

The Russell County Public Hearing  
6 Irvin Drive Land Abatement  
September 27<sup>th</sup>, 2017  
9:30 A.M. EDT

Chair Martin called the land abatement hearing for 6 Irvin Drive to order.

Dorothy Hurst, owner of the property addressed the Commission. She stated that the building located on the property is not unsafe and requested time to make repairs to the building and not to tear the building down. She also requested extra time to clean-up the property.

Commissioner Lee asked if the Commission has not already given her time to clean the property. He stated by the time a property comes to the Commission for abatement that she should have had ample time to take care of the property.

Mrs. Hurst stated there are 6 family members who own this property and she is the only one who had been contacted about the problem. Three of the others are not able to help due to illness; she has to speak for them.

Special Enforcement Officer Gary Leeds informed the Commission this has been an ongoing problem for a couple of years with the occupant, Mr. Snow, who has caused unrest through-out this neighborhood. Law enforcement and his family members are unable to keep him detained in order to get needed help for him. They feel if the building which is not suitable for habitation is left standing, the problem will continue.

Mrs. Hurst stated they have been trying to get help for Mr. Snow, but have not been successful. She will not be able to clean the property as long as Mr. Snow remains on the property.

Commissioner Lee asked Mr. Leeds why he thought the building should be removed. He stated Phenix City Building Inspectors has visited the property and deemed it unsuitable for habitation. The building is a metal storage building that does not have electricity, running water or even a bathroom. Mr. Snow has also damaged the building to the point it needs major repair and is unsafe.

Commissioner Lee stated that he did not want to demolish a building that the owner wants to repair and save. He asked if four weeks would hurt anything. The occupant will continue to live there and cause problems even after the building is repaired.

Mr. Leeds said they will honor an additional 30 day extension for it to be cleaned up. However, if it is not completed on the 31<sup>st</sup> day they will take action. There are 2 bids on the clean up now.

Mrs. Hurst asked if they could just come in and clean up the property and not demolish the building. There is nothing wrong with the building except the back is gone. The sides and top are fine.

Judge Harden says he has been dealing with Mr. Snow's case for over two years and someone needs to become his guardian; his hands are tied. This is not a safe environment.

Mrs. Hurst discussed her problem trying to get guardianship over Mr. Snow. She has had a delay with DHR.

Judge Harden stated he would speak to them to see if they could speed up the process.

Commissioner Reed agreed with Commissioner Lee to give 30 more days to take care of the problem.

Commissioner Lee stated that this subject will be brought up for a vote later in the meeting. If, the Commission does vote to extend the clean-up for 30 days, then she will not be able to just patch the back end of the building. If someone will be living there she will have to bring the building up to code. If Special Enforcement comes back to inform the Commission that the building was only patched and still uninhabitable, they would still have to ask for the building to be demolished.

Mrs. Hurst stated the building was never for Mr. Snow to live in and her family has tried to get him out, but has been unsuccessful. If they cannot get him back on medication, they are unable to do anything. They wanted to purchase a camper for him to live in, but it will be torn up if they cannot get help for Mr. Snow. She will do her best to get this taken care of within the 30 days.

Mr. Wilson, who lives in the neighborhood discussed the problems that have existed due to Mr. Snow and declared the problem will continue if the unsafe building is not torn down forcing Mr. Snow to move elsewhere.

Commissioner Lee stated there is a bigger problem here than tearing the building down. Something needs to be done to get Mr. Snow help. What Mr. Wilson is complaining about is Mr. Snow's behavior not necessarily the building and that is not a reason to get rid of a building, though it seems to be in disrepair. Even if the building is repaired it lacks things that would make it inhabitable.

Judge Harden informed that they have tried to apprehend Mr. Snow but he has escape routes and uses those to evade being detained. He agreed the building is the issue today.

Commissioner Lee stated there are buildings in the county that are not inhabitable and are used for other purposes, not torn down. Mr. Snow is using it to live in, but that is out of the Commission's legality. We tear buildings down, if they are a nuisance not that someone staying in it is a nuisance.

Chair Martin asked Judge Harden about his statement that if he is on drugs he can't be evaluated.

Judge Harden explained that if someone is on drugs and until they are off of the drugs they are unable to determine if the drugs are the issue or his mental issues. He will have to be someplace long enough to get drugs out of his system, before that can be decided. They have had Mr. Snow. He does have a history of mental issues, but he also has a history of drug abuse.

Chair Martin adjourned the Public Hearing.

The Russell County Commission  
Meeting Minutes  
September 27th, 2017  
9:50 A.M. EDT

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

The invocation was given by Reverend Ralph Wooten, Pastor of First United Methodist Church.

The Pledge of Allegiance was led by Commissioner Epps.

