

The Russell County Commission  
Meeting Minutes  
February 8<sup>th</sup>, 2017  
9:30 A.M. EST

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

The invocation was given by Rev. Steve Reneau, Pastor of Trinity United Methodist Church.

The Pledge of Allegiance was led by Commissioner Epps.

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

The Commission roll was called. Members present were: Gentry Lee, Carl Currington, Peggy Martin, Ronnie Reed, Cattie Epps, Chance Corbett and Larry Screws. Also present was the 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 January 25<sup>th</sup>, 2017 meeting minutes. Commissioner Screws motioned to approve the minutes. Seconded by Commissioner Epps. The vote was unanimous.

Commissioner Reed gave Certificates for Black History Month Recognition.

Public comments were made by Barry Alexander President of the Russell Youth Football in Seale. He thanked the Commission and the Parks and Recreation Director for their support. Mr. Alexander discussed future plans for the league.

New Elected Russell County Constable PCT 3 Danny Sandlin introduced himself to the Commission and visitors.

Sheriff Department's Chief Alexander presented the results for the Annual Jail Food bid held January 31, 2017. He recommended to award the food bid to Merchants Foodservice for the amount of \$1.92 per inmate per day and to award Columbus Paper for paper and cleaning supplies. Commissioner Epps motioned to approve Chief Alexander's recommendation and was seconded by Commissioner Lee. The vote was unanimous.

Commissioner Corbett discussed the purchase of property located at 502 14<sup>th</sup> Street. Last renovations to this property were possibly during the 1960's. The sidewalks and flower beds in front of the building are caving and in need of repairs. He would like to see steps taken toward creating a plan to redo the streetscape in and around the property now that the County owns most of the properties on that block. He would like the county to hire a professional for the renovations and allow Administrator Horne to create advertisement to

send to architects request them to meet and present their history, credentials and similar projects they have completed. Then the Commission chooses an architect to design what we envision for that area. Commissioner Corbett motioned to allow Administrator Horne to advertise to receive presentations from architects, local preferably, but will accept others, and have them present their presentations to the Commission on the revitalization of the county owned structures located on 14<sup>th</sup> Street between 5<sup>th</sup> Avenue and Broad Street. Seconded by Commissioner Lee. Commissioner Lee explained that the presentations will be at no cost to the county. The vote was unanimous.

Commissioner Corbett also discussed property in District 6 that he would like the Commission to consider leasing. After talking to the County Attorney he has not been able to create a lease for the Commission's review due to short notice of its availability. Commissioner Corbett motioned to table this item until the next meeting. Commissioner Lee offered a motion to go forward and authorize the County Attorney to look into and draw up a lease for the property in Crawford. Commissioner Corbett withdrew his motion and seconded Commissioner Lee's motion. The vote was unanimous.

Commissioner Corbett discussed being invited to a City of Phenix City meeting. During the meeting they discussed the 200 Year Celebration for Alabama and the formation of a joint Bicentennial Committee, City and County, to organize events in this area for the celebration. It has been proposed the committee members will be:

- Co-chairs – Troy University and CVCC
- A Representative from the Russell County Historic Commission
- Tourism Director
- 4 Appointments from the Russell County Commission
- 4 Appointments from the City of Phenix City Council

Commissioner Corbett suggested that for the Commissions appointments "Resident Historian" one being the Former Sheriff Tommy Boswell, who knows a lot of Russell County's History. The media appointments - the City suggested Denise from the Citizen of East Alabama and Mike Venable who runs a local magazine.

Commissioner Corbett motioned to form a Bicentennial Committee and appoint 4 people as follows: 1 appointee form the Commission, Russell County Resident -Tommy Boswell, the Media Representative - Mike Venable. Also he requests that the County Administrator send a letter to the Board of Education requesting someone to fill the Alabama History Teacher. Commissioner Lee seconded the motioned but offered an amendment to name Commissioner Corbett as the County Commission appointee. Commissioner Corbett seconded the amendment to his motion. The vote was unanimous.

Administrator Horne polled the Commission for the creation of the Bicentennial Committee. The vote was unanimous.

Commissioner Currington made a motion to send a letter of request to the Attorney General requesting an opinion concerning the City's ability to incorporate or annex areas of Ladonia and Ft. Mitchell at will. Commissioner Currington would like to know if the City has legally moved the jurisdiction. Also, there is an annual report the City is supposed to file for the police jurisdiction when they take it in reporting how much money they have collected and

how much money has spent. The City has never filed a report that can be located. Commissioner Currington wants the Attorney General to give a ruling to see if the City is able to not file the report. Seconded by Commissioner Reed.

