

Russell County Commission
Russell County Commission Chambers
Meeting Minutes January 26, 2022
9:30 A.M. EST

An adjourned meeting of the Russell County Commission was called to order by Chairman Chance Corbett.

The invocation was given by Mr. David Ellis .

Commissioner Reed led the Pledge of Allegiance.

PUBLIC COMMENTS:

Judge Alford Harden spoke about the Probate office needing space. He reported that they will be out of space in 10 to 14 months and asked the Commission to consider more space allocation. He said everything they do is supposed to be housed here in the courthouse, and not offsite, because they would be in violation of Alabama Law. Chairman Corbett stated that he's sure the Commissioners will get in touch with him and try to take a tour to see his needs.

Mr. Gary Leeds updated the Commission on the Fallen Officer Memorial. He thanked everyone for all the contributions and stated that they went over their goal for the monument. Next Monday they should start to build, and they anticipate in 6 weeks it will be done. He said that the dedication ceremony will be held at the courthouse on a Saturday morning. As soon as he gets the target date, they will send it out.

Chairman Corbett thanked BEAM Cable TV and The Citizen of East Alabama for covering our meetings and stated that our meetings are on Facebook Live for our citizens unable to attend. He welcomed our elected officials, department heads, media, and guests.

Chairman Corbett stated that the agenda was approved at Monday night's work session on January 24, 2022.

County Administrator Paulette Colbert called roll of the Commission. Member's present were Commissioner Ronnie Reed, Commissioner Larry Screws, Commissioner Cattie Epps, Commissioner Rod Costello, Commissioner Gentry Lee Commissioner Scott Chambers, and Chairman Chance Corbett. Also present was Interim County Attorney Hope Hicks and County Administrator Paulette Colbert who kept the minutes.

A quorum was established by County Administrator Paulette Colbert.

APPROVAL OF MINUTES:

Chairman Corbett asked for approval of the minutes of January 12, 2022, Commission meeting. Commissioner Costello motioned to approve minutes. Seconded by Commissioner Chambers. All Commissioners were in favor by saying aye. Commissioner Lee abstained. Motion to approve the minutes was passed.

PROCLAMATIONS AND RESOLUTIONS:

No proclamations and resolutions were made.

DISCUSSION ITEMS:

No discussion items were made.

BUSINESS ITEMS:

Chairman Corbett recognized Enforcement Officer Bill Friend who presented a property abatement located at 14 Giles Road in Phenix City, Alabama. Mr. Friend reported the public nuisance case was opened back on May 24th, 2021, and the property owners were both sent certified mail the same day. They received and signed for it on June 2nd, 2021, and after 60-days, nothing was done. He then contacted the county attorney, and a certified letter was sent from the county attorney on August 27th, 2021 and was signed at the post office on September 3rd, 2021. While he was setting it up to present to the Commission on October 25th, 2021, he ran into the second property owner listed on the property and she said she'd like to clean it up but since it's in both of their names, she would not do it. Only if it was just in her name. Mr. Friend said they gave her time to get with an attorney to see if she could have the paperwork done that way, and she said she could not so he explained that he would have to bring it in front of the County Commission. Mr. Friend then asked the Commission, by resolution to declare the property to be a public nuisance and order the abatement of the nuisance. He also requested at this time that a public hearing be scheduled for 9:30 am on February 9, 2022. He said that district Commissioner is Commissioner Chambers, and he is aware of the nuisance. Chairman Corbett stated that County Attorney Hope Hicks has mentioned that she's reviewed it and asked if she has any issues that they need to be aware of. Ms. Hicks said that there are no issues, and that Mr. Friend has done everything he can do to work with the landowner. Motion to approve Enforcement Officer Bill Friend's request by Commissioner Epps. Seconded by Commissioner Chambers. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

