

The Russell County Commission
Meeting Minutes
June 12, 2019
9:30 A.M. EST

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

Reverend Brady Baird with Seale United Methodist Church gave the invocation.

Commissioner Reed led the Pledge of Allegiance.

PUBLIC COMMENTS:

Michelle Lee Vankirk asked for advice from the Commission to help her find a church and receive help. Sheriff Heath Taylor assisted her.

Chair Martin thanked Cable T.V. of East Alabama and the Citizen of East Alabama for their coverage of the Commission Meetings. She also welcomed Elected Officials, Department Heads, Media and Guests.

County Administrator LeAnn Horne established a quorum. Members present were; Chair Peggy Martin, Vice Chair Cattie Epps, Gentry Lee, Carl Currington, Ronnie Reed, Chance Corbett and Larry Screws. Also, present was the County Attorney Kenneth Funderburk.

APPROVAL OF MINUTES:

Chair Martin requested approval of the May 22, 2019 Minutes. Commissioner Corbett motioned to approve. Seconded by Commissioner Lee. Commissioner Currington abstained. The vote was approved.

DISCUSSION ITEMS:

Commissioner Reed stated: I have the County Attorney on the Agenda because I feel like the Citizens of Russell County should know we have been spending a lot of money lately on frivolous lawsuits. I think sooner or later it is going to be right about up to \$200,000 in legal fees and I feel like we should sit down with the City of Phenix City and negotiate. Find a reason or solution to get some revenue. They are willing to work with us, but I don't feel like we are willing to work with them.

Commissioner Currington stated: Madam Chair, Mr. Reed called me the other day and said the city was willing to pay \$1.5 million to get rid of Mr. Funderburk. So, if he has a bounty like that let's get rid of him.

Commissioner Corbett stated: \$1.5 million

Commissioner Reed stated: Madam Chair, I hate to say this. "Watch-a-ma-call-it" is out of order. I did not make no such of a statement.

Commissioner Currington stated: He did.

Chair Martin stated: Commissioner Reed, you did. I have to say you said to me \$1 million.

Commissioner Reed stated: What I said is "Maybe we can work out and negotiate with the City". I feel we can get some money. It might be a \$1 million. The city owes us a lot of money. Last time I remember, watch you call it quoted a \$10 million the city owes us. Right now, with lawsuits and litigations we aren't going to get anything because I don't think we are going to win the lawsuits.

County Administrator stated: Madam Chair, may I make a statement. First of all, when the last time I checked the attorney's records and I gave all the Commissioner's a copy; I believe for a two-year period Mr. Funderburk's fees was \$78,000; not \$200,000. Also, Commissioner Reed you voted for the County Attorney to file the lawsuit. I just wanted you all to know what the record said.

Commissioner Lee stated: Ms. Horne was that including the retainer, the regular fee?

County Administrator Horne stated: That is including everything as I understand.

Commissioner Lee stated: How much do we normally pay him when we are not doing any lawsuits, \$25,000?

County Administrator Horne stated: No, around \$40,000. It fluctuates depending on how much the departments or Commissioners use him.

Commissioner Lee: Was some of those legal fees going to Webb & Ely or was that all to Mr. Funderburk?

County Administrator Horne stated: No, that is all Mr. Funderburk's fees on that report.

Commissioner Lee stated: So, we paid \$35,000 to Mr. Funderburk in two years dealing with legal matters outside of the Commission Meeting and lawsuits \$38,000. I want to put on the record that the appeal is being filed at no charge to the Commission.

County Administrator stated: That is correct.

Chair Martin stated: Mr. Reed what you had stated to both Mr. Currington and to me, it can be perceived as a bribe.

Commissioner Corbett stated: I think it is.

Commissioner Reed stated: It is not a bribe because I think "watch-a-call-it" had mentioned it too that the City owed us \$10 million because they have not paid us for the jail. You have that on record we have been holding checks when they mail us checks and we are holding checks. They owe us a certain amount of money, so it is on record.

Commissioner Lee stated: Mr. Funderburk is not holding that money.

Commissioner Reed stated: What I am saying is, "I feel like we need to sit down and negotiate, work out a deal with the City in some kind of way because right now we need those funds".

Commissioner Corbett stated: Madam Chair, if it was stated that the City is willing to pay us a \$1 m to you or a \$1.5 m to Mr. Currington to get rid of our County Attorney, that is unethical.

Commissioner Reed stated: First of all, I don't even have anyone to talk to see about that.

Commissioner Lee stated: Why did you say you had talked to them?

Commissioner Reed stated: He has the wrong idea.

Commissioner Lee stated: Mrs. Martin did too.

Commissioner Corbett stated: Unfortunately, we are here as elected officials. When we state something, it becomes a matter of record. We have been in the paper quoting what so and so is paying for rent and its double what we said. We need to be careful as Commissioners. This stuff about a \$1 million, I guarantee the City has not offered us a \$1 million.

Commissioner Reed stated: No, I am stating now they did not offer us a \$1 million. What I am saying we need to collect some money. I know they owe us some money. It is more than a \$1 million it is about \$10 million.