Attorney Funderburk informed the Commission that he has checked into the City's ability to incorporate county areas. The law that is now in effect is good and does protect the County on anything that is incorporated into the City after the date that the law was passed in 2015. When it was looked at it and as far as he knew it was checked as carefully as possible, he did not think that the City has incorporated additional areas since the Act was passed. Therefore, they do not have to report anything that was in existence at the time that the Act was passed. It covers things that were brought into the City after the passing of the Act. He asked the Commission if they knew any areas that were incorporated into the City.

Commissioner Lee stated that part of that is old law, because 25 years ago the Commission looked into this and lost our court case but at that time it was also on the books, he did not know if at that time a report had to be filed. The law did state any money collected in the police jurisdiction had to be spent in the police jurisdiction, but may not have required a report.

The report and there are other limitations, but the new law only applies to new areas that have been incorporated in the City. There is a limitation on how they can do that. Both of these are factual issues. If there is an area and the Commission were to check it, as far as he knew the City has not incorporated any since the law was passed. Now where they have moved some signage he did not know.

Commissioner Corbett stated that in 2015, when the law was passed, one thing that was said, and if you remember the police jurisdiction was changed and a lot of places in the State it was 3 miles. It was questionable if the 1 ½ miles in Russell County if the 1 ½ was legal. That has been cleared up now because all police jurisdictions in the State have been brought back to a 1 ½ miles and said in order for it to go to 3 miles the City has to take action to make it go the 3 miles. The question that has come up since then is annexation, as Commissioner Corbett understands, that law actually addresses annexation and police jurisdiction. Any annexation that is not contiguous by the definition of the law would not be eligible to have a police jurisdiction. Alabama County Commissioners Association stated that the annexation that took place in the past is very questionable as whether it is by nature of the new law contiguous annexation. So if it is not a contiguous annexation; therefore, it would not be subject to a police jurisdiction. Commissioner Corbett thought that is where Commissioner Currington is coming from in the sense that it hasn't been that long ago when the police jurisdiction was located at the Piggly Wiggly near Ramsey Road. Now it is at Seven Mile Hill. If that is the case, we were told we waited too long to do it. Going forward if the new law has been put in place and there is a question on whether the annexation is done the right way, get an opinion for the Attorney General that will say that either does or does not apply in this case.

Attorney Funderburk stated, the answer is the law applies for annexation that was done after the bill, prior to the bill it is silent. It is pretty clear what happens after the bill, but you do not have anything that falls into that category factually. The Attorney General would need

to know if there is anything factually and the old stuff is not unless you want to re-litigate. You are going to lose the re-litigation if you try to apply the new law.

Commissioner Corbett questioned if there would be any harm asking the Attorney General, based on the way it was annexed years ago if this new law applies to that property.

Attorney Funderburk replied there would be no harm, but it is obvious.

Commissioner Corbett answered to the ACCA it is not, because they told us it would apply, and he know that Mr. Funderburk is an attorney and they are not, but if they are saying it is a good chance and you should have asked. Then, we should ask.

Attorney Funderburk stated he had no problem asking, regardless of what the ACCA says, when you read the law it is obvious the answer to that question. I will write the letter.

Commissioner Lee asked would the question for the Attorney General be does the new law that was passed in 2015 apply in any way to old annexation.

Administrator Horne stated that she would like to verify annexations. She will work with Building Inspections and Revenue Commissioner Elliott to obtain a list of annexations. There have been annexations since the passage of the new law.

Attorney Funderburk replied that If there is one there, then the City will have to report it.

Commissioner Corbett said that the issue that is coming to the table is Walmart, which was placed within the boundaries of what was the farthest point of the City so the police jurisdiction did not extend beyond. That being said he wanted to put this issue to rest, since the Commission has talked about this since he has been on the Commission and before that. He would just like to know if the new law in no way affects what was done years ago absolutely wrong and this Commission should have taken action years ago.

Commissioner Lee added if the Commission gets a ruling that the City has to spend the money like the Commission thinks they do and have to give a report, and then will benefit Russell County Citizens though they live in the City or in the police jurisdiction.

Attorney Funderburk affirmed that the law is beneficial to the County. He agreed to bring the letter back to the Commission before it is sent to the Attorney General. Part of this is we do need to know if there has been more annexations that fall within passing of the new law in 2015.

Commissioner Epps requested that Administrator Horne poll the Commission, since they did not see any harm in requesting an opinion. The vote was unanimous.