Chairman Corbett presented the Sanitation Director position that was postponed from last meeting. Commissioner Lee motioned to hire Mr. Howard Dudley as the new Sanitation Director. Seconded by Commissioner Chambers. Commissioner Screws asked if they are voting on both applicants. Chairman Corbett stated that they can do it either way but since there's a motion on the floor, we are going to have to act on the motion. Commissioner Lee stated that if the motion is not approved, then another one could be made. Chairman Corbett discussed that there was a good search committee working on this and had four people that interviewed. It was narrowed down to two people and his results of his vote today will be based on pure experience and knowledge of the county. He said they both are very quality people and would do the county a very good job. County Administrator Paulette Colbert polled the Commission as follows: Commissioner Ronnie Reed, no; Commissioner Larry Screws, no; Commissioner Cattie Epps, no; Commissioner Rod Costello, yes; Commissioner Gentry Lee, yes; Commissioner Scott Chambers, yes; and Chairman Chance Corbett, yes. Motion passed 4 to 3. Chairman Corbett asked HR Director Max Herring to reach out to Mr. Dudley and inform him of the decision that was made today and of the budgeted salary for this position and see if he is interested and

accepts the position, and please report back. Also, since he's currently employed, please see what type of notice he's going to need to work and when he would want to report to the position. Mr. Herring agreed.

Chairman Corbett recognized Sheriff Taylor as he presented the liquor license application. Sheriff Taylor presented the liquor license application for Whiskey Barrell Sports Bar & Grill at 5 The Lane, Phenix City, Alabama in Crawford. He said they have done their due diligence on this application, as they always do in reference to speaking to people in the community, as well as making sure that their application was in order. At this time, Sheriff Taylor recommends the Commission issue the liquor license. Chairman Corbett stated that this is in his district. Commissioner Costello motioned to approve. Seconded by Commissioner Chambers. Chairman Corbett mentioned that the owners are in the meeting today and he appreciates them coming, and he's had an opportunity to tour, and he thinks it's going to be a very good addition to our county and the community. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

COUNTY ENGINEER:

County Engineer Shawn Blakeney requested to allow the Chair to sign the lease-purchase agreement with Leasing 2, Inc. for the purchase of two 2022 Kenworth Dump trucks in the amount of \$193,591.00 each that was budgeted. Motion to approve by Commissioner Costello. Seconded by Commissioner Chambers. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously. See below:

EXHIBIT A

RESOLUTION OF GOVERNING BODY EXTRACT OF MINUTES

LESSEE: Legal Entity Name

At a duly called meeting of the governing body of Lessee held on the 26 day of January, 2022, the following resolution was introduced and adopted.

WHEREAS, the governing body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described in the Lease-Purchase Agreement by and between Lessee and Leasing 2, Inc., and has further determined that the Equipment will be used solely for essential governmental functions and not for private business use.

WHEREAS, Lessee has taken the necessary steps, including, without limitation to compliance with legal bidding requirements, under applicable law to arrange for the acquisition of such Equipment.

BE IT RESOLVED, by the governing body of Lessee that the terms of said Lease-Purchase Agreement and Escrow Agreement, if applicable, are in the best interest of Lessee for the acquisition of such Equipment, and the governing body of Lessee designates and confirms the following person to execute and deliver, the Lease-Purchase Agreement and Escrow Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease-Purchase Agreement and Escrow Agreement.

County Engineer Shawn Blakeney presented the resolution for Owens Road and McClendon Road. He said this is to initiate paperwork to allow them to start drawing and designing the plans. The projects are # RCP 57-003-22 and # RCP 57-002-22. These both require all the Commissioners to sign. See below resolutions:

RESOLUTION

COUNTY OF RUSSELL
STATE OF ALABAMA

PROJECT NUMBER: RCP 57-003-22

WHEREAS, THE County Commission of Russell County, Alabama, is desirous of improving by contract sections of various roads included in Russell County road system and described as follows:

Resurface and Traffic Stripe County Road 18 (Owens Road) from County Road 38 (Patterson Road) to County Road 56 (McLendon Road) (0.496 miles)

WHEREAS, the County agrees to all of the provisions of the County-Wide agreement executed between the State and the County covering preliminary engineering by State Forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project,

NOW, THEREFORE, BE IT RESOLVED that the Russell County Commission authorizes the County Highway Department to prepare the required plans and specifications and to proceed with the requirements of the Alabama Department of Transportation necessary to accomplish the work.

