

The Russell County Commission
Meeting Minutes
June 14th, 2017
9:30 A.M. EST

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

The invocation was given by Reverend Gregory Scott, Pastor of Phillips Temple CME.

The Pledge of Allegiance was led by Commissioner Corbett.

Public Comments:

Alabama American Legion, Post 15 Senior Vice Commander Leroy Davis gave an update on a youth programs: Davornne Lindo won the Alabama American Legion Oratorical contest held in February and represented Alabama at the Indianapolis contest. Also, the Alabama Boy's State Program; Darrius Thomas was chosen by his peers as Governor and will go to Washington D.C. to represent Alabama in Boy's Nation in July where young men participate in running for offices and voted on by other participants. There, he plans to run for President. His participation in this program won a full scholarship to the University of Alabama. He also received a \$16,000 scholarship from Auburn University. If he succeeds in his run for President of Boy's Nation, he will win more scholarships.

Mr. Davis thanked the Commission for their support of the American Legion programs.

Chair Martin welcomed elected officials, department heads, media and guests. She also thanked the Citizen news for their coverage of the Commission meeting.

Administrator Horne called the roll. Members present were: Gentry Lee, Carl Currington, Peggy Martin, Ronnie Reed, Cattie Epps, Chance Corbett and Larry Screws.

A quorum was established.

Chair Martin requested a motion to approve the May 26th, 2017 meeting minutes. Commissioner Currington motioned to approve. Seconded by Commissioner Corbett. District 1(Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6(Corbett) voted, yes; District 7(Screws) voted, no. 4 yes votes and 3 no votes; the minutes were approved.

Chair Martin discussed a proclamation for the Trinity United Methodist Church, which celebrated their 145 years of service to the Lord on June 11th. She requested to approve ratification of the proclamation that was presented to the Church on Sunday.

Commissioner Lee motioned to approve and was seconded by Commissioner Corbett. The vote was unanimous.

Commissioner Epps introduced Ms. Temple, a representative of the United States Post Office. The Fort Mitchell Post Office has outgrown their current location and are seeking other sites. There are concerns about the County coming up with a sewer system, which took their discussions toward installation of a decentralized sewer system.

Ms. Temple stated that she and Mr. Ahmed do not actually represent the Post Office, but the Post Office came to them looking for a place to move their office. She stated that she is mainly coming to the Commission concerning the sewage. The Post Office had listed the Ft. Mitchell Plaza as a second choice during their search, but chose another site, due estimated cost of \$90,000 to \$150,000 to relocate the septic system to the other side of the plaza.

They have several proposals from companies who would like to come to Ft. Mitchell, and named Winn Dixie, KFC and others that wanted to locate at their Plaza "the Drop Zone". The past 3 or 4 years it has cost them out of pocket \$250,000 just to maintain the septic system.

They also own 12 acres next to the plaza and hope to develop it, but because the high cost of keeping the septic system going it has been difficult. There is enough community and traffic to support new businesses in the area. Those wanting to locate in the area have chosen other sites due to the sewage issues. They are requesting help from the Commission.

Commissioner Lee stated that the Commission has discussed this for many years and the reason discussion had stopped is people that wanted to connect to the system were not willing to pay the County for the cost of the system. The County has to have a way to recoup the County's investment, which was never worked out.

Ms. Temple asked if sales tax could pay for sewerage.

Commissioner Lee stated that the sewage needs to be paid by people who are hooked up to the sewage. Sales tax pays for the Sheriff and other things. Sewage needs to be self-supporting. The County could put in some, not all.

Commissioner Corbett stated that the Commission has said that if a major business that was ready to come then we would be willing to stepping up and helping with a system. As a Commissioner he was not willing to put a system in place hoping to get someone to pay for it. I am willing if a business is coming by all means come to the table and talk about it. We will help in any way to get them here, but we cannot put the cart before the horse. Commissioner Epps has my support on this if we can get someone to come.

Commissioner Corbett also noted that Winn Dixie did not back out because there wasn't sewage, they backed out because of the grocery store study that was done in the Fort Mitchell area.

