

The Russell County Solid Waste Management Plan
Public Hearing
November 12, 2014
9:30 A.M. EST.

The Russell County Public hearing was called to order by Chair Martin.

Engineering Service Associates Representative Dale Story, discussed preparation of the Russell County Waste Management Plan before public comments were addressed. The plan will be submitted to ADEM for approval on finalization and adoption by the County Commission. He verified that the public hearing was published 30 days prior to today's meeting and several copies of the plan were made available by the Russell County Commission for public review. Any public comments made at this hearing pertaining to the plan will be made part of the final version of the County's plan submitted to ADEM.

The floor was opened for public comments. There were no comments.

Chair Martin adjourned the public hearing.

The Russell Commission Meeting
November 12, 2014
9:30 A.M. EST.

Chair Martin called an adjourned meeting of the Russell County Commission to order.

The invocation was given by Kevin Shears, Pastor of Uchee Hill Missionary Baptist Church.

The Pledge of Allegiance was led by Commissioner Pugh.

Public Comments were made by Billy Thomas regarding the Alabama limited self-government act. His concern was the effects that passing of this ordinance would have on East Alabama Speedway. He noted revenue that was brought into the county due to competitions held at the speedway, which has been in business for over 40 years. He stated he was repeatedly told that the East Alabama Speedway would be grandfathered in.

Commissioner Corbett declared that because this ordinance was voted on in the city, due to an error, any action the Commission takes pertaining to this would be illegal. Therefore, there is no ordinance though the ordinance did pass by three hundred votes after the count was completed by the Probate Judge. The Commission would still have to take action before it could take effect. In Commissioner Corbett's opinion, a business

that was established in 1972 should not be affected by law passed in 2005. Citizens found a way to have their voice heard concerning nuisances and asked the Commission to place on the ballot.

Probate Judge Harden spoke about the error that was made due to printer, which was discovered at 9:00 a.m. on Election Day. To rectify the error, the following morning, ballots were pulled out that should not have been cast and recount only the ones that should have been cast on the ordinance. He felt that the votes that were counted were correct and those votes are the ones that will be recorded. It is up to the Commission whether or not to act.

Commissioner Pugh explained the reason the noise ordinance was placed on the ballot was because of a new track which had opened in Dixie area, which had numerous complaints from area residents. This is not the solution to that problem because, grandfathering in means the Dixie track is also entitled to be grandfathered since it was already established prior to the ordinance's passing.

Probate Judge Harden stated he would only have the authority to pull a business license, if the Commission requested. It was also noted that the ordinance failed in the Dixie box. This issue could be brought back and placed on the ballot again in two years according to the Probate Judge.

American Legion Post 135 Commander Leroy Davis Jr. announced that the second Birthday Ball will be held March 21st, 2015 at the new Phenix City Marriott. He also announced that the American Post 135 will be featured in The American Legion Magazine. He asked for support of the Commission and citizens by placing an advertisement in the program guide for the Birthday Ball.

Chair Martin recognized and thanked Veterans that were in attendance at the meeting. In honor of Veterans Day, the Commission gave each Veteran a Russell County lapel pin.

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

The Commission role was called, members present were: Chair Peggy Martin, Vice Chair Cattie Epps, Gentry Lee, Tillman Pugh, Ronnie Reed, Chance Corbett and Larry Screws.

A quorum was established.

Chair Martin requested a motion to approve the October 22, 2014 Commission Meeting minutes. Commissioner Pugh motioned to approve the minutes and was seconded by Commissioner Epps. The vote was unanimous.

The Russell County Extension Executive Director Ted Gilbert and Betty Wilson were presented with a proclamation recognizing Farm- City Week. Commissioner Epps motioned to approve the proclamation. Seconded by Commissioner Lee. The vote was unanimous.

Recreational Director Coach Parker gave an update of the Ladonia Sports Complex. Goodwyn, Mills and Caywood has withdrawn their proposal and do not have any recommendations at this time. The only alternatives are to consider drawings submitted by Bill Friend or to use existing bathroom plans from the Seale Complex.

Bill Friend's plan is to use existing buildings at the Ladonia Complex., which are a club house, a large storage building, and another small storage building is located next to it. Mr. Friend met with Maintenance Supervisor Richard Sellers, Health Department Inspector Johnny Burrell, to discuss the plan of renovating the buildings. Mr. Friend had also presented the plan to Commissioner Pugh. The storage building could be utilized as a bathroom for approximately \$16,000 not to exceed \$20,000 this will include handicapped accessible facilities. The club house could be saved by replacing windows and frames and other structural items for approximately \$20,000. Once this is complete renovations to the outside of the building and roof would begin. This plan does not include the concession stand, which will be addressed later. Mr. Sellers could schedule this project after completion of the current Seale project. Time frame for renovations of the bathrooms is three (3) weeks. Also, Ladonia School is on the city sewerage. Those lines are approximately 250 feet away from the complex and can be tapped into. This will eliminate redoing the current septic system which is inoperable. First, the bathrooms will be constructed; then the concession stand, following the correcting the drainage.