Public Comments:

Victor Feliciano discussed his company, "Vicinity Tours" which conducts tours in the Russell County, Phenix City and Columbus spotlighting historic sites.

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: Chair Peggy Martin, Commissioners Gentry Lee, Carl Currington, Ronnie Reed, Cattie Epps, and Chance Corbett. Vice Chair Larry Screws was absent. Also present was Attorney Robert Lane and Administrator LeAnn Horne who kept the minutes.

A quorum was established.

Chair Martin requested approval of the September 13<sup>th</sup>, 2017 Meeting Minutes. Commissioner Currington motioned to approve the minutes and were seconded by Commissioner Corbett. Commissioner Epps stated a correction should be made to the minutes which reflected the Proclamation for Corine Dixon Alexander was presented to Mrs. Alexander, but were presented to her daughter, Mrs. Lindsey. Administrator Horne noted the correction and polled the Commission. The vote was unanimous.

Chair Martin presented a proclamation to Rick Perry who is the last family member to own and operate Pat Perry's Hardware. Administrator Horne read the proclamation. The business that was established 109 years ago in the Town of Hurtsboro was recently

closed, sold and renamed. Commissioner Corbett motioned to approve. Seconded by Commissioner Currington. The vote was unanimous.

Commissioner Currington discussed organizations who submit appropriation requests to the Commission. He stated that they all are to include in their requests, financials before the Commission considers approving their appropriation. If those are not sent their request will be taken out and not considered. This includes all appropriations including the Fire Departments. Commissioner Lee stated that is Commission policy and it needs to be enforced. Commissioner Corbett agreed that should be done and the organization should not just send a letter, they should attend the budget meeting to explain what their agency is for and what they provide as well as provide agency financials.

Commissioner Lee noticed an item that was approved at Monday nights was taken off the agenda. The Sports Complex Contract, which he motioned to be added back to today's agenda and to amend the contract by removing the name of Michael Cox and replace that with League President. Seconded by Commissioner Reed. The vote was unanimous. Administrator Horne stated that Mr. Bill Friend had requested it to be removed; that he was not going to be present.

Fort Benning Advertisement Stephen King made a presentation at Monday night's work session. He was not present at today's meeting, but Mik Cole presented a reconstructed add for review. Commissioner Lee motioned to approve the advertisement provided funds are available. Seconded by Commissioner Currington. Commissioner Corbett requested for the next add to include more information such as their Facebook pages and websites. Administrator Horne polled the Commission, the vote was unanimous. Administrator Horne stated that the payment for the ad will come out of the Contingent Fund.

Commissioner Reed stated that Leroy Davis would like to serve on the Wiregrass RC&D Board and motioned to approve his appointment to the board. Seconded by Commissioner Currington. The vote was unanimous.

Commissioner Epps is the other appointment for the Wiregrass RC&D and announced she feels that as a Commissioner should also be on the board. Her appointment to the Board is at term and she will step down for another Commissioner to serve on the board. Board meetings are quarterly and usually fall on Commission Meeting days. Commissioner Epps explained that Wiregrass is a good agency for grants for small projects.

Commissioner Corbett explained that after meeting at Wiregrass he has always gotten reports about what was going on and felt that it would not be necessary for the other appointment be from the Commission body.

The Board's service to the ten counties focus on land conservation and water management, community development and innovation. The object is to meet needs within the community through service leadership and building relationships.

Commissioner Corbett stated that is Commissioner Epps wants to be reappointed that is fine, but since there is a conflict with the meeting schedules and would like to be replaced then he requested to table this appointment until the next Commission Meeting.

Commissioner Epps felt that Mr. Davis will be a good appointment for Wiregrass.

Commissioner Lee stated that a county employee may make appointment to the board as well. They could get paid their regular pay for attending the meetings.

The motion is on the floor to table until the next meeting. The vote was unanimous.

County Engineer Shawn Blakeney presented an updated Dirt Road Policy for approval. The policy addresses the right-of-way issues. This last statement in the policy is if Engineering cannot acquire the right away and the Engineer cannot get eighteen feet with the existing shoulders with the existing right-of-way, He can bring it to the Commission and they can vote whether or not to pave the dirt road as is. If the Commission approves the road to be paved, as is, then the liability is off me. Mr. Blakeney said there was a need to have a uniform policy on paving the dirt roads. . Commissioner Lee motioned to approve the Dirt Road Policy. Seconded by Commissioner Corbett. The vote was unanimous.

Mr. Blakeney also submitted an update for Driveway Permits, the last update was in 2001-2002 which require the citizen to purchase the pipe for the driveway installation and if they want the County to install the driveway it is \$200. Mr. Blakeney would like to increase the fee for the driveway installation to \$300. The increased amount will cover the material cost used for installation of the driveway. Commissioner Epps motioned to approve and was seconded by Commissioner Lee. The vote was unanimous.