Commissioner Lee announced that the Commission had agreed if Winn Dixie would sign a contract that they would work with them on sewage, but Winn Dixie would not do that.

Commissioner Epps requested Ms. Temples and Mr. Ahmed that if another large business should contact them to discuss locating in the area to let her know. She will also meet with them about what the County would do concerning sewage. There would not be interest if companies did not see a profit in the Fort Mitchell area.

Commissioner Epps also stated she knew there were several residents in the area whose septic tanks are going bad. There could be a good chance of possibly getting some type sewage in the area if they can get people to tap on to the system to help with the expense so the County would not have all the expenses to pay.

Mr. Ahmed asked how much a system would be.

Russell County Water and Sewer Authority Manager Mark Clark replied that it would be 2.3 million dollars.

Attorney Funderburk said the question legally raised has been answered by your rules that the development committee has. We already have a system where you can bring a package plan. A package plan cost \$75,000. This has been rejected many times as a unified system, where you run a sewer line down the road from the City. Where that has been brought up is other than anybody willing to sign up for it. Already in place are all the rules relative to developers putting in a package plant.

Commissioner Epps thanked Ms. Temple and Mr. Ahmed for coming and asked them to keep in touch.

One of the Department of Human Resources Board members has resigned their position. This position does not come to term until Jan. 2019 and will need someone to fulfill the place.

Commissioner Corbett has spoken with Mr. Oscar Tuff who stated that he is willing to serve on the Department of Resources Board. Commissioner Lee motioned to close the nominations he be selected by acclamation. Seconded by Commissioner Currington. The vote was unanimous.

Chair Martin discussed a meeting she attended at the Russell County Historic Commission. Chair Martin stated they were having problems maintaining the grounds at the Buchanan House, located next door to the Courthouse, due to their limited funding.

Chair Martin made a request to help with their grounds maintenance. Commissioner Currington motioned to approve and was seconded by Commissioner Lee.

Commissioner Lee suggested setting a limited scope of grounds maintenance; he did not think that our staff should take on full maintenance at this time. They do appropriate funds from the Commission for upkeep of the house.

Commissioner Reed stated that this property is in the city and the City should take care of that.

Commissioner Corbett asked if the City would do it.

Commissioner Reed informed the other Commissioners that it was City property.

Commissioner Lee stated that the property did not belong to the City; it belongs to the Russell County Historic Commission.

Commissioner Corbett announced that if the City wants do it then by all means let them take care of it.

Commissioner Reed announced again that the County doesn't own that property.

Commissioner Corbett requested to call for the vote.

District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7 (Screws) voted, no. There were 4 yes votes and 3 no votes. The motioned passed.

Special Enforcement Office Bill Friend presented a public nuisance that exists at 82 McElvey Road. This is a mobile home that has burned in November 2016. January 2017 this case was opened due to complaints by neighbors. The property owners were given 60 days to take care of removal; which was extended 30 days and then an additional 30 days.

The owners gathered estimates, which were approximately \$7,000 - \$9,000. Mr. Friend did supply the owner a list of contractors who would clean the area for about \$3,500 - \$4,900, but the owners stated that they wanted to keep the property, but were unable to afford any of the clean-up estimates at this time.

Attorney Funderburk sent a letter to the owners which gave 14 days to take care of the nuisance and has now expired.

Mr. Friend requested that this property be declared a public nuisance by resolution and to hold a public hearing June 28th, 2017, before the next Commission Meeting.

Commissioner Corbett motioned to approve and was seconded by Commissioner Lee. The vote was unanimous.

Commissioner Currington requested to approve a policy that is already in the personnel policy book. He would like to approve a 10% pay increase for any department head that is in an interim position. Special Enforcement Officer Bill Friend who is currently acting as interim for Parks and Recreation for the second time and has been interim for another department as well did not receive any extra pay for taking the extra responsibilities. Commissioner Currington stated that increase will only be in effect during the time that they serve in an interim. He would also request that the increase include the date that they assumed the position. Commissioner Currington stated that is his motion. Seconded by Commissioner Corbett.

Commissioner Corbett asked to clarify the motion. The Administrator will have the ability to give a department head or another employee who is acting in a different role assuming more responsibilities up to 10% pay increase; if it is more than 10% that will have to come to the Commission for approval.