Commission Pugh said the bathrooms are a priority. The people out there have suffered greatly with the port-a-potties.

Commissioner Pugh motioned to move this item to business item to expedite the Ladonia Complex project. Seconded by Commissioner Reed. The vote was unanimous.

Mr. Friend updated the Commission on progress of Ambulance Building site, which has been cleared of trees. Surveyors Barrett-Simpson was given the go ahead to survey the site for legal description on October 29th. The septic area has been inspected by the Health Department and he sees no problem with it. More progress can be made after the deed is completed and is legally the Commission's.

Commissioner Pugh motioned to allow the Ladonia Sport Complex project to proceed; utilizing the existing buildings funding estimates \$15, 000 to \$20,000 for the bathrooms with a total of \$40,000 to make all buildings match. The bathrooms will be the priority. This project will be done in-house and was budgeted for this fiscal 2014-2015.

Seconded by Commissioner Lee. Commissioner Lee stated that the renovating the existing buildings will not take the place of replacing the concession stand.

Commissioner Reed asked about the tap into the sewer for the proposed bathrooms. Commissioner Pugh stated that the county school is on sewer and we will need to locate where to tap into their system. Bill Friend stated no one knows who owns the sewer line. Commissioner Epps questioned who will be overseeing the project. Commissioner Lee stated that Coach Parker will oversee the project at this point. However LeAnn is over everything but if she is out sick; she can assign these duties to someone else. Commissioner Epps for clarification purposes stated so if she has a question who should she direct it to. Commissioner Lee stated: Coach Parker. However, he has to work with the Administrator or her appointee. Commissioner Corbett asked the Administrator if she appointed Mr. Bill Friend to assist and oversee construction projects so that they will move forward. Coach Parker stated he understood that Bill Friend is assisting Mrs. Horne with these projects because she may be out ill. Coach Parker stated: I serve at your behest—the County Commission. If you tell me this is the way you want to go on a project then that is fine.

Commissioner Lee stated: Coach you are in charge of this project. Anything you would bring to Mrs. Horne you bring to Mr. Friend. Mr. Friend is also going to have the responsibility as Mrs. Horne and if he sees it is not moving then he can take action. Coach stated he agrees and he has no problems with that fact.

County Administrator clarified for Commissioner Epps that Bill Friend did coordinate with Coach. Mr. Friend provided Coach with several estimates, had several meetings on-site together and many emails. The estimates are in your packet and Coach made the decision Monday not to report those to the Commission. However, Mr. Friend did work through Coach Parker for the report/presentation. Commissioner Pugh stated we torn down a good concession stand and workable bathrooms without having the ability to come right back and replace them. This is why it is at this table today. The people deserve better than a stinky port-a-potty when they have to go in there with old folks and all. Commissioner Corbett clarified that tearing the building down did not come before this Commission. Chair Martin requested Administrator Horne to poll the Commission. The vote was unanimous.

Sanitation Carl Currington presented the Russell County Solid Waste Management Plan that is good for ten (10) years. Commissioner Lee motioned to approve the plan and was seconded by Commissioner Reed. The vote was unanimous.

AT&T Representatives Mickey Harbin and Ty Fondren presented the contract for AT&T U-verse project. A map was shown to the Commission which showed 431 South toward Ft. Mitchell areas will receive the first services. Installation will take time. Commissioner Epps motioned to approve the contract and was seconded by Commissioner Corbett. District 1(Lee) voted, yes; District 2 (Pugh) abstained; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6(Corbett) voted, yes;

District 7(Screws) voted, yes. Five (5) yes votes, one (1) no vote and one (1) abstention; the motion passed.

Chair Martin stated the next item on the agenda is Portrait Policy. Attorney Funderburk requested to be excused.

Commissioner Reed: At this time, I would like to make a motion to approve the portrait policy in two different locations: the courthouse in the atrium in the hallway and the Russell County Judicial Building as well. Also, I want to request Ms. Horne to pay this expense out of the county budget as well.

Commissioner Lee: Madam Chair, by changing what was presented Monday night, he may lose his vote, because he just lost mine. I was going to vote for it but, not if we're going to put this up in buildings all over the county. You may want to add it to another building next time.