County Engineer Shawn Blakeney requested to solicit bids for a new chip spreader used for resurfacing roads and paving dirt roads. He would like to open bid in the Commission Chamber on February 23<sup>rd</sup>, 2017 at 2:30 p.m. the bid results will be at the March 8<sup>th</sup>, 2017 Commission meeting for approval. Commissioner Screws motioned to approve and was seconded by Commissioner Lee. The vote was unanimous.

Mr. Blakeney also requested to surplus equipment listed in the Commission packets. Commissioner Screws motioned to approve to sell the equipment. Seconded by Commissioner Lee. The vote was unanimous.

Mr. Blakeney presented a resolution for Project number RCP 57-003-17, resurfacing and traffic striping of County Road 24(Bradley Road) from County Road 39 (Nuckols Road) to Alabama Highway 165, approximately 2.94 miles. If the resolution is approved it will be sent to the State of Alabama to beginning paper work for the project. Commissioner Lee motioned to approve the resolution. Seconded by Commissioner Epps. The vote was unanimous.

Administrator Horne announced that on February 20<sup>th</sup> a work session is cancelled due to the State Holiday. The regular Commission Meeting will still take place on the 22<sup>nd</sup> as scheduled,

Walter Lewis gave an update on the status of the refunding which were affected. Due to the November 2016, election the market changed dramatically. Interest rates shot up which created a lot of fluctuation with a lot of issuers across Alabama and the County. It affected this deal as well. Mr. Lewis mentioned the last time he came before the Commission he had discussed a saving of \$914,000 that decreased to \$680,000 after the November Election. Reviewing all options of the County, other ways were looked at to do this transaction. PiperJaffray has a group that does private placements as well. It was found that the private placement market on this particular deal work better than the Bond Market. Mr. Lewis stated that a buyer for the bonds "Warrants" where his company was able to recoup a lot of the savings that had been projects at his last report. The Commission had approved a perimeter resolution on the warrants that allowed the Commission Chair to execute the documents. There is a commitment from a lender the 2008 bonds that were outstanding the rate was about 4.06% and there is a commitment 2.77%. Another document will need approving and signed to purchase SLGS to create the escrow to pay off the old bonds. Once the SLGS have been finalized the rate should not change a lot, but it is estimated that \$940,000 that will return to the county. Mr. Lewis recommended giving the Chair authorization to sign documents moving forward with the bond refunding.

Commissioner Lee asked if today's approval would include the refunding of escrow amount that is being held for the County.

Mr. Lewis agreed that that was included. The reserve fund that Commissioner Lee is referring to is \$502,000 that this transaction will release this reserve. The present value number in actual saving is \$438,000, when combining the two on a percentage basis is 7.45% in terms of present value. Those two together give the total of \$940,000.

Commissioner Screws motioned to approve. Seconded by Commissioner Reed. The vote was unanimous.

Attorney Kenneth Funderburk discussed the Old Post Office on 14<sup>th</sup> Street and use of the building. The down stairs is being considered for the EMA office. If the Commission would like for EMA to occupy the lower area action needs to take place in order to go forward with

this project. This part of the project can be taken care of in-house. The Building Inspection Department has access the area and reviewed wall that are not load bearing and can be removed.

Commissioner Corbett asked if the EMA Director has been involved.

Commissioner Lee stated he does not think that the Commission is ready to go forward with the project at this meeting.

Administrator Horne requested that Bob Franklin work with the maintenance department to determine the cost estimates for renovations.

Commissioner Lee stated that Administrator Horne did not need approval to talk to anyone that works for the county concerning projects.

Administrator Horne stated she would like for Maintenance Supervisor Richard Sellers to finish the takeoff on what the Building Inspector has already provided to the Commission and bring back cost estimates. He will need information from Bob.

Attorney Funderburk recommended going into executive session. Commissioner Screws motioned to approve moving into executive session. Seconded by Commissioner Reed. The vote was unanimous.

Chair Martin requested a motion to reconvene the Commission Meeting. Commissioner Screws motioned to approve the meeting and was seconded by Commissioner Epps. Commissioner Corbett did not return to the meeting. The vote was unanimous.

Attorney Funderburk stated there is a building in Hurtsboro that he has been negotiating for purchase for the Sheriff's Department. They have agreed to sell the property to the County for \$20,000. The building looks like it will fit the Sheriff's needs and Attorney Funderburk recommended approving the purchase. Commissioner Screws motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Lee motioned to adjourn the meeting.

The meeting was adjourned.