RESOLUTION

COUNTY OF RUSSELL
STATE OF ALABAMA

PROJECT NUMBER: RCP 57-002-22

WHEREAS, THE County Commission of Russell County, Alabama, is desirous of improving by contract sections of various roads included in Russell County road system and described as follows:

Resurface and Traffic Stripe County Road 56 (McLendon Road) from County Road 18 (Owens Road) to County Road 18 (Owens Road) (1.884 miles)

WHEREAS, the County agrees to all of the provisions of the County-Wide agreement executed between the State and the County covering preliminary engineering by State Forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project,

NOW, THEREFORE, BE IT RESOLVED that the Russell County Commission authorizes the County Highway Department to prepare the required plans and specifications and to proceed with the requirements of the Alabama Department of Transportation necessary to accomplish the work.

Motion to accept the resolutions recommendations by Commissioner Epps. Seconded by Commissioner Costello. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

County Engineer Shawn Blakeney presented the Sanitation Department's business item for the Landfill Disposal agreement with the Salem Landfill for a two-year period from January 2022 to December 2023 and they have agreed to it. The price increase from last year (last year was a one-year agreement) went from \$21.23 to \$24.45 per ton. But, as normal, they do a 2% or 3% increase every year, but this year, they wouldn't do an actual increase. He said they'll go by the Consumer Price Index for next year to see what the increase will be, because with everything going on now, they're just not locking in at 2% or 3% anymore. He said this is his annual contract with them to dispose of our garbage and this is the best cost savings. Motion to approve by Commissioner Chambers and

seconded by Commissioner Lee. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

ADMINISTRATOR:

County Administrator Paulette Colbert presented the appointment of authorized representatives for PBA Revenue Warrant Series 2017. She said to receive reimbursements for expenditures for the old Post Office building authorized representatives need to be named for the Russell County Public Building Authority Revenue Warrant Series 2017. She said the prior representatives are no longer with the County. The Chairman and the County Administrator was originally appointed for this. Commissioner Lee asked if it said "Chairman", or did it name a person? He said before it named a person because the Chairman could change. Mrs. Colbert agreed and said it was the person that was the Chairman at the time that was named. Commissioner Lee moved that they name County Administrator Paulette Colbert and Commissioner Chance Corbett to these positions, and they would serve even if you were not the Administrator or he's not on the Commission, they'll still serve that position. Seconded by Commissioner Chambers. Commissioner Screws asked if this means they will still serve if they are not on the Commission or working, they will still serve? Commissioner Lee agreed and said the Commission can change it, but the problem is that you may have a period of time that you wouldn't have anybody on the board because the previous people were not on the Commission at all. Commissioner Screws stated that he didn't know how they could serve and they're not on the Commission or employed by the county. Mrs. Colbert stated that the previous names were the Chairman of the Commission at the time, and the County Administrator at the time. Commissioner Lee asked who was on that board before then or does she have the information on hand? Mrs. Colbert said these are representatives for signing for the reimbursement for the expenditures out of that account. Commissioner Lee agreed. Commissioner Screws stated that he feels it needs to be an employee or an official of the county, in the sense of a commissioner, or an employee at the time. Chairman Lee withdrew his current motion. County Attorney Hope Hicks stated that the Commission could make a motion that Chairman Chance Corbett, as long as he serves in that position, and Administrator Paulette Colbert, as long as she's serving in that position. She continued to say that if either of them leaves their positions, the positions will be reappointed by the Commission. Moved by Commissioner Costello and seconded by Commissioner Chambers. Commissioner Epps asked if it could also be worded as rotating? Ms. Hicks stated that she hasn't looked at this document but if it has to be a named person, then you can't do it rotating. Ms. Hicks suggested Mrs. Colbert keep a list of what the Chairman has been appointed to, and a year from now if you have a new Chairman, then all of those issues could be brought before the Commission to reappoint who the new member Chairperson is to those positions. Chairman Corbett mentioned to Mrs. Colbert that this can be added to the new board nominations the Commission has to appoint. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

County Administrator Paulette Colbert presented the (MOU) Memorandum of Understanding Amendment (CDBG). She said the Community Foundation and United Way of the Chattahoochee Valley requested to amend the Memorandum of Understanding (MOU) with the County Commission for administering some of the community

development block grant funds. It currently dissolves on February 1, 2022, and they asked to extend it to March 31, 2022. To do this, the below Memorandum of Understanding Amendment signed by the Chairman and all the parties affected would need to be approved. See below MOU.

