

The Russell County Public Hearing
62 Kite Town Road Land Abatement
October 8, 2014
9:30 A.M. EST.

The public hearing for the 62 Kite Town Road was called to order by Chair Martin.

No one was present to discuss the abatement.

The public hearing was adjourned.

The Russell County Commission
Meeting Minutes
October 8th, 2014
9:32 A.M. EST

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

The invocation was given by Issac Hudson, Jr. Pastor of Nichols Chapel AME Church.

The Pledge of Allegiance was led by Commissioner Corbett.

A public comment was made by Phenix City Arts Council President Dale Raines. She announced the annual event A Taste of Art, which will be held October 19th, 1:30 to 3:00 p.m. She was also seeking membership for the Arts Council and support from the community.

Chair Martin requested a motion to approve September 8th Joint Meeting of the Russell County Commission and the Russell County Planning Commission (sewer meeting). Commissioner Pugh motioned to accept all meeting minutes listed on today's agenda. Commissioner Screws objected because he was not present at all meetings. Commissioner Pugh's motioned died for the lack of a second.

Commissioner Corbett motioned to approve the September 8th Joint Meeting Minutes. Seconded by Commissioner Lee. 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(Corbett) voted, yes; District 7(Screws) abstained due to his absence at that meeting. 6 yes votes and 1 abstention; the motion passed.

Commissioner Corbett motioned to approve the September 10th, 15th, and 24th, 2014 meeting minutes. Seconded by Commissioner Epps. The vote was unanimous.

A proclamation was presented to Providence Missionary Baptist Church in honor of their 150th Anniversary. It was accepted by church member Sherrie Miles who will give it to the church during their celebration.

Judge Michael Bellamy received a proclamation for Tuskegee-Morehouse Football Classic which will be presented to both colleges at one of the pregame festivities. This is the 79th year for the game which will be played Saturday October 11th in Columbus.

Commissioner Corbett introduced Dr. Valerie A. Richardson who is the president of Chattahoochee Community College. Dr. Richardson discussed advantages of enrolling and supporting the community college.

Chair Martin requested Janet Ormond from East Alabama Workforce Investment Network, Inc. to answer questions about what this organization offer area citizens. East Alabama Workforce's mission is to develop strategic partnerships which attract, educate, and train students and workers to better meet employer needs and foster economic growth in East Alabama. They cover Russell, Lee, Chambers, Macon and Bullock County. They are seeking an appropriation based on the Russell County population, excluding Phenix City of \$.25 per capita which totals around \$5,000 to help support this organization. Support will enable them to develop a comprehensive, integrated workforce development system, which creates a skilled, motivated adaptable workforce that better meets the need of employers. Commissioner Epps motioned to approve the requested \$5,032 appropriation and was seconded by Commissioner Screws. District 1(Lee) voted, no; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6(Corbett) voted, yes; District 7(Screws) voted, yes. 6 yes votes and 1 no vote; the motioned passed.

Administrator Horne present a court ordered cremation for Danny Ogletree payment for services are not to exceed \$400 and are to be paid to Striffler-Hamby Mortuary. Commissioner Screws motioned to approve the payment and was seconded by Commissioner Reed. The vote was unanimous.

The AT&T was discussed again. Commissioner Corbett asked to have few minutes to speak to the Commission before a motion is made about this contract. Commissioner Corbett: I know that I have stressed over this process for the last couple of weeks, because one of the hardest things about this job is trying to do the right thing. Whether one believes it is the right thing, there is always going to be the other that thinks it's not. You are always going to have some people that you are going to make mad and other people that you are going to make happy. I have stressed over this and have had calls on both sides of the fence. I had calls that say we have a hometown company that we really need to support. I have had calls about we need options and arguments that there is only one provider. After long discussions with several people yesterday, I realized last