Business Items:

Commissioner Corbett stated: Thank you Madam Chair. We went over this a two weeks ago and I talked again about it Monday night. I feel there is a need, as well as, several of the Commissioners, I believe, after the conversation as well as the Sheriff, the Emergency Management Director and several other entities that are now occupying different spaces around the City. I think there is a need to take a look into building a possible Emergency Center. We could call it 911 Emergency Management Center or a Separate Center for those two entities. The need in my opinion, our Emergency Management Agency. It has been that way ever since they occupied the metal building, they are currently in. They are called in at all hours of the night for some of the worst weather and conditions you can have. They are called to a metal building with no protection. Here we are 18 years after I took first took over Emergency Management, we are still in that metal building.

I want to take a strong look at the feasibility of doing new construction for that facility. Also, bring E-911 into it since they are paying rent to a Citizen located on Broad Street this would utilize our taxpayers' dollars better and to give our Employees a place to be safe when they are doing their jobs. I am not asking for any money at this point. I am not asking to approve any structure. I simply would like to see a Committee formed that would look at the feasibility of this, look at what the occupancy would look like, what the size of it would be and look at ways we would finance it. Obviously, we may not have the money in the bank to do that but look at ways to finance. It is a simple word called progress; I think it is time we have to take a look at everything.

We have studies and committees for everything in the world just like we did when we this building was acquired by Ms. Horne and Commissioner Lee at the time. At this time, in a form of a motion, I would like to make a motion that the Chair appoint a feasibility committee that could be titled Public Safety Feasibility Project Study request that committee report back to the Commission within the next three months. Commissioner Lee seconded the motion.

Commissioner Reed stated: Discussion Madam Chair. On the Public Safety Feasibility Project Study committee, I would like the Coroner to be included on the committee.

Commissioner Corbett stated: Madam Chair the motion is that you appoint the committee members. That is your pleasure.

Commissioner Epps stated: I am not against the progress of the County, but I would like to see every department that is involved in this have someone on that committee to represent them.

Commissioner Corbett stated: I agree, if they are going to occupy the Emergency building in any way they should be on the committee. But again, that is the Chair's decision.

County Administrator Horne polled the Commission. The vote was unanimous.

Commissioner Martin stated: I am ready to name the Public Safety Feasibility Project Study Committee. I am going to name this in alphabetical order. The committee is, Commissioner Corbett; Bob Franklin, Emergency Management Director; Mrs. Dana Murphy, E-911 Director; Coroner Arthur Sumbry Jr.; Sheriff Heath Taylor; and, Scott Holmes, Architect because he is already in the works, so to speak as an advisor. The committee could use him to have some input.

Commissioner Corbett stated: Madam Chair, my only point made to you before, are I just want it to be on record. If Mr. Holmes is going to consider, in the future bidding on any of this design, he does not need to be on the committee. I guess that is a question

from him to answer. If he is on the committee which advice comes from the County Attorney, he shouldn't bid on the work.

Chair Martin stated: He is not on the committee; he is just an advisor.

Commissioner Corbett stated: That is fine, again if he is going to be involved in the future, I don't think that would be appropriate for him to bid on the work. That's my opinion.

Commissioner Lee stated: With him, Scott Holmes, being on the committee, it will probably prevent him from bidding on the project.

County Attorney Funderburk stated: They can call on him as an advisor, only.

Commissioner Lee stated: We have a pretty good building inspector now they could probably call on him to answer most questions.

Dana Murphy, E-911 Director, asked if Chief Ray Smith could be added to the committee?

Commissioner Lee stated: It was discussed and at this time that we did not think we needed to appoint City Officials to the committee. If the committee, once they get together and they wanted to bring in some City Officials as advisor's or get their opinion that would be fine.

Chair Martin stated: For this committee, I wanted to set a time on it. I am going to say in August. We do not want to drag our feet on this.

Coroner Sumbry: The family and I have communicated; they are asking for some relief. They do not have the funds to bury their loved one, Stanley Tellez. They are asking for the County Commission to approve the cremation. The cremation will be done by Taylor Funeral Home and the fee not to exceed \$400. Commissioner Epps motioned to approve. Seconded by Commissioner Martin. The vote was unanimous.

Janita Cornelius with the Probate Office stated: Recently the Russell County Probate office has upgraded their computer systems. As a result, we are asking to surplus equipment. Commissioner Epps motioned to approve. Seconded by Commissioner Reed. The vote was unanimous.

County Engineer Shawn Blakeney stated: First item on the Agenda, is the City is doing a street scape project on 14th Street to redo the sidewalks and appearance of the cross walks. The County has three pieces of property along that stretch (Extension Office, Board of Education, and Old Post Office). They are needing temporary easements so they can start the projects. I need to get the Commission Chair to sign these three temporary construction easements so the City can do the work. Chair Martin motioned to approve. Commissioner Reed seconded. The vote was unanimous.

