you a note explaining that to you. I wasn't trying to hide anything or do anything incorrect as you stated here today.

Commissioner Corbett: Madam Chair, I'm just going to ask and I'm glad this is being told today. I don't know why we are putting things on the agenda that we could pick up the phone and ask questions about. The Sheriff is saying that his item, no one has even asked him questions, but it is on the agenda. The Administrator said no one

knew, but it is on the agenda. Phone calls work, setting up meetings work. The biggest piece is we are employing our Department Heads and Administrator to run these offices and we are not supposed to be in the daily operations of these offices. I walk by an employee, I may say hello and if they have an issue the first thing I ask them is have they talked your Department Head about it? I don't start putting my nose into it. When I send an agenda item in, I copy the Administrator on it and includes a summary with it and is always before Wednesday 12:00 p.m.

I do go home and watch these meetings. I'll be honest, I laugh at myself because. I think we should take a field trip to some of these other counties and cities to see how they get all the stuff taken care of in the work session and when they have a meeting it is professional. I can't remember the last time we have had a professional County Commission Meeting, because we get up here and we throw stuff like this on the agenda and we don't know what we are talking about. We must do better. The citizens of this County elected us to do better than this. We have professional Department Heads and Administrator that we have tasked with running this county. Let them do it. Quit putting junk on here that will not do anything but cause issues and walking around like former Commissioner have with video cameras and trying to catch everyone. Let's do our jobs that we were elected to do. Let's require Department Heads and the Administrator to do their jobs that they were employed to do.

Commissioner Lee: Madam Chair, I'm going to suggest that the Administrator pull out our meetings procedure policy recommended by the ACCA, make a copy of it and give it to all the Commissioners. It has been a few years since we have had one.

Administrator Horne: I will be glad to.

Attorney Funderburk: Can I point out a legal problem here? I must remind you that we have had cases in the past regarding a hostile work environment with personnel involved law-suits, creating unhealthy and unworkable work environment. When you do those type of things where you assault a person in the office. That has legal consequences, if you are not careful.

Commissioner Corbett: We have had employees retire because of the exact same thing, that Administrator Horne has just said.

Commissioner Reed: Madam Chair, of all people Chance needs to shut his mouth. He has had employees terminated for the wrong reasons. He needs to just shut his mouth.

Commissioner Corbett: Again, bring it on and tell me what you are talking about. I'm tired of that. Just tell us what you are talking about.

Commissioner Reed: No, I'm not going to go into discussion. That is what is wrong with this Commission. You are trying to run it by yourself. You do a lot of things behind other Commissioners back and we find out about it later. That's the pot calling the kettle black.

Chair Martin: Let's move on.

Commissioner Epps: Before we move Madam Chair, I would like to talk to Ms. Horne about this issue going on, because this is in District 5. I do get a lot of calls and try to solve them myself. The one thing that I'm concerned about is at the Senior Center. They cannot have religious devotion and all that stuff. Like in the school system, they cut out the Lord's Prayer. They have all the diversities in there. I'm concerned about that because I know the family members of the person that they are talking about. They do have a... that is not a mental problem; they begin to get a little forgetful. Their mind is not functioning. I want us to be mindful, because I do not want anything else to come up. Everybody at the Senior Center, except for maybe one person and maybe two are volunteers. They do help each other out. We cannot even take cup cakes or something for the Seniors. They cut that out. We can't take any food, outside what is being furnished. So, I don't want to see us as Commissioners break the Center's rules and laws. So, I think we need to be mindful.

Administrator Horne: I will check with Mrs. Johnson to make sure. No rules are violated.

Commissioner Epps: Yes, you know when someone's mind is not working right all the time, they may get to doing some hallelujahs down there and we don't want that.

Commissioner Corbett left the meeting.

Chair Martin stated: Administrator Horne has asked that the EMA Director Bob Franklin give an update on Hurricane Michael. Earlier in the week the storm was predicted to be a category 3 and come directly over this area. Now it has strengthened to a category 4 and will move toward the east. We will contact people who are camping along the Chattahoochee River and South Russell County campgrounds to leave the area this afternoon. Winds are predicted to be 30 mile per hour or higher beginning by 2:00 p.m. and will continue to increase to approximately 50 miles per hour with higher gust. Utility crews are on standby. The worse will be tonight. Schools closing were noted. He also warned for the public to stay off the roads. Chair Martin suggested to the Commission to close County Offices early to keep those employees off the road before winds pick up this afternoon and allow get their children home. Since schools dismissed early.

Commissioner Lee motioned to close County Offices at 1:00 p.m. today for safety reasons and to open back at 10:00 a.m. if possible. Seconded by Commissioner Reed.

Administrator Horne polled the Commission: District 1 (Lee) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Corbett) absence for vote; District 7 (Screws) votes, yes. 5 members voted yes, one member was absent for vote. The motion passed.

### **Business Items:**

Sheriff Taylor presented an application for 050 - Retail Beer (off premises only) and 070 – Retail Table wine (off premises only) for Caledonia Mini Mart located at 1014 Hwy 165

Fort Mitchell, Alabama, 36856 owned by Shilpa Sanjeev Patel and Sanjeev Pramod Patel who resides at 1700 Fountain Court, Columbus, Georgia 31904. He saw no reason to object approval of the new application for retail beer and table wine. Commissioner Reed motioned to approve ABC license. Seconded by Chair Martin. The vote was unanimous.

Administrator Horne polled the Commission: District 1 (Lee) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Corbett) absence for vote; District 7 (Screws) votes, yes. 5 members voted yes, one member was absent for vote. The motion passed

### **Administrator:**

Administrator Horne presented the ACCA Workers' Compensation Self-insurance Fund Resolution which provided a onetime longevity bonus. If the Commission would like to participate, they have included a resolution for approval and must be returned to them before October 30<sup>th</sup>. Chair Martin motioned to approve the resolution. Seconded by Commissioner Lee.

Administrator Horne polled the Commission: District 1 (Lee) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Corbett) absence for vote; District 7 (Screws) votes, yes. 5 members voted yes, one member was absent for vote. The motion passed

### **Attorney:**

Attorney Funderburk stated that he had talked to Webb & Eley concerning the Gas Tax claim. The County would have to approve and name Webb & Eley in a motion to file a counter claim that the City owes the County. Commissioner Reed motioned to authorize Webb & Eley to represent Russell County in the case dealing with the Gas Tax and handle the cross claim with the ATRIP money and other issues with the gas that may come up. Seconded by Commissioner Epps.

Administrator Horne polled the Commission: District 1 (Lee) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Corbett) absence for vote; District 7 (Screws) votes, yes. 5 members voted yes, one member was absent for vote. The motion passed

Commissioner Lee asked the Attorney to explain what case is being discussed.

Attorney Funderburk stated the main issue in this case is the Police Jurisdiction, which also involves the Water Authority as well as Planning Authority Jurisdiction and involves a secondary issue of whether some of the annexations can be challenged. Of course, the County Commission will have to approve anything the lawyers come back with if there is a resolution presented.

Commissioner Lee asked if the Judge asked for the arbitration.

Attorney Funderburk replied that the County suggested it. I asked for him to do a mandatory arbitration which is a little different. Essentially, he wanted the County to arbitrate, before we went into discovery.

Commissioner Lee asked if this would be a binding arbitration.

Attorney Funderburk announced that it would be if the Commission agrees.

Commissioner Lee stated but it would have to be approved by the Commission.

Attorney Funderburk replied that the City and the County would have to agree on any proposed resolution. Attorney Funderburk discussed how arbitration worked.

Announcements were made.

Chair Martin made a motion to adjourn the meeting.