night while doing my homework I had forgot one piece. So, this morning at 8:00 a.m., I called AT&T. The reason I made that call was because I did not want to come into this meeting not understanding every aspect. I live five hundred feet from the police jurisdiction. I called this morning to sign up for DSL. It's not available in my neighborhood. There are 40 houses in my neighborhood just off the main highway 1 ½ mile from the city limits. Since they are not available I was pushed toward Direct T.V. or Hughes Net, who pays no taxes to Russell County. During our discussions, the representative for AT&T, Ty Fondren, initially in the beginning AT&T doesn't necessarily need approval for this to come to Russell County. So, I don't know what we are doing here other than pushing the amount from 3% to 5% trying to increase the tax base for the County to offset the great donations put out by Mr. Greene and the Company locally. I can't tell you how much I appreciate that because some of the phones calls I made yesterday were volunteer fire departments, who receive free TV and internet from the local provider. That's \$100 for them, which hurts them. One in particular said to do what you think is right, if we have to pay the bill we will just have to pay the bill. I appreciate that response from a citizen, and from one of our local responders. I have a really hard time supporting this in the sense of the job loss that has been presented to me. In fact we have local people here that work for the local company that work for the local company. If the local company lost a high percent of their customers, they may lose their job. I have a hard time with the service loss, if we do approve this contract and a lot of the customers come over and the company that we have loses the ability to provide a service, the only service that I can get at my house, will I even have internet at my house or will I have to go to satellite service. I'm not sure that I felt this way yesterday or even at 7:30 this morning. I feel like I'm scared to cut our nose off to spite our face by going in this direction. I know we will get drug through the mud for not providing options, but I'm not sure what the options are and I'm not sure this is the way to go. I understand if this is best for the people in the county, that is my job and its not to worry about who I make mad and who I'm cutting money off to. I understand and that is the way I'm going to vote. I do want to know what the options are. I do apologize for wasting anytime or anything that I have done in the sense of asking questions and doing the research that I have done. I have no problem with AT&T; I had family who worked for AT&T. A lot of people who have pushed for this service have been from family members and friends who would like to have this u-verse service. I'm not prepared to vote against it, but I'm not prepared to lead the charge on it either. I'm not making the motion for it.

AT&T Representative Ty Fondren: Speaking to your DSL question. We have not put any money in DSL for many years, because we have put all our money into this new I.P. based network. Until such time as we get an agreement with the county, when you call into our service center it will not reflect the availability of those services. So, I'm not saying the services would be available tomorrow if the agreement was approved and

signed today. It is not a true reflection necessarily. Also there are 15,000 living units in the county, unincorporated territory and we are only at about 2,000. It will take time to build the network in order to serve a significant amount of the county's residents. They have brought jobs to the community as a result of that. As part of the IP platform that AT&T is investing heavily in they are expanding our broadband footprint significantly. I want to clarify that point particularly. Direct T.V. is a marketing partner of AT&T which customers are referred to if they are wanting video service that AT&T cannot provide. We offer to sign them up with Direct TV. As more and more consumers do want choice they are going to be driven to a satellite based non-revenue producing alternative. If they want a choice. Studies show 20 to 30 consumers will jump because there is a choice just to try something else different. AT&T is prepared to pay 60% more per customer to the county; seven hundred (700) customers over the course of a year. The provider will be paying the county revenue of \$12,700; AT&T would be remitting \$21,000; a significant difference in percentage. I just wanted to make those points. We have been in communities for many years and do not know if we have driven anyone out of business or made a dent in local operations or any other operation to a point they had to lay off significant amounts of employees. While I understand your concerns, it's my experience and understanding they may not be founded.

Commissioner Corbett: That is a very good observation as well, because one thing that I can honestly say is I have not heard anything from the local company. Not one phone call, which concerns me. Are they not concerned? I am kind of glad about that because I would like to make my own decision based on what I hear and see and I try to be fair across the board. As I said before you stood up, the jobs scare me. I don't know if you will run them out of business or not, you're coming either way as you said. Yes, I do have cable TV at home. I tried satellite and did not like it and I went back to cable. So, I went with the best option I had for internet at my house and for a while was not even cable. It was dial-up and as soon as cable became available I signed up. Is it perfect? No. Do I have issues with it? Absolutely. Do I call and complain sometimes. Yes, but the reality of it is is that it is available. The hard time I have is; am I cutting off my own nose with so many unanswered questions about job loss and what will happen to the local company. Then the next day there is impacts there and they had to fire fourteen people and now they can't provide service to me and have to cut internet service off. Now I don't have anything, no internet service. So, I do have those questions in my mind.

Ty Fondren: This is all about choice. Our ability to come in Russell County and invest in this community, because of decision made by this body, will have a chilling effect by other companies who make investments in this community. It will have a chilling effect on our decision to come in and make additional investments in a community where we are perceived that we are not wanted.

Commissioner Corbett: Why is that? I go back to the first meeting that you had with us and you said that we don't need this agreement signed and we can still come.

Ty Fondren: I think your attorney said that. I don't think I said those words.

Commissioner Lee: I think that you did.

Ty Fondren: I do have an Attorney General's Opinion that says that we don't.

Commissioner Corbett: I thought you said that, because you said there is an Attorney General's Opinion out there.

