

The Russell County Commission
Meeting Minutes
September 28th, 2016
9:30 A.M. EDT

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

The invocation was given by Reverend Brady Baird, pastor Summerville United Methodist Church.

The Pledge of Allegiance was led by Commissioner Reed.

Public Comments:

Hurtsboro Mayor Vivian Covington thanked the Commission for their help paving County Road 49. She gave a special thanks to Commissioner Screws for meeting with their council and to Mr. Cooper from ALDOT. Mayor Covington also requested that the Sheriff contract be extended and updated.

Chair Martin thanked Cable T.V. of East Alabama and the Citizen News for covering the Commission Meeting for the citizens of Russell County. 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 Attorney Kenneth Funderburk and County Administrator LeAnn Horne, who kept the minutes.

A quorum was established.

Chair Martin announced that the Russell County Commission was featured in The County Commissioner magazine for Crawford Park /Historic Tuckabatchee Masonic Lodge. Also Commissioner Corbett was elected to the Regional ACCA Legislative Committee. Commissioner Lee and Pugh were honored for their years served as Commissioners.

Chair Martin requested a motion to approve the minutes of the September 14th, 2016 meeting. Commissioner Corbett motioned to approve the meeting minutes and was seconded by Commissioner Epps. The vote was unanimous.

Commissioner Corbett motioned to approve a proclamation for Union Grove Missionary Baptist Church's 156 Year Celebration. Seconded by Commissioner Lee. The vote was unanimous.

Commissioner Pugh discussed the Coulter Building which has been used by the county as a storage building. Troy State University wishes to expand and has shown interest in

the building. He requested for the County Attorney to review a Memorandum of Understanding in order to pass the building on at the next meeting to Troy State for development and betterment of the community. Commissioner Pugh motioned to allow the County Attorney to look over Troy State's Memorandum of Understanding, be prepared at the next work session to discuss it and based on the input of the Commissioners, draw up, if this Commission so desires, to pass this building on to Troy. Seconded by Commissioner Lee.

Chair Martin asked to hear the County Attorney's opinion.

Attorney Funderburk: Legally you cannot do what you have set out to do with the Memorandum of Understanding. The Commission does not have the authority to give away county property. As I understand, the project was brought to Troy. Because it was brought to them, they looked at it. They reported it will take \$1.3 - \$1.5 million to improve the building. For that reason, they want essentially a deed that was unrestricted. He explained to Troy that cannot be done. You cannot give the property without restrictions.

Commissioner Pugh: That is why I want it researched and the Commission to discuss it. Then I recommend we sale that building to Troy for \$1.00.

Attorney Funderburk: You can't do that without following the law.

Commissioner Pugh: We will figure it out.

Commissioner Lee: In the past, the Commission has transferred county property to State Institutions, just by a transfer. I don't know if the law has changed or not. I'm talking about property to a school system.

Attorney Funderburk: I can tell you, you can't do it without restrictions. If you sell it you have a problem. The procedure is set out by law. You can put restrictions; but as I understand they are not going to take the property that way.

Commissioner Corbett: What are the restrictions?

Attorney Funderburk: There can be a Right of Reversion clause; otherwise all the other restrictions that you have dealt with previously; time limits in which to implement their plans such as improving the building and investing money. The same as you did with the City of Phenix City. If they don't do the project and don't use it as Troy's property and keep it within that system for public use; then, it would revert back to the county. They have done that and there is nothing new in that concept, except for some reason this time they decided against that. You can give them a 100 year lease which they can borrow money on. There are many ways of doing it, but just giving it to them, you can't do it. You can't just give a county asset to them; without some restrictions.

Commissioner Reed: I am sick of one Commissioner going out and soliciting trying to give county property away. His job isn't to give property away it is to protect the county assets. In fact, I'm getting ready to file ethics charges against this Commissioner. Also the City is still interested in that building. I talked to Mayor Lowe last night. They are interested in that building.

Commissioner Pugh: I would like to inform the Commissioner making negative remarks that I was authorized by this Commission to see if I could make this building useful and bring that back to this committee. I have been working on that diligently, even with the City. I came back to the Commission with other interest and would keep pursuing that. So, he can file charges all day.

Commissioner Reed: I didn't call names.