The annual S & W Contracts were presented. Commissioner Lee motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

Special Enforcement Officer Gary Leeds reminded that September 13<sup>th</sup>, the Commission declared property at 6 Irvin Drive to be a public nuisance. The public hearing was held prior to today's meeting. At this time, he requests that the County Commission declare the property a public nuisance and order of the abatement by removal of the said nuisance. Mr. Leeds stated that he and Mr. Friend are in agreement to give Mrs. Dorothy Hurst an additional 30 days to have everything including vehicles and the building removed from this parcel. On the 31<sup>st</sup> day if it is not done a contractor will proceed with the clean-up and a lien will be posted against this property. Once the lien has been posted it must be paid in full before paying the property tax for this parcel. Mr. Leeds stated he has two estimates for the clean-up for the parcel.

Commissioner Lee: You said removal. So you are not giving her the option for repair to make it not a nuisance?

Mr. Leeds: No, we are not.

Commissioner Reed: Can you give her the opportunity to fix the building.

Commissioner Lee: The problem we heard this morning was about someone who appears to have a mental problem and not much about a problem with the building.

Mr. Leeds: We can, if that building could be brought up to code. The problem with the building is the resident of the building has extension cords among extension cords hooked up until the power was cut off. If the metal building could be brought up to code and Mr. Friend or I would not have any problem with that building staying there. Until the problem with the resident is taken care of, this will be an ongoing problem with the residents in and around 6 Irvin Drive.

Commissioner Lee: What if the building met the code of a storage or shed, not for someone to live in?

Mr. Leeds: That would be fine.

Commissioner Lee: If someone lives in this building then the property owner is subject to a violation for letting someone live in it. There is not a question about cleaning up the property. The question is tearing down a building that could be nothing wrong with it for use as a storage shed. I don't think the nuisance law gives the Commission the authority to tear down a building because someone is living in it that isn't supposed to.

Attorney Robert Lane stated; what is happening here is we are dealing with an individual who has mental and substance issues who is creating a nuisance. The building itself is not a dwelling or built to be lived in. It cannot be torn down if it qualifies as a storage building. He understood that they would like to eliminate the problem of him living there, but you cannot do that by demolishing the building.

Commissioner Lee acknowledged that the nuisance law is narrow and only gives the Commission the ability to do certain things. It deals mostly with buildings that are used for inhabitants, but are not safe for that. Those can be torn down. This building was never for habitation. He would like to honor their recommendation, but did not want to put the Commission in a legal bind by doing something that they do not have the authority to do.

If the building is falling down and is a danger and someone could be injured by the building falling down that would be a nuisance. The Commission needs to give the property owner 30 days to correct the problem with the building, not to bring it up to code for someone to live in it.

Commissioner Epps made a motion to accept the recommendation of Mr. Leeds of giving the land owners 30 days to improve and take care of the business that we have requested to be taken care of, and then we will go from there.

Commissioner Lee: That is not what Mr. Leeds asked. I asked and he said that it be demolished by the owner or we would demolish it in 30 days. He stated the owners need to be allowed to repair the building and after 30 days then if it is not repaired we demolish it.

Mr. Leeds gave his recommendation again as he stated at the beginning. Commissioner Epps' motion died for lack of a second. Discussion continued.

Commissioner Lee motioned to give the property owners 30 days to correct the problem and bring this back to the Commission. Seconded by Commissioner Reed. The vote was unanimous.

Administrator announced the Courthouse will be closed October 9<sup>th</sup> for Columbus Day and American Indian Heritage Day, the scheduled work session will be cancelled and the Commission will go into the Regular Commission Meeting on Wednesday.

Attorney Robert Lane discussed the Lodging Tax beginning October 1, 2017 will come directly to the Commission instead of to the Chamber of Commerce. There has been question if there might be some accountability to any remaining funds. Most everyone agrees there will be no remaining funds based on recent verbal reports. If the Commission was interested in trying to communicate with Chamber by letter to see if there are any outstanding contracts, where they are spending the money, or of the balance in checking accounts, or who is responsible for the remaining funds or not; obtain general accounting information so the Commission can have a general understanding of what has been obligated with the lodging tax. Commission took no action.

Personnel Director Carolyn Robinson has placed a report of new hires and open positions in the Commission Packets.

Announcements were made.

Commissioner Corbett congratulated Commissioner Epps on her nomination to the National Association of Counties Human Services and Education Committee.

Commissioner Lee motioned to adjourn the meeting.

The meeting was adjourned.