Ty Fondren: I usually don't lead with that.

Commissioner Corbett: That is what was said, that is exactly what was said and you said AT&T can come either way. I almost feel like, why are we even asking if we don't have to approve it. Why does this body have to welcome you in, for you to give us the options?

Ty Fondren: Basically if we come in without your approval then you get no money. We are trying to do the right thing. In 1996 AT&T led the charge in this company where we had a local monopoly to open up our local networks to welcome competition in our local networks to where there are multiple, over 100 telephone companies certified to do business in the State of Alabama now. We led that charge in Congress, because we understood, that in order for the telecommunications industry in this country to grow, innovation and investment to take place. The local telephone would need to be opened up and we did that. We saw the future of what was coming down the road. We have welcome competitors into our business for over 20 years.

Commissioner Corbett: What you just stated, if you come without us welcoming and signing an agreement we receive no money. I thought it defaulted at three percent. Am I wrong?

Ty Fondren: If there is an agreement there we will pay. That is what the agreement is about. Revenue will be paid to the local instrumentality. We have 145 agreements in place in the State of Alabama and it has been a long difficult process with a lot of man power. Frankly not many of them have been difficult. There are cities and counties now begging us to come and we have not yet made the decision to investment. We have tried to do the right thing and take the path of what is best for the community and the company. I don't know what more I can tell you than that.

Commissioner Corbett: As I stated, I'm not prepared to vote against it but I'm not prepared to make the motion and leading the charge.

Commissioner Lee: Madam Chair, we have exceeded what Commissioner Corbett has requested. We have gotten into a lot of talk and discussion without a motion on the table.

Chair Martin asked if there was a motion. It failed for the lack of a motion.

Chair Martin announced that the District 3 appointment for the Planning Commission was vacant. She appointed David Smith, who is a county resident, to fill the vacancy. Since this is a District appointment a vote for the appointee was not necessary.

Assistant County Engineer Shawn Blakeney requested approval for salary schedule amendment. He asked for the Equipment Operator 3, Grade 7, Step 6 to be changed to Mechanic 2, Grade 7, Step 6. Commissioner Screw motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Assistant Engineer Blakeney also requested approval to purchase a used excavator from the State Surplus List. This was included in the 2014-2015 budget. Commissioner Epps motioned to approve. Seconded by Commissioner Reed. The vote was unanimous.

Special Enforcement Officer Bill Friend stated that on September 14th the Commission declared by Resolution that a public nuisance exists at 62 Kite Town Loop. There were no comments during today's public hearing; therefore, he requests that the Commission abate the nuisance. The clean-up estimate is \$500. Commissioner Lee motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

The Franklin Resources Contract was discussed by James McGill. If approved this consulting firm will be engaged to provide issue lobbying and advocacy with the legislative and executive branches of the State of Alabama and agree to act as an independent consultant and independent representative for Russell County in matters relating to state governmental affairs of the County. The Franklin Group will render advice, represent and assist as requested by Russell County. John D. Crawford who is a managing member of the Franklin Group discussed contacts and how they could help Russell County. Commissioner Reed motioned to approve the contract. Seconded by Commissioner Screws. 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 (Corbett) voted, no; District 7(Screws) voted, yes. Four (4) yes votes and three (3) no votes, the motion passed.

Administrator Horne requested approval to fund the Christmas Float for the Bi-city Christmas Parade. Payment for the float is \$420.00. Commissioner Lee motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Corbett asked the Chair if he could ask a question of the Administrator. Since he was the new Commissioner he did not know what the procedure was for hanging pictures in courthouse. He just received a text of a portrait of Commissioner Reed hanging in the Judicial Building.

Commissioner Lee stated that no portraits can be hung without a vote of this Commission.

Commissioner Reed stated that he paid for the portrait.

Commissioner Lee stated it doesn't matter who paid for it, it has to be approved by the Commission.

Commissioner Pugh requested to have this item placed on the next agenda for discussion.

Chair Martin made the following announcements:

- The Courthouse will be closed October 13th for Columbus Day / American Indian Heritage Day
- FOP Flapjack Fundraiser is October 11th from 7:00 to 10:00 a.m. at the Phenix City Applebee's
- The Exchange Club of Phenix City will hold its 16th Annual Sporting Clay Classic on October 18th and will begin at 10:00 a.m. EST.
- The Crawford Park at the Historic Tuckabatchee Masonic Lodge will be October 18th, 11:00 a.m. - 3:00 p.m.

Commissioner Lee motioned to adjourn the meeting.

The meeting was adjourned.