

**PUBLIC HEARING FOR  
ABATE for Partial Dwelling: 804 Gunsmoke Trail, Phenix City, Alabama  
September 27, 2023**

A Russell County Commission public hearing was called to order by Chair Rod Costello for a property abatement for partial dwelling public nuisance at 804 Gunsmoke Trail, Phenix City, Alabama, presented by Enforcement Bill Friend.

**PUBLIC COMMENTS**

There were no public comments made.

Motion to close the public hearing by Commissioner Corbett; seconded by Commissioner Chambers. All Commissioners were in favor and said aye. None opposed. Motion carried to adjourn the public hearing.

**PUBLIC HEARING FOR  
ABATE Nuisance Complaint: 42 Davis Circle (Road), Phenix City, Alabama  
September 27, 2023**

A Russell County Commission public hearing was called to order by Chair Rod Costello for an abate nuisance complaint at 42 Davis Circle (Road), Phenix City, Alabama, presented by Enforcement Bill Friend.

Commissioner Chambers stated that he has spoken to Ms. Linda Allen, who owns the property, and she said they would clean it up. He motioned to postpone this abatement 30 days for them to clean it up. Seconded by Commissioner Lee. All Commissioners were in favor and said aye. None opposed. Motion carried to postpone the abatement.

**PUBLIC COMMENTS**

There were no public comments made.

Motion to close the public hearing by Commissioner Corbett; seconded by Commissioner Screws. All Commissioners were in favor and said aye. None opposed. Motion carried to adjourn the public hearing.

**Russell County Commission  
Russell County Commission Chambers  
Meeting Minutes September 27, 2023  
9:30 A.M. EST**

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

The invocation was given by Pastor Alice Hubbard with True Believers Ministry.

Commissioner Reed led the Pledge of Allegiance.

**PUBLIC COMMENTS:**

Mr. Harry Williams from AED Advocacy spoke about the 3rd annual health and wellness fair coming to the Crawford trail park on Saturday, October 14<sup>th</sup>, from 10 AM to 2 PM, free admission and open to the public.

Chair Costello thanked the Commission's IT department for broadcasting the meeting on Facebook live for the public, and The Citizen of East Alabama for covering the meeting. He welcomed the elected officials, department heads, media, and guests.

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

A quorum was established by the County Administrator Paulette Colbert.

Chair Costello stated the agenda was approved in the work session on Monday, September 25, 2023.

**APPROVAL OF MINUTES:**

Chair Costello requested approval of the minutes from Commission meeting on September 13, 2023. Commissioner Corbett moved; seconded by Commissioner Reed. All Commissioners were in favor and said aye. Commissioner Screws abstained. Motion carried to approve the minutes.

**PROCLAMATIONS, RESOLUTIONS AND PRESENTATIONS:**

There were no proclamations, resolutions, or presentations presented.

**DISCUSSION ITEMS:**

There were no discussion items.

**BUSINESS ITEMS:**

Chairman Costello recognized Special Enforcement Officer Bill Friend who requested an abatement for partial dwelling and overgrowth, a public nuisance at 804 Gunsmoke Trail, Phenix City, Alabama, from the public hearing that was presented this morning. Commissioner Chambers moved to approve the abatement. Seconded by Commissioner Corbett. All Commissioners were in favor and said aye. None opposed. Motion carried.

Chairman Costello recognized Commissioner Corbett who presented the electronic meetings policy. He stated that the Attorney brought this to us and yielded to her for comment. Attorney Hope Hicks shared information from Alabama code 3625a-5 to allow commissioners to be able to attend meetings, either by telephone or by Zoom, if they are sick. She stated that this is not for if you are on vacation or decide not to come in. It is only if you are sick. She stated they would be able to hear everything that is going on and make it so that the public could hear the commissioner's comments as well. If by phone, they would not be seen, but their voice would be heard. She stated that the Commission has the ability to authorize one or both of these methods. Commissioner Corbett moved to approve the below meeting resolution and policy. Seconded by Commissioner Reed. Attorney Hicks restated to send a notification by telephone call or by email only. Administrator Paulette Colbert called vote of the Commission as follows: District 1: Commissioner Lee, yes; District 5: Commissioner Epps, yes; District 6: Commissioner Corbett, yes; District 2: Commissioner Chambers, yes; District 4: Commissioner Reed, yes; District 7: Commissioner Screws, yes; and District 3: Chairman Costello, yes. The motion passed. Attorney Hicks stated this will take 45 days before it can be implemented. She also stated that this vote allows the chair to sign the resolution that was based on the language the ACCA has provided.