Commissioner Lee: Commissioner Reed there is no basis for that. Commissioner Pugh brought it before the Commission. He has not given property away on his own; that is what you are insinuating. Any Commissioner can go out and talk to someone and bring it before the Commission.

Commissioner Pugh: I would like to ask the Attorney, if he would place the conversation that he put before this table in writing to me, I would like a copy of that so I could have a second opinion on it.

Attorney Funderburk: It is on the record and is recorded.

Commissioner Epps: As it was said the other night, we pay the Attorney for the work that he does. So if we want him to do further research, I think we should go ahead and vote on it. Let him get that done and bring it back to the Commission. He needs to put in writing let him do that. I don't think we should sit here and argue over the fact and throw stones at each other. We are here to take care of the County's business.

Attorney Funderburk: Based on what I was told, Troy does not want the building with restrictions and you can't do that. I will be glad to research it, but I understand the Commission wants to give them the building without restrictions.

Commissioner Lee: With minimum restrictions. One of the restrictions is the County wants credit for donating the building in the form of a plaque. The other was, but may be a little bit strong as a revision; we will want in the agreement intent of Troy University to use the building for Troy's purposes in perpetuity.

Attorney Funderburk: That is useless in my opinion.

Commissioner Lee: I know but then it would give us something. Then, if that happened it would not be us. It would stop Troy from raising any money, if they didn't hold to that intent.

Attorney Funderburk: Really, it would not. You want something to control it where the Commission know what happens then use language that will do that.

Commissioner Lee: The motion that I seconded was made by Commissioner Pugh, to authorize the Attorney to draw up a Memorandum of Understanding that could be put into a deed. I think that is still valid. Troy may not accept it or we may not accept it. I think that is still a valid motion.

Commissioner Corbett: What I don't want to see is this County Commission sink a lot of money into this building and give it away to someone else, because that has been discussed at this table already. Different organizations, the board of education, other departments and now the City is interested. I don't want to sink a bunch of money into it, but I am tired of riding across the 13th Street Bridge and seeing a building that looks out of place in an area that is starting to flourish and looking better. So we need to do something. Troy has stepped up and said that they are interested in it. Let's get the options of what we can do to sell the property, or long term lease it, whatever those options are to bring back to the table, so we have them. Troy may call us tomorrow and say we don't want to do it anymore. We still need those options at the table for us so we do not have this conversation. There is nothing more unprofessional than for us to sit at this table and talk about options and options in front of the public when we should already know those options.

Attorney Funderburk: I agree with that. I will do my best to get it. I do agree it should include the options and you chose what you options are placed in the deed.

Administrator Horne polled the Commission. District 1(Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, yes; District 6(Corbett) voted, yes ; District 7(Screws) voted, yes. 6 yes votes and 1 no vote: the motion passed

Sheriff Heath Taylor presented a request to let bids for vehicle that were approved in the 2016-2017 budget. Commissioner Corbett motioned to approve to send out bid requests by October 1st. Seconded by Commissioner Lee. The bid opening will be scheduled for October 13th at 3:00 EST. The vote was unanimous.

Administrator Horne stated that at the previous Commission Meeting the 2016-2017 Budget was approved. In that 2016/2017 budget contained the figures for employee salaries. The salary schedule was distributed at Monday night's work session. She proposed, if it is this Commission's pleasure, to adopt the salary schedule presented to you for the 2016-2017 schedules that includes salary adjustments and a 3% adjustment for regular permanent employees. Commissioner Lee motioned to approve and was seconded by Commissioner Epps. The vote was unanimous.

The House Authority request was removed from the agenda at the work session. At the work session, the Commission requested Attorney Funderburk is to prepare a response to their request.

Administrator Horne informed the Commission and public that October 10th is a state holiday. That falls on a work session day, therefore we will go directly into the regular Commission meeting on Wednesday, October 12th, unless the Commission decides otherwise.

Attorney Funderburk recommended going into executive session to discuss economic development. Commissioner Screws motioned to move into executive session. Seconded by Commissioner Corbett. The vote was unanimous.

Announcements were made before the Commission convened.

There was no action taken after the executive session. Commissioner Pugh motioned to adjourn the meeting. Seconded by Commissioner Lee.

The meeting was adjourned.