Commissioner Reed: No, not all over the county; just two buildings, just the Courthouse and the Judicial Building.

Commissioner Lee: We agreed on one building.

Commissioner Reed: We agreed on two buildings; the Judicial Building and the Courthouse.

Commissioner Lee: That is not what this says.

Commissioner Corbett: Can we get a second I would like to discuss; If, we don't get a second I would like to discuss this.

Commissioner Screws: I second the motion.

Commissioner Corbett: I spoke with Commissioner Reed, while we are up stairs, and looked at one of the photos. The photo that Commissioner Reed had was pretty big. It was almost 2 feet by 2 feet frame and the picture in the frame was only an 11 x 17 and is as big as one of the Freedom Plaques mounted on the back wall of the Commission Chambers. I think 16 x 24 is over kill. I think we will be lucky to find a wall to put seven of those on it, plus a big map. I agree if we are going to do this, it should be located in the County Courthouse. I believe that should be in the only building that they are in. We have talked this to death. We have talked about Commissioners if they want to do this, to buy their pictures. It would not look right if this is hanging on the wall with two pictures up, one is pink and one is purple, the matting and frames are different. It has to be done right and professionally. Take the picture size back to 11 x 17, which is the size of the picture Commissioner Reed currently has in his office now. Place the picture just in the

County Courthouse in the atrium. Let the County Administrator pick the matting and frames out and I will approve that.

Commissioner Reed: I like to amend to 11 x 17, but I still want them in two buildings and that is still my request. That is my motion.

Commissioner Lee: That is your motion?

Commissioner Reed: That is my motion.

Commissioner Corbett: Commissioner Screws, you are seconding that motion?

Commissioner Screws: I second that motion to discuss.

Commissioner Corbett: You can withdraw your second. You are seconding that motion?

Commissioner Screws: Let's get rid of it one way or the other.

Commissioner Epps: I 'm not big on pictures. I think Commissioner Reed's motion was to put them in two buildings. The Commission only works in one building and I will support having the pictures into one building...this Courthouse. I personally do not see a need for my picture hanging in any other building in the county.

Commissioner Reed: In 2016 we will have more people in this county. They will be voting absentee voting. That will be done in the Judicial Building on the third floor, early voting. Most of them go into that building wanting to know who their representatives are. We have changed District lines and they do not know who their Commissioners are. The Judicial Building is part of our operation. In 2016, we will have 2,000 people go there to vote absentee.

Commissioner Lee: I would like to ask our attorney if Commissioner Reed just put this whole policy in jeopardy by stating the reason for the portraits is because when people voted they could see who they were voting for and that is a campaign issue in the courthouse.

Commissioner Reed: Let me finish. Commissioner Lee stated that no one goes up there. A lot of citizens go there to vote and here as well. People come here to buy their car tags and it's the same thing. All the buildings belong to the County Commission. We are over all the county buildings.

Commissioner Epps: That is not what the resolution says. If you had offered the motion to accept the resolution we probably would have approved it.

Commissioner Lee: I would have voted for it.

Commissioner Epps: That is not what the resolution states.

Attorney Funderburk: I don't have an answer on Commissioner Lee's question.

Commissioner Lee: I'm not asking if putting them there is campaigning, but by stating it the way that Commissioner Reed stated it makes it an election issue.

Commissioner Corbett: Can we get Commissioner Reed to restate his motion.

Commissioner Reed: I'm not adding that to my motion.

Commissioner Epps: Just make the motion to accept the policy.

Commissioner Reed: Madam Chair, I think Commissioner Epps motioned to accept the policy.

Commissioner Lee: As written except change the size to 11 x17.

Commissioner Reed: Accept the policy as written with change the size to 11 X17. Mr. Funderburk has already looked over it.

Chair Martin: I would like the Administrator to read it.

Portrait Policy

WHEREAS, the Russell County Commission authorizes the placing of a large county district map showing the current districts of the Russell County Commissioners that includes streets and roads; and

WHEREAS, only adjacent to the county district map a 11X17 portrait shall be placed of each current County Commissioner stating the District that they represent; and

WHEREAS, all pictures and portraits now hanging are hereby grandfathered in; subject to serving county commissioners whose portraits shall be located as aforementioned; and

WHEREAS, all future portraits which will be hung in the Judicial Building, Courthouse and all County building shall first be approved by a majority vote of the County Commissioners and requiring all seven (7) County Commissioners present to vote; and

NOW THEREFORE BE IT RESOLVED BY THE RUSSELL COUNTY COMMISSION in an official meeting that the portrait rules are approved and established on the 12th day of November, 2014.