Commissioner Currington agreed that was correct.

Commissioner Lee asked if that is 10% of the salary of the position that they are replacing or 10% of their current salary.

Commissioner Currington stated it is 10% of their current salary.

Commissioner Screws asked to make a correction; Commissioner Currington said that was currently in policy; it is not. It has been talked about in the new policy, but he did know of any policy at this point that has a 10% increase.

Commissioner Currington stated that it is in the old policy book as 5%.

Commissioner Corbett clarified that Commissioner Currington's motion is up to 10%.

Commissioner Reed stated that this is a bad time, because we only have a few months before budget time. The Commission should wait before giving out pay increases.

Commissioner Corbett replied that if we are going to rely on our department heads to step up for each other when there is a vacancy, it is only right to compensate them for doing the same work. In the past we have had people fill in when there was a vacant position and several others. Even when Governors have filled vacancy positions they have given the pay with it. This is a good move on the County to take this step so every one of them does not have to come back to the Commission. The Administrator is able to do that.

Commissioner Lee agreed that is a good deal for the county because we are replacing a full time salary with only 10%.

Commissioner Corbett added that it is only temporary.

Commissioner Screws asked if the Administrator will bring each interim to the Commission so that they will know.

Administrator Horne stated that she will do that and that she had provided that information concerning the amount of increase for Mr. Friend in their packet. She also asked if the increase begins at the time they assume the extra responsibilities.

Commissioner Lee and Corbett stated that is correct.

Commissioner Lee asked if since this is from the time Mr. Friend took over will that require a budget amendment.

Administrator stated she would have to check that and if it does she will bring it back to the Commission.

Commissioner Corbett stated that is each time not just this time.

District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7(Screws) voted, yes. There were 5 yes votes and 2 no votes. The motioned passed.

Commissioner Currington motioned to use \$10,000 of special project money and \$12,000 from Parks and Recreation 57200 Line 530 to go towards swings and a zip slide at the Ladonia Complex. Seconded by Commissioner Corbett.
Commissioner Screws asked where the equipment would be located at Ladonia.

Commissioner Currington stated that it would be installed at the top end of the field, inside the fence between the ball fields and the school on property that the Commission leases from the Board of Education. The school will have access to the equipment as well as people at the Sports Complex.

Commissioner Lee stated the equipment could be moved to another location if the Board of Education decides they would like to use this area again.

Administrator Horne polled the Commission. District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7(Screws) voted, yes. There were 5 yes votes and 2 no votes. The motioned passed.

EMA Director Bob Franklin discussed the phone system for the EMA office was shared by 2 other departments in the past. These departments also shared in the cost of the phone system, but because those departments have a different system all the cost of the current system will be paid out of the EMA budget. The Contract will expire soon and he will bring the contract back to the Commission, with either the same company or a new company. He requests transferring funds within the EMA budget to cover the cost as follows:

EMA 52300		
Decrease 001 52300 214	Minor Equipment	\$4,500.00
Decrease 001 52300 251	Other Misc. Supplies	\$3,000.00
Increase 001 52300 251	Communications	\$7,500.00
	TOTAL	\$7,500.00

Commissioner Lee motioned to approve the transfer and was seconded by Commissioner Corbett. The vote was unanimous.

Sheriff Heath Taylor requested a budget transfer to complete 2016-2017 projects in the Jail and in the Office as follows:

Sheriff Department 52100		
Decrease 001 52100 212	Fuel & Lubricants	\$40,000.00
Increase 001 52100 214	Minor Equipment	\$20,000.00
Increase 001 52100 239	Other Repairs/Maintenance	\$20,000.00
	TOTAL	\$40,000.00
Jail 52200		
Decrease 001 52200 218	Food for Inmates	\$40,000.00
Decrease 001 52200 306	Medical & Dental	\$25,000.00
Decrease 001 52200 327	Uniforms	\$10,000.00
Increase 001 52200 219	Other Misc Supplies	\$35,000.00
Increase 001 52200 239	Other Repairs/Maintenance	\$40,000.00
	Total	\$75,000.00

Sheriff Taylor stated everything is within 3% of his current budget and his budget is not over in any overall budget. Commissioner Lee motioned to approve. Seconded by Commissioner Reed.