Memorandum of Understanding Amendment

This document amends Section VI. "Terms of Understanding" as contained in the Memorandum of Understanding (MOU) between Russell County, AL, Community Foundation of the Chattahoochee Valley, Inc. (CFCV), United Way of the Chattahoochee Valley, Inc. (UWCV) and other community partners, signed September 8, 2021.

Section VI. Subsection A. will now read as follows:

The initial term of this MOU will begin when all parties have signed the agreement and will be dissolved March 31, 2022. To the extent that the Russell County Commission has not be fully reimbursed for funds it distributed to CFCV and/or the RCCRF, this MOU will continue until those funds are paid to the Russell County Commission. CFCV and UWCV agree to have all documentation pertaining to rent assistance, food assistance, and healthcare services to Russell County by April 30, 2022. The MOU may be further extended depended on all parties' agreement.

The signing of this Amendment is a formal undertaking. It implies that the signatories acknowledge and agree to all parts of the MOU, signed September 8, 2021, remain unchanged and are still in effect, except for Section VI. Subsection A., the contents of which are explicitly stated above.

Motion to approve by Commissioner Screws and seconded by Commissioner Costello. Commissioner Screws asked if the parties involved are on back. She agreed that they are on the back, and she also included in the Commissioners' binders the original MOU that's between United Way of the Chattahoochee Valley and the Community Foundation of the Chattahoochee Valley and the Russell County Commission. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

County Administrator Paulette Colbert presented the Coronavirus Rescue Act Fund approved expenditures and amounts paid to date report that she was requested to provide to the Commission each month. It was contained in their binders for their referencing.

COUNTY ATTORNEY:

County Attorney Hope Hicks spoke about the signing of checks and the order of it that was brought up in Monday night's work session and the Commission asked Mrs. Colbert to look and see if any written procedure could be found. Ms. Hicks stated that there were things from 100 years ago that talk about the Chairman's signing, and then at that point, all of the Commissioners didn't have signature cards to be able to sign. She said that a year ago, the Chairman sent an email to Mrs. Colbert and to all the Commissioners stating that his thought was to let the Chairman sign first and then to let Mrs. Colbert call on any other Commissioner, as needed, if the Chairman was unavailable. Ms. Hicks stated that she thinks the staff just needs some direction. If the Commission wants the Chairman to sign first and if the Chair is unavailable, the staff calls and ask people to come in, that's fine. If the Commission wants it to be Chairman and Vice-Chairman, and then the rest of the Commissioners called if there's a specific order that they want. Ms. Hicks said that she

thinks the staff needs some direction and that really needs to come from the Commission. Commissioner Lee moved to continue with the policy that was established 100 years ago, that the Chair signs all checks and if the Chair is unavailable, then the staff can call the next available signature person whether it's a commissioner, or whoever it may be in the future. Seconded by Commissioner Costello. Commissioner Screws verified that they said the staff can sign the checks? Commissioner Lee stated Mrs. Colbert is on the staff or if they put a staff on the signature card. Motion was made that the Chair will sign checks, if the Chair is unavailable, then any other person that is authorized to sign on the Commission, can be called into sign. Commissioner Epps spoke about the 100 years ago phrase, and many things have changed, so the wording might need to be changed. Commissioner Reed said that he thinks Commissioner Lee needs to amend the motion because he wasn't born 100 years ago. Commissioner Lee said that it might have been 110 or 100 years ago, and he is not changing his motion. Commissioner Epps asked to clarify who is supposed to sign the checks. Chairman Corbett summarized that the motion was, just like when Commissioner Epps and others were the Chair, that the Chairman signs the checks and the only thing they are changing is that all the Commissioners were added this last year to be able to sign checks, so if the Chair is unavailable, Mrs. Colbert or her staff will call other Commissioners, or anyone authorized, to come in and sign the checks. There was discussion about signature cards and Chairman Corbett said it was requested, right after he became Chair, if the other Commissioners could get on the signature card and he said absolutely and that they are all Commissioners, and he didn't see any problem with it. He said that the Chair has always signed the checks, but we are just reaffirming it in a policy today. Commissioner Lee explained what happened before because he was actually involved at the time when it happened. He said that when you change Chairman and the Chairman retires and is no longer a commissioner, then you don't have anybody to sign the checks and that's why we passed the resolution to put all Commissioners on the card. That only happens seldom, and it did happen a year and a half ago when Ms. Martin was the Chair and was on the signature and she retired, and he was the only one on there and he was out of town, so they didn't have anybody to sign checks. That's why they added everybody. Commissioner Epps discussed more about it. After the discussion, all Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