**Resolution Opting Into  
Electronic Meeting Participation**

WHEREAS, during the 2022 Regular Session of the Alabama Legislature, Act 2022-421 was enacted and codified in § 36-25A-5.2, Code of Alabama 1975, to authorize a county commission to allow a member who is physically absent due to illness to participate electronically in a meeting of the county commission, provided that a quorum of members are physically present at the meeting location; and

WHEREAS, the Russell County Commission believes it is in the public's interest to allow members of the County Commission who are ill to participate electronically in meetings when a quorum is physically present as authorized by this new law; and

WHEREAS, the new law requires a county commission to adopt an Electronic Meetings Policy at least 45 days before the first meeting at which the electronic means of communication is used; and

WHEREAS, the new law requires the Electronic Meetings Policy to detail the communications equipment and procedures to be used, how the public may access the meeting, and how voting will be conducted; and

WHEREAS, based upon the foregoing, the Russell County Commission has developed an Electronic Meetings Policy, which is attached to this resolution;

THEREFORE BE IT RESOLVED BY THE RUSSELL COUNTY COMMISSION that it does hereby authorize members who are absent due to illness to participate electronically in meetings of the County Commission pursuant to Act 2022-421 and the attached Electronic Meetings Policy.

BE IT FURTHER RESOLVED that copies of this resolution and the attached Electronic Meetings Policy be posted in a conspicuous location in the courthouse, published on the County Commission's website, and forwarded to all local news media who have on file with the County Commission a written request for notification of the schedule of regular meetings of the County Commission.

## Electronic Meetings Policy

### I. Scope of Rules.

- A. Pursuant to Ala. Code § 36-25A-5.2, the following Electronic Meetings Policy was duly adopted by the Russell County Commission on the 27th day of September, 2023, and shall govern the conduct of the meetings of the County Commission beginning no sooner than 45 days after adoption.
- B. This Electronic Meetings Policy may be amended by affirmative vote of a majority of the members of the Commission. However, such changes to the Electronic Meetings Policy shall not take effect for at least 45 days after the vote making such changes.
- C. This Electronic Meetings Policy shall be read in conjunction with the County Commission's other policies pertaining to the Alabama Open Meetings Act, Ala. Code § 36-25A-5.

### II. Communications Equipment and Procedures.

- A. **Communications Equipment.** "Communications equipment" means any tools, devices, hardware, software, or other things necessary to facilitate communication among meeting participants who are in different physical locations and that allows all participants to hear one another at the same time.  
To allow a member who is ill to participate electronically in a meeting, the County Commission will use one of the following options:
  - A conference phone with a dial-in number, microphone(s), a set of speakers, and any other necessary teleconferencing communications equipment. The member who is ill will receive the dial-in number in advance to facilitate his or her participation in the meeting. At the physical meeting location, there will be (1) a microphone that allows members who are physically present at the meeting location to speak to the member who is participating electronically, and (2) a set of speakers that allows those who are physically present at the meeting location to hear the member who is participating electronically.
  - A computer or laptop utilizing video-conferencing software, microphone(s), a webcam, a set of speakers, and any other necessary video-conferencing equipment. The member who is ill will receive a dial-in number or web link in advance of the meeting to facilitate his or her participation in the meeting. To the extent possible, the webcam will be situated in the physical meeting location in such a way that the physically present members may be seen by the member who is participating remotely. A microphone will be set up to allow members who are physically present to speak to the member who is participating electronically.
- B. **Member Unable to Be Physically Present Due to Illness.** If a member of the County Commission is unable to be physically present at a meeting of the County Commission due to illness, and he or she wishes to participate electronically in the meeting, then the member shall provide written notice to the Chairman and the County Administrator at least two hours before the meeting. If the member who is unable to be physically present at the meeting is the Chairman, then the Chairman shall provide written notice to the County Administrator at least three hours before the meeting. An email is sufficient for written notice under this Electronic Meetings Policy.
- C. **Quorum Required.** A member who is unable to be physically present due to illness may only participate electronically in a meeting if a quorum of the County Commission is physically present at the meeting location.
- D. **Testing the Communications Equipment.** Immediately before the commencement of a meeting at which a member participates through electronic means, the communications equipment shall be tested to verify: (1) All participants will be able to hear one another at the same time, and (2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
- E. **Participation by Electronic Means.** Consistent with Ala. Code § 36-25A-5.2, participation by electronic means shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.
- F. **Roll Call Voting.** Any vote taken at a meeting utilizing the communications equipment described in this Electronic Meetings Policy shall be taken as a roll call vote that allows each member to vote individually in a manner audible to all persons participating or present.