Commissioner Corbett: Madam Chair, I am not going to completely object to this, although I don't completely agree with it. I'm tired of talking about it and have been

called things that I am not. I have been pointed out at being wrong because I questioned something. There is nothing that states where the portraits will be hung and nothing that states it will only be at the Courthouse. Should that be discussed? If we don't do that, is it a later motion? If we are not going to state where the portraits will be hung, then they could be hung in the lobby or on the Commission Chambers wall, should we discuss that? So this will be brought back to the Commission for the location. Then I'm good with it.

Judge Harden asked to be recognized. We only have a district map hanging outside my office. It is convenient for us to show people where districts are.

Commissioner Pugh: There could be another district map.

Attorney Funderburk: After approval of the resolution, then decide where to put it and the photographs go with it.

Judge Harden: I think the resolution said that the map will be hung and the photographs will be adjacent to it.

Attorney Funderburk: That is right. That is what it says.

Judge Harden: There is not room in that hall for seven (7) pictures.

Attorney Funderburk: It leaves it open. You hate to interpret this.

Commissioner Lee: Almost the only place is in the Atrium or the Commission Chambers.

Attorney Funderburk: It leaves it open. Place the District Map, the pictures go with it doesn't have to be where it is now. That is still an issue that the Commission will have to decide.

Commissioner Pugh: We are only agreeing to hang pictures, not where they are being hung.

Commissioner Reed: Madam Chairman, I would like make a motion that, this is to be at the discretion of the County Administrator.

Commissioner Lee: I don't think Ms. Horne wants that responsibility.

Chair Martin requested for Administrator Horne to poll the Commission.

Commissioner Epps: We are voting on the policy that was read, is that correct?

Commissioner Lee: That is correct.

Administrator Horne: Commissioner Screws, I would like to clarify that you are still seconding?

Commissioner Screws: Yes.

Administrator Horne polled the Commission: 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. Six (6) yes votes and one (1) no vote; the motion passed.

Commissioner Corbett: As to the picture collage, I would like to ask the Commissioners to pay for the pictures themselves instead of spending county money. That is in the form of a motion, but I would like for it to be hung in one (1) building; only, the County Courthouse in the atrium on the wall.

Commissioner Pugh: I second.

Attorney Funderburk: Your motion did not state the county would pay for the pictures, just to be clear.

Commissioner Corbett: No.

Commissioner Reed: I think, Commissioner Corbett indicated that he would like to pay for his picture himself. I think there are already some photos. I don't know how the other Commissioners feel, but the county should pay for the portraits so the frames and all will be the same. If all of the Commissioners buy their own pictures then there would be different types of frames.

Commissioner Corbett: I said pay for it, not buy it. It should still be coordinated by the Administrator. If we want a picture up we should pay for it.

Attorney Funderburk: That is the implication if the motion should pass.

Chair Martin: Do we have a second?

Commissioner Lee: Commissioner Pugh seconded it.

Commissioner Corbett: In my mind if this is approved, the Administrator will come back to the Commission with the price of what the pictures with frames will cost. If we all agree that we are going to pay for our pictures and hang it on the wall, we will bring it, approve it and move on. Is that correct? That is what the motion basically states. Does everyone agree with that?

Commissioner Lee: Since you also said a few minutes ago during discussion, you didn't want two or three hung at one time, does that mean until all of them are paid for then none of them are placed?

Commissioner Reed: Madam Chairman, I'm not in favor of that at all.

Chair Martin requested for the Administrator Horne to poll the Commission: District 1 (Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6 (Corbett) voted, yes; District 7 (Screws) voted, yes. Six (6) yes votes and one (1) no vote; the motion passed.

County Engineer Larry Kite gave an update for the removal of the Seale Underpass. The Seale Underpass stands on a federally funded ATRIP road paving project, 20 miles of County Road 137, which is approximately \$2.1 million project. The Old Seale Underpass is an abandoned railroad that is currently a private owned structure which violates the Federal Highway and Alabama Department of Transportation (ALDOT) regulations because it is an obstruction /encroachment on the right-of-way. To comply with the Federal guidelines it must be removed. Two public hearings have been held concerning the structure with the Commission voting not to remove until further investigation. A waiver request was submitted in June 20th, 2014 to ALDOT. A denial letter was received from ALDOT on September 15, 2014, and was presented to the Commission. The Commission requested a meeting with Transportation Director John Cooper to personally discuss the underpass. Larry Kite, Commissioners Corbett and Screws met with Director Cooper on October 29th, 2014, who stated the structure had to be removed or the county could not go forward with using federal fund for the project. Mr. Kite recommended removing the structure in order to complete the paving project. Commissioner Screws motioned to accept Mr. Kite's recommendation. Seconded by Commissioner Reed.