County Engineer Shawn Blakeney stated: The second item on the Agenda is vacation of right-of-way on Circle Drive. I received a letter last week from McBride-McGill on a survey on behalf of Ronald and Joseph Osman. They live at the corner of Wiggins and Woodland Drive, in District 2. There is a 350 ft. linear right-of-way that goes through the middle of their property that is 30 ft. wide. By our procedures, I have brought to the Commission to approve the citizen to set up a public hearing. I would like to set the hearing for July 24, 2019 at the regular scheduled Commission Meeting. This will give the department time to advertise and do the things they need to do to vacate. I have talked the to utilities, there are no utility conflicts through this section. Commissioner Corbett motioned to approve. Seconded by Chair Martin. The vote was unanimous.

Commissioner Reed stated: Madam Chair, at this time I would like to make a motion to give \$500 to the Ft. Mitchell National Cemetery Support Committee. These funds will be coming out of my Appropriation for my District. I asked this gentleman to call Commissioner Epps because this is in her District and I asked Commissioner Epps did

he notify her. I have committed myself to \$500. When budget time comes, I am going to get this man to talk to Victor Cross. He has funds for projects like this anyway. Seconded by Commissioner Epps.

Commissioner Corbett stated: Madam Chair, discussion. I don't disagree with the entity. I think they are doing a great job at what their doing. I am going to vote no because I am not sure the whole ramifications of this money being approved for projects in the district and then, hey do you want some money. I am going to vote no but not for the entity requesting getting the money but for budget reasons.

Commissioner Reed stated: The Commissioners has a letter in their packet concerning this appropriation.

County Administrator polled the Commission. Commissioner Lee voted yes; Commissioner Currington voted yes; Chair Martin voted yes; Commissioner Reed voted yes; Commissioner Epps voted yes; Commissioner Corbett voted no; Commissioner Lee voted yes; Commissioner Screws voted yes. The motion was approved.

Commissioner Screws stated: At our last meeting Mrs. Crowell came before us and indicated she is taking a group of students to Virginia in August, so I ask that we give her an appropriation to help her along. I asked for \$1000 because of the number of kids she has to take. At this time, I ask the County Administrator Horne what did she find out.

County Administrator stated: Yes sir, we can accommodate the request at this time. I will use two different funds.

Commissioner Screws stated: It will only be a onetime appropriation.

County Administrator Horne stated: That was my understanding; but I will use two different funds to cover the \$1000 request. I would like to state also to the Commission, there has been a lot of unexpected expenditures this year that were not budgeted. As you know, we are coming toward the end of our budget and fiscal year so please keep that in mind. If anybody has budget request or would like appropriations to be considered for next budget year, please go ahead and send those in and they will have to be considered by the Commission.

Commissioner Lee asked what two funds are these coming from?

County Administrator Horne stated: It is coming from the Donation as well as the Contingent Fund.

Commissioner Screws stated: Commissioner Screws stated Madam Chair, if the Commission don't mind, I would like to take both of my Agenda items at once, so I won't have to single them out. Tangela Crocker who came before us at the work session to ask for funds to take students to San Antonio, Texas for Future Business Leaders or America. The administrator had to check again to make sure the Commission has the funds. At this time, I make a motion that we accept both donations one for \$1000 for the Lower You League and \$500 for the Russell County High School Future Business Leaders of America Group. Seconded by Commissioner Reed. The vote was unanimous.

County Administrator Horne stated: I received a letter and check from the Association of County Commissioners. I want to say congratulations to all the Safety Board Members as well as our employees who have worked very hard this year enforcing and watching out for safety of employees and citizens. In doing so, we met our safety participation goal which was \$6000 which that was returned to us by the Association from our insurance fund along with, because we have such a good safety record, of \$70,289 for a total of \$76,269 that the County received. I wanted again, to thank all the employees and the safety board members who set those priorities.

County Attorney Funderburk stated: I need to correct some information Commissioner Reed gave. There was an issue regarding the receipt of money from the City pending litigation. Up until the hearing, we had in May, we held the money in trust. At the hearing we did have an agreement the issue was whether we could take that into funds and disburse to the Sheriff. Accepting a lesser sum that is due it might legally commit us to that being the amount of funds we are entitled to receive as a payment on the jail. That essentially, we had the agreement that the City would make the payment they think is due and we be billing them for the payment the County claim is due. We will accept pending final determination by the court. They will pay the money and we will deposit it and disburse it to the Sheriff in the budget. That money is no longer being held since May.

The other is the two cases which is the Gas Tax and the Jail Contract will come up in March and the other in April of 2020. Webb & Ely noted at the hearing; they expect to file summary judgment in September. Really, this is a summary judgement issue. It is a matter of law on the Gas Tax.

What my suggestion actually is, the committee could call on Scott or anyone else if they choose to. There was an issue of adding people from the City to the committee. The committee can call anybody they want to. The reason I did suggest they might need Scott Holmes because when it was first proposed there was information provided there that needs are for additional space for several offices.

Commissioner Epps asked if the County has hired any new employees because the new hire list is not in the packets?

County Administrator stated: I will ask Marcia Cade the Human Resource Manager, to send in her report. Since she assumed these duties recently, she may not have been award Carolyn was providing the report.

Announcements were made.

Commissioner Epps motioned to adjourn. Chair Martin adjourned the meeting.

Attest: _____ Signed: _____
County Administrator Chair