- G. **Recordkeeping.** Documentation of the member's request to participate electronically due to illness shall be kept by the County Commission for recordkeeping purposes. Additionally, the following information shall be noted in the meeting minutes for a meeting in which there is participation by electronic means:
- i. The communications equipment was tested immediately before the meeting for sufficient compliance with these requirements: (1) All participants will be able to hear one another at the same time, and (2) Interested members of the public who are present at the physical meeting location will be able to hear those who are participating electronically in the meeting.
  - ii. The names of the members who were physically present at the meeting location.
  - iii. Whether a quorum of members was physically present at the meeting location.
  - iv. The names of the member or members who participated electronically in the meeting due to illness and that the member or members who participated electronically were absent due to illness.
- H. **Expense Reimbursement.** A member participating electronically in a meeting may not claim any form of reimbursement for expenses related to that meeting, including mileage.

### III. Public Access.

- A. **Meetings Open to the Public.** All regular meetings of the County Commission shall be open to the public as required by the Alabama Open Meetings Act.
- B. **Accessibility.** All regular meetings of the County Commission will be conducted in a building that is open to the public. At this physical location of the meeting, all members of the public shall be able to hear all persons who are participating electronically in the meeting.

Chairman Costello recognized EMA Director David Martin who presented the request for the chairman to sign the FY2023 Federal EMPG Cooperative Agreement grant for \$47,482 that is used to go into the EMA Department operating budget. Commissioner Corbett moved to approve the chair to sign the document. Seconded by Commissioner Chambers. All Commissioners were in favor and said aye. None opposed. Motion carried.

Chairman Costello recognized County Administrator Paulette Colbert who presented the request to designate the 2023 Mardi Gras floating holiday. She requested it to be observed on Tuesday, December 26<sup>th</sup>, the day after Christmas. Commissioner Corbett moved to accept the request. Seconded by Commissioner Screws. All Commissioners were in favor and said aye. None opposed. Motion carried.

#### **COUNTY ENGINEER:**

The County Engineer had nothing to present.

#### **SANITATION:**

Sanitation Director Ward Dudley stated that garbage will not be picked up on Monday, October 9<sup>th</sup>, on the Columbus Day holiday, but it will be picked up Tuesday, October 10<sup>th</sup>, with the normal Tuesday pickups.

#### **ECONOMIC DEVELOPMENT:**

The Economic Development Director had nothing to present.

#### **ADMINISTRATOR:**

The County Administrator had nothing to present in this area.

**CORONAVIRUS RESCUE ACT FUND:**

County Administrator Paulette Colbert presented the request to pay an invoice from Hecht Burdeshaw, Inc. for the COVID supply storage building in the amount of \$571.00 from the Coronavirus Rescue Act Fund. Motion to approve by Commissioner Lee; Seconded by Commissioner Corbett. Administrator Paulette Colbert called vote of the Commission as follows: District 1: Commissioner Lee, yes; District 5: Commissioner Epps, yes; District 6: Commissioner Corbett, yes; District 2: Commissioner Chambers, yes; District 4: Commissioner Reed, yes; District 7: Commissioner Screws, yes; and District 3: Chairman Costello, yes. The motion passed.

County Administrator Paulette Colbert presented the request to pay an invoice from Hosey-Lancour Construction for the Russell County Sheriff's Covid Supply storage building in the amount of \$168,249.54 from the Coronavirus Rescue Act Fund. Motion to approve by Commissioner Screws; Seconded by Commissioner Corbett. Administrator Paulette Colbert called vote of the Commission as follows: District 1: Commissioner Lee, yes; District 5: Commissioner Epps, yes; District 6: Commissioner Corbett, yes; District 2: Commissioner Chambers, yes; District 4: Commissioner Reed, yes; District 7: Commissioner Screws, yes; and District 3: Chairman Costello, yes. The motion passed.

County Administrator Paulette Colbert presented the request to pay an invoice from Ball-Ball Mathews, and Novak for services rendered and expense incurred in the amount of \$112.50 from the Coronavirus Rescue Act Fund. Motion to approve by Commissioner Screws; Seconded by Commissioner Epps. Administrator Paulette Colbert called vote of the Commission as follows: District 1: Commissioner Lee, yes; District 5: Commissioner Epps, yes; District 6: Commissioner Corbett, yes; District 2: Commissioner Chambers, yes; District 4: Commissioner Reed, yes; District 7: Commissioner Screws, yes; and District 3: Chairman Costello, yes. The motion passed.