Administrator Horne complimented Sheriff Taylor for being able to reduce the food bill for the jail. After, she polled the Commission. The vote to approve the budget transfers was unanimous.

Commissioner Epps announced that the Fort Mitchell Volunteer Fire Station located on Hwy 165 has agreed to lease a portion of their property for a playground. She is requesting that the Commission approve an agreement between the County and the Fire Station to install playground equipment and that the equipment will be removed if

the Fire Station decides they need that property again. We just need an agreement. The Fire Department has already agreed to do this. Commissioner Epps motioned to approve an agreement that we will be able to use that portion of their property to install a playground in Fort Mitchell, Alabama.

Attorney Funderburk stated that the terms of the agreement need to be agreed on by the County, so he will know what should be in the agreement. Someone needs to make a motion covering the terms.

Commissioner Lee asked if the motion was to allow the County Attorney to draw up the agreement.

Commissioner Epps stated the motion is to allow the Attorney to draw up the agreement between the Fort Mitchell Fire Department and the Commission. Bob Franklin has the information that the Attorney said that he will need to place in the agreement.

Commissioner Lee said that when it is drawn up then it will come back to the Commission for approval.

Attorney Funderburk requested to know what Commissioner Epps wanted to know because the terms of the agreement have not been set out.

Commissioner Epps discussed the Monday night work session and at a prior meeting the Attorney, he stated that he would use the same type of agreement that he used with the Crawford Park. The Fire Department has stated they would accept that agreement. So, all that will need to be done is to pull that agreement.

Attorney Funderburk said, no, that Commissioner Epps and the Fire Department agreed to other things in open session at Monday's work session different from the prior agreement, though it was general. Unless you are going to let me guess, I need for the terms to be stated.

Commissioner Epps replied the agreement term was unlimited.

Attorney Funderburk thought what was agreed on at Monday's work session was at will.

Commissioner Corbett asked if it would be proper to move that the Attorney get with Commissioner Epps for get details of the agreement. The Crawford Agreement discussed the amount of years, exactly what would be done, and who was going to do what. If the Commission is going to copy that one it was a 25 year lease not 20 years, a specific amount of property that has not been define with in this agreement. We just gave Commissioner Currington all kind of grief about where he was going to place a piece of playground equipment, but we are talking about approving an agreement, which we don't know where it is.

The motion did not have a second. Commissioner Reed seconded Commissioner Epps motion.

Attorney Funderburk informed that he can work it out above, the reason I brought this up is what we discussed. I will just repeat it. It was going to be an "at will" and I have the property description. The county was going to maintain the whole 5 acres and now it is only the playground.

Commissioner Lee tried to clarify the motion made: to allow the Attorney to get with the fire department and Commissioner Epps to come up with an agreement and bring the agreement back to the Commission for approval.

Commissioner Corbett asked for Commissioner Epps to restate her motion.

Commissioner Epps motioned for the Attorney to draw up an agreement between the Fort Mitchell Volunteer Fire Station and the County Commission for a parcel of land located at the Fort Mitchell Fire Station. In the agreement the County will take care of the property along the line. Also, the County will install a fence near the highway to protect the children. Also, the motion is for the Attorney to get with me and Bob Franklin for details of the contract.

Commissioner Lee added to bring the contract back to the Commission to be approved.

Commissioner Epps agreed. Seconded by Commissioner Reed.

Commissioner Corbett asked if Commissioner Epps was requiring in the agreement that the county put up a fence.

Commissioner Epps agreed that the fence was needed.

Commissioner Corbett asked who will pay for the fence. Will the county pay for the fence?

Commissioner Epps stated that the county will pay for the fence.

Attorney Funderburk asked if that is to enclose the area.

Commissioner Epps said it would not be enclosed; it would be to keep children from going to the road.

Administrator Horne polled the Commission. The vote was unanimous.