Commissioner Corbett discussed the meeting with Director Cooper, who stated at the beginning of the meeting there would not be a waiver for the Seale Underpass, even though residents of Russell County did not want to remove this piece of history from the county. Commissioner Corbett stated he has listen to the citizens and also did not want to tear the Underpass down, but to better the county and keep the grant he will have to vote yes.

Commissioner Lee stated his vote will still be no, partially because of the historic significant, but mainly because as the engineer stated this is a privately owned structure that will be torn down with county funds without a court order or permission from the owner. Will this pass state auditors?

County Attorney Funderburk replied, legally, yes. This is the procedure the Commission follows in every case where we go on private property, condemn and remove houses and trailers.

Commissioner Lee stated that when the Commission does that, a lien is placed on the property, but in this case the property will be gone.

Attorney Funderburk agreed that was true though it is unusual but, not inconsistent with the procedure that the Commission set up with condemnation of removal of public nuisances. Essentially land remaining will be public land actually. What we have here is air space, but what remains is public land.

Commissioner Pugh said that he was told that there are people who claim ownership of the underpass. He asked the Attorney to give a legal opinion if it was voted to tear it down that the Commission would be covered.

Attorney Funderburk said that that is what he was stating. The Commission is following procedure, though it is peculiar, removing an impediment to public land, which happens to be in the air and a grounded impediment. When it is removed you have only removed an impediment from public land, therefore, you can't assess land that essentially is an air right. It just doesn't exist anymore. If it were still a working railroad, then we would be speaking of laws dealing with public utilities, but in this case we are not. This is simply an impediment on public land and this is in compliance with procedures set up by the law.

Chair Martin if the Commission votes no, would the county lose ATRIP money?

Mr. Kite stated there is a possibility we could make an effort to move that money to another project, but it would be hard to find eligible county projects for that amount of money. This project consists of all of old Hwy 431 through the entire county; there is no guarantee that we could do that. We cannot spend federal money on any of that entire 20 mile section. We tried to see if we could split out that segment through Seale, but that was not an option.

Commissioner Epps asked if we lose this money and if we were to apply for other Federal money; would this county be hurt and hurt our chances of receiving federal money?

Mr. Kite said not really. The ATRIP program is over, now we have deadlines to meet. We would be making a special request and letting them know we do not want to do this project and ask if they will allow us to use the money on another project. There is no guarantee that will happen and we will have a hard time finding eligible county projects and meeting deadlines.

Commissioner Lee: Even though the county attorney says that protects the Commission from being sued it doesn't protect us from state auditors who may say this was not done correctly and charging back the each Commissioner. Attorney ruling doesn't protect us against auditing.

Commissioner Reed said we need an opinion from the Attorney General.

Attorney Funderburk: It's the Commissions call. If you lose the ability to use federal money on the old Hwy 431 then you've lost your ability to use money on 431 because you had questions about moving an impediment. If you leave it there, you will certainly have legal liability. That is the reason that technically...it is a nuisance.

Chair Martin asked Administrator to poll the Commission. 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. Six (6) yes votes and one (1) no vote; the motion passed.

Mr. Kite also requested to purchase Pro-Link Ultra Heavy Duty Diagnostic Kit in the amount of \$13,500. This is a budgeted item. Commissioner Epps motioned to approve the purchase. Seconded by Commissioner Screws. The vote was unanimous.

Commissioner Corbett discussed documenting Commission meetings by making videos and streaming the meetings on-line. He made a motion to get estimates for equipping the Commission Chambers with video cameras. Seconded by Commissioner Screws. Commissioner Reed requested that the Administrator Horne be involved in the process. The vote was unanimous.

Administrator Horne reminded the Commission that a floating holiday was approved for 2014 to take the place of Mardi Gras which is observed in some counties. She requested for the Commission to assign the holiday and inform the public and allow employees to make plans to adjust the work schedule and make personal plans. The Governor has approved giving state employees December 25th and December 26th off, therefore, she requests using the extra holiday for December 24th. Commissioner Screws motioned to approve and was seconded Commissioner Corbett. The vote was unanimous.

Announcements made by Chair Martin:

- 2014 P.A.L.S. Law Enforcement Award- 1st place was given to Gary Leeds.
- Farm City Breakfast will be held November 20th at the Central Activity Center.
- Seale Courthouse Christmas Dance is December 13th.

The meeting was adjourned.