**ATTORNEY:**

Attorney Hope Hicks presented the limited self-governance law that would allow the public who live in the unincorporated areas of the county to vote on the limited self-governance act. If this is passed by the referendum, it would allow the county commission to adopt ordinances and rules dealing with safety issues for health matters. It would include the abatement of weeds, animal control, and yard noises (these types of things). If the commission wishes to exercise these powers, they will need to adopt a resolution calling for the Referendum on Health and Safety Powers. See below resolution she presented:

**Resolution Calling for Referendum on Health and Safety Powers**

WHEREAS, "The Alabama Limited Self-Governance Act" (Ala. Code §11-3A-1 *et seq.*) authorizes the county commission to exercise certain health and safety powers in the unincorporated areas of the county upon passage of a local referendum in which the qualified voters in the unincorporated areas of the county approved the exercise of these powers by the county commission; and

WHEREAS, a local referendum may be called by the county commission upon a resolution adopted by a majority of its members, with such referendum to be held in conjunction with a primary, general, or special election held for another purpose; and

WHEREAS, if the Limited Self-Governance Act is approved by a majority of the qualified electors in the unincorporated areas of the county at a local referendum on the question, the county commission will be authorized to adopt ordinances on health and safety issues related to the abatement of weeds, the control of animals, the control of litter, the control of junkyards, and the abatement of noise nuisances, unsanitary sewage, or pollution set out above; and

WHEREAS, the Russell County Commission believes that it is in the best interests of the county that a local referendum be held on the question of whether the health and safety powers authorized in Ala. Code § 11-3A-1 *et seq.* should be available to the County Commission to address some or all of the important health and safety issues set out in the Act; and

WHEREAS, the Russell County Commission desires to grant its citizens in the unincorporated areas of the county an opportunity to vote on whether to grant the county commission the authority to address these health and safety concerns within the unincorporated areas of the county; and

WHEREAS, based upon the foregoing, the Russell County Commission has adopted this resolution calling for a local referendum on this issue by a majority of the county commission; now therefore

BE IT RESOLVED BY THE RUSSELL COUNTY COMMISSION, that it does hereby call for a local referendum to be held on the question of whether the health and safety powers authorized in Ala. Code § 11-3A-1 et seq. shall be effective in Russell County, with such referendum to be held during the election on November 5, 2024.

BE IT FURTHER RESOLVED that copies of this resolution be immediately forwarded to the judge of probate and sheriff's office with instructions to include this local referendum on the ballot for the election to be held on November 5, 2024.

IN WITNESS WHEREOF, the Russell County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 27 day of September, 2023.

Attorney Hope Hicks stated that the commission would adopt this to go on the general election ballot on November 5, 2024, also giving the Probate Judge plenty of notice, along with ballot language. Commissioner Corbett moved to approve the resolution, allow it to be signed by the chair, and proceed with having this limited self-governance put on the general election ballot for November 5, 2024. Seconded by Commissioner Reed. Commissioner Corbett stated that in 2014, this actually passed, but unfortunately it was on the county-wide ballots, but it actually did pass and was asked to bring this back at a later time, and it's been 11 years now. Administrator Paulette Colbert called vote of the Commission as follows: District 1: Commissioner Lee, yes; District 5: Commissioner Epps, yes; District 6: Commissioner Corbett, yes; District 2: Commissioner Chambers, yes; District 4: Commissioner Reed, yes; District 7: Commissioner Screws, yes; and District 3: Chairman Costello, yes. The motion passed.

#### **COMMISSIONER DISCUSSION:**

Commissioner Costello recognized Judge Harden who suggested informing the public with town meetings about the details of limited-self-governance when it is added to the November 2024 voting ballot.

Commissioner Epps shared updated information for the upcoming Fort Mitchell Senior Center yard sale to add to the Ft. Mitchell Visitor Center sign.

Commissioner Screws gave an update on the Pittsview school clean-up and it should be completed in another month.

Commissioner Corbett shared that updates are coming soon to the county retiree health insurance for new hires moving forward, not for current employees.

#### **ANNOUNCEMENTS:**

Announcements were made.

There being no further business, Commissioner Screws moved to adjourn the meeting; Commissioner Epps seconded. All Commissioners were in favor and said aye. None opposed. The meeting was adjourned.