County Attorney Hope Hicks spoke about working with Revenue Commission Naomi Elliott where she had a situation where a landowner got behind on their taxes and she appropriately held a tax sale, and someone bought the property. Before the three-year time to redeem the property expired, the landowner filed bankruptcy and included this in his bankruptcy. Ms. Hicks said it's sort of led to some very complicated issues with state law saying the three years has now passed and it's time to redeem the property and give the deed to the person who purchased it at the tax sale, but bankruptcy laws and federal laws would take precedence over state laws and that bankruptcy gives five-year protection. She says she's worked with Mrs. Elliott, and she has done an amazing job of trying to help her figure this out but she's not a bankruptcy attorney and so before they get too far down a path and this gets done wrong, and the person that got behind on their taxes and now has bankruptcy protection and files a suit that it's not being done right by him, or the person who bought the property at the tax sale says he's supposed to have this deed by now, Ms. Hicks asked the Commission permissioned to consult with and hire

David Hughes with the law firm of Capell & Howard in Montgomery. She said he is a business and bankruptcy attorney, and he represents creditors in front of the bankruptcy court. She's talked to him about this matter to see if this would be something that he would be able to handle for us, and he says he would. She asked that we hire David Hughes to represent the county and give Mrs. Elliott the advice she needs in this matter. Motioned by Commissioner Screws and seconded to Commissioner Epps. Chairman Corbett stated that after he spoke with Ms. Hicks yesterday, that he agrees in hiring the right person, and this may prevent a lawsuit down the road. Commissioner Lee asked where he was located. Ms. Hicks stated that Attorney Hughes is out of town, but there shouldn't be any reason to have any in-person, he can talk with Mrs. Elliott over the phone, and they can email. She said the bankruptcy court, as of right now, is not holding any sort of hearing in person and it will all be done virtually. Commissioner Lee questioned if there was a local attorney that specializes in bankruptcy. Ms. Hicks said there are clearly bankruptcy attorneys here in Phenix City but hiring a bankruptcy attorney that represents people filing bankruptcy, and hiring one that represent creditors, is a very different type of bankruptcy attorney. She said you are really looking for a business corporate attorney and she does not know of one in Phenix City. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

COMMISSIONER DISCUSSION:

Commissioner Screws said that the Treasury Department has given out its final rule on the rescue money, and he asked for Mrs. Colbert to make the Commissioners a copy of it so they can read it and have it for themselves, so they'll know what they are voting on. Chairman Corbett said that he's spoken to the attorney a few times on this. Attorney Hicks says there are 457 pages, but the summary version is 44 pages that was sent to Commissioner Screws. He then requested the summary version of 44 pages to be provided to the Commissioners.

Commissioner Lee asked that the Sanitation Committee look over the information that was passed out in the work session Monday night to see if there's any possible way to apply for the state money. Chairman Corbett stated they didn't have the meeting this month because Goodwin Mills and Cawood's representative was not present to report on the study for Highway 165 but will be next month. Chairman Corbett has asked Commissioner Epps to sit in on a preliminary meeting with Mr. Wheeler to talk about what they've found so they'll make sure that gets to their desk, as well. Commissioner Epps asked for Mr. Victor Cross to sit in on the meeting since he's in on it too. They agreed.

ANNOUNCEMENTS:

- Ft. Mitchell Pioneer Day on April 9, 2022
- Crawford Market Days: Coming in April - November on the 3rd Saturdays
- COVID-19 Vaccine Booster Shot Clinic: January 29, 2022
at the Greater Peace & Goodwill AME Church on 130 Brown Rd, Crawford, AL
- Freddy Long Presentation on Unveiling of Road Signs (in his memory)
Scheduled for Saturday, February 5th at 10 am, across from Russell County High School

Motion to adjourn by Commissioner Lee seconded by Commissioner Costello .

Meeting was adjourned.