

The Russell County Commission
Meeting Minutes
March 23rd, 2016
9:30 A.M. EST

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

The invocation was given by Dr. Robert Dickerson.

The Pledge of Allegiance was led by Chair Martin.

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

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

A quorum was established.

Chair Martin requested a motion to approve the minutes for March 9th, 2016. Commissioner Screws motioned to approve the minutes. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Pugh gave a rebuttal concerning an inaccurate article which would lead the public to think that the county makes money at the City's expense. Commissioner Pugh asked to have the letter placed in the official minutes.

Dear Sirs:

Contrary to the Phenix City Finance Director's March 3rd letter, my complaint is not with the Ladonia Walmart. My complaint is with the legislation that allows the city to reap sales tax benefits through annexation. Under current Legislation – one of only three statewide- the county must share 1.5% of all sales taxes generated within the City's police jurisdictional line- a line they arbitrarily move.

Mr. Smith's letter somewhat disingenuously implies the City Extend the water and sewer lines out to Ladonia to facilitate growth. In fact, the developer paid for and emplaced the Walmart sewer line. The City spent the "millions of dollars" extending that line to "cherry pick" even more commercial properties, like McDonalds, along that strip. With over 50% of the county's tax revenues generated along the Ladonia corridor, even Mr. Smith can see the deal is a win-win situation for the city at the county's expense.

The property tax reassessment for Walmart gives the county an estimated \$10,092. The City walks away with \$15,135. Since commercial customers are paying for water and sewer services, the City loses nothing. The City's only true "cost" in Walmart is maintaining the traffic signal- a state requirement.

Ask Ladonia residents what they think of Phenix City's mythical "Police Jurisdictional Line". Ask the other businesses, those in Walmart's economic "Kill Zone", if they feel they are receiving a fair deal from the city. If those businesses go under because they didn't receive a "sweetheart" deal from the City, Mr. Smith's vaunted 90 new jobs evaporate.

What has the County done to make Ladonia a better place? The County has invested \$965,719 in the Ladonia Sports Complex and walking trails, District 2 alone (Ladonia) has seen 170 miles of roads maintained and 28 miles of dirt roads paved – all accomplished with Phenix City's hand in our back pocket.

Tillman M. Pugh
Russell County Commissioner, District 2

Special Enforcement Officer Bill Friend made a request to have the building permit fee waived for the installation of the elevator for the Old Seale Courthouse, since it is a county building and also was not part listed in project's bid process. Commissioner Pugh motioned to waive the fee and was seconded by Commissioner Screws. The vote was unanimous.

Commissioner Corbett discussed the Franklin Resource Group, who lobbies for local legislation for the County. In that process, the Commission needs to give the Franklin Group direction and the County's priorities. The signed contract states that they take direction from the County Administrator. A legislator called to inquire about a sales tax to be advertised in the local paper. Commissioner Corbett made a motion that the Administrator shall direct any contracted lobbyist to only promote, advertise or lobby revenue generating legislation upon approval of majority vote of the Russell County Commission. Seconded by Commissioner Lee. Discussion took place. District 1 (Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps), abstained; District 6 (Corbett) voted, yes; District 7(Screws);abstained. 4 yes votes, 1 no vote, and 2 abstentions; the motion carried.

Chair Martin discussed Gas Tax legislation. The ACCA's has requested that all 67 counties support the State's standing on two bills, Senate Bill 180 and House Bill 394. This revenue will go toward roads and bridges in Alabama. Commissioner Screws motioned to approve the letter of support. Seconded by Commissioner Pugh. 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 votes yes and 1 no vote; the motion passed.

The 2nd reading of the CDL Requirements Resolutions was presented. There were no changes or discussion. Commissioner Lee motioned to approve and was seconded by Commissioner Pugh. The vote was unanimous.

County Attorney Kenneth Funderburk presented the Fire Fee Legislation. He clarified that the City of Hartsboro is covered under the Fire Fee, because they only have a volunteer Fire Department, unless the Commission exempts them. He recommended that the Revenue Commissioner handle Fire Fee exemptions. Commissioner Corbett motioned to designate the Revenue Commissioner as the agent to make exemptions from the fire fee. Seconded by Commissioner Screws. A clarification was made that this is not a tax, but a referendum that was voted on by the residents of Russell County, who overwhelmingly voted to pass. The yearly fee is \$50.00 for resident and \$100.00 for commercial property. The vote was unanimous.

County Attorney Kenneth Funderburk briefly discussed RDS (Recovery Discovery System) who collects taxes for the County. RDS did not collect enough taxes from the "Ladonia" Walmart. Although Walmart did pay the required 9% taxes that they owe; RDS only took 8% for taxes.

Commissioner Pugh requested that Attorney Funderburk write a letter to RDS and ask who will pay the 1% and where will RDS send that revenue.

Attorney Funderburk explained that RDS and the State does not care if you miscalculate taxes. They will charge you if you get audited or are reported, as this happened. The merchant has to make up the difference if they do not collect enough taxes. If the merchant pays too much then they receive a refund. Walmart did actually collect and pay the correct amount of taxes.

Attorney Funderburk gave a brief history concerning the Coulter Building. The County and the Museum Committee was called to a private meeting by Mayor Lowe and other City Officials. At that meeting the Museum Committee was informed that the City was not going to comply with its promises and he stated that the Museum should dissolve itself. Several months were spent redoing the lease and the deed for the Coulter Building. The last deed was prepared by the City Attorney. Mr. Funderburk was informed last week by the City Attorney, that the City took action, legally saying they would not honor the deed. The City is to send the deed back to the County for the Commission, so it can be formally rescinded. Attorney Funderburk recommended moving forward rescinding the Coulter Building deed in case the County needs to take legal actions to get the deed back in the County's possession. All previous commitments concerning the Coulter Building with the Museum Committee and the City must be voided.

Attorney Funderburk explained that the Museum Committee is a separate entity and has not dissolved. If the Commission wishes they can later make a new deal with the Committee without the City, but at this time the Commission must rescind all actions taken regarding the Coulter Building. Commissioner Pugh motioned to rescind the original agreement with the City and the Museum Committee and he be allowed to continue to work with other groups that want to talk to the Commission about developing the Coulter Building. Seconded by Commissioner Epps. The vote was unanimous.

Announcements were made.

Commission Pugh motioned to adjourn.

The meeting was adjourned.