Bill Friend discussed a meeting with the County Administrator and the current league president, Michael Cox. At this meeting changes for the Russell County Baseball League's contract were discussed. One change was not to list the League President name in the contract. This will keep the contract from coming back to the Commission

every couple of months due to their resignation. Mr. Friend requested for the Commission to approve the Russell County Complex Agreement for Seale for a 12 month period. The president will be a point of contact and his phone number will be listed as well as a list of Board Members. Commissioner Screws motioned to approve. Seconded by Commissioner Corbett. The vote was unanimous.

Administrator Horne request approval of Act 2017-120 new “ Back-To- School” holiday dates. The resolution for participation is due back to the State by June 21st, 2017. The sales tax holiday begins at midnight Friday, July 21 and ends at midnight on Sunday, July 23rd, 2017. Commissioner Corbett motioned to approve the participation resolution. Seconded by Commissioner Currington. The vote was unanimous

Administrator Horne requested approval for a budget transfer with the Maintenance budget as follows:

Maintenance 51970		
Decrease 001 51970 499	Other	\$4,000.00
Decrease 001 51970 541	Equipment & Furniture	\$4,000.00
Increase 001 51970 219	Other Misc Supplies	\$8,000.00
	Total	\$8,000.00

Commissioner Corbett motioned to approve the budget transfer. Seconded by Commissioner Currington. The vote was unanimous.

County Attorney Funderburk gave an update on Local Legislation. Legislation was drafted to repeal the gas tax; the ACCA came to the conclusion that the tax and rules that this was based on which was 10% of the tax that we received from the State was sent to City. That was after the State had already given half of the money to the City and the rest to the County. This legislation was withdrawn because it was found legislation that repealed the Act. It turns out that October 1, 2012 the Act paying the 10% was repealed. Therefore money paid after that time was paid by mistake and is no longer due. Essentially, he recommended not making any more payments to any municipality in Russell County from gas tax money that is sent to the County by the State, which includes Phenix City.

Recovering money paid by mistake, which is known as common law, because of action that has been in existence for years. Money paid by the state is approximately \$1,000,000 and the issue is whether to recover the money or not. You have to weigh that judiciary duty of whether to take steps to collect money paid by mistake. Mr. Funderburk is not recommending that the Commission take action today on collection of money paid in the past, although his recommendation to not pay anymore clearly leaves this open. By voting today the Commission is not ignoring or waiving anything. The Commission can waive anything, but Mr. Funderburk recommends that they do not take that action today on waiving.

Commissioner Lee motioned to approve the County Attorney's recommendations. Seconded by Commissioner Currington. The vote was unanimous.

Local legislation was written changing the law which gave the county's tourism money to the Chamber of Commerce. This was passed. Beginning October 1, 2017, the County will receive all of the tourism money and allowed to designate who and where the money will go. It will have to be tourism related, but it is the Commission's legislative authority to determine who is and what a tourist activity is. Mr. Funderburk will send a letter to the Chamber of Commerce informing them this legislation has passed if the Commission wishes.

Commissioner Corbett thanked our Legislative Representatives for working to get the local legislations passed this session. He stated that this has been the most productive legislation session that the county has had in a long time.

Commissioner Corbett motioned to send a letter to the Chamber of Commerce making it official that they will not receive the tourism money any longer, beginning October 1st, 2017. Seconded by Commissioner Lee. The vote was unanimous.

Attorney Funderburk recommended going into executive session and to include Mark Clark and Mik Cole in the session. Commissioner Corbett motioned to move into executive session and was seconded by Commissioner Currington. The vote was unanimous.

Announcements were made.

Carolyn Robinson provided a new hire and open positions report in each Commission packet.

The Commission returned from executive session. Commissioner Currington motioned to reconvene and was seconded by Commissioner Lee. The vote was unanimous.

Attorney Funderburk recommended the Commission approve \$12,000 to go toward sewerage for a project in the Ladonia area. There will be other elements to this project which will be brought back later. Mark Clark will let the Commission know when the funds are needed. Commissioner Lee motioned to approve and seconded by Commissioner Corbett. The vote was unanimous.

Commissioner Lee motioned to adjourn the meeting.

The meeting was adjourned.