

MINUTES OF THE HOUSTON COUNTY COMMISSION
REGULAR SESSION
October 26, 2020

PRESENT: Chairman Mark Culver, Commissioner Curtis Harvey, Commissioner Doug Sinuefield, Commissioner Ricky Herring, Commissioner Brandon Shoupe, County Engineer Barkley Kirkland and County Attorney Pres Register.

Chairman Culver welcomed everyone to the October 26th, 2020, Houston County Commission Meeting and called the 10:00 a.m. meeting to order. He declared a quorum as all commissioners were in attendance.

The invocation was given by Commissioner Herring and Commissioner Shoupe led in the pledge of allegiance.

The minutes of the previous meeting were approved on a motion by Commissioner Sinuefield and seconded by Commissioner Herring. The motion passed unanimously.

ANNOUNCEMENTS AND COMMENTS FROM THE CHAIRMAN AND COMMISSIONERS

Chairman Culver began by calling EMA Director Chris Judah to the podium to update everyone on the current weather situation with Hurricane Zeta. Director Judah began by reporting that at this time it is still a tropical storm but will develop to a hurricane by tomorrow and that it is moving in the same track as the previous two hurricanes have and moving towards the west. He continued by stating that he receives his information from the National Weather Service and the Hurricane Preparedness Center and that our area should start receiving some heavy rain, thunderstorms, and possibly some severe weather, by Wednesday evening. He reported that it should stay west of our area but, just like the previous hurricanes, we could see damages as our area received over a million dollars worth of damage to infrastructure alone and those storms were west of us as well. Director Judah encouraged everyone to monitor the weather and tune in to local television and radio for weather updates. Chairman Culver noted that this seems to be the year of the never ending tropical storms and Director Judah stated that there are still several storms brewing. Chairman Culver also encouraged all citizens to monitor the weather situation and to be safe on the roads if they have to be out and to follow the EMA and the Houston County Commission social media pages for updates and alerts. Director Judah also asked people not to drive through standing water as they have had two swift water rescues during Hurricane Sally as they chose to drive through water.

Chairman Culver reported the general election will be held a week from tomorrow and he encouraged everyone to get out and vote and he is in hopes that, on a local level, he asks for everyone to vote favorably on the EMS tag referendum. He stated that on the ballot it states “Do you support referendum” and gives the Act number. Chairman Culver said this is the referendum that will impose a fee on tag purchases to support local emergency medical services. He added that there will be a press conference on Wednesday at 10:00 a.m. at the Safety Center with local public officials to show their support for this important item.

AWARDS AND PRESENTATIONS

1. Proclamation – “Red Ribbon Week” – Judy Guiler, Executive Director, Dothan-Houston County Substance Abuse Partnership and Austin Miller, Youth Council Member

Commissioner Sinquefield made a motion to approve the proclamation and Commissioner Harvey seconded. The motion carried unanimously. Chairman Culver read the proclamation and presented it to Ms. Guiler. He thanked Ms. Guiler for coming and for her many years of service. Ms. Guiler thanked the commission for their support and reported that in 1985 DEA Agent KiKi Camarena was tortured and killed in Mexico and his family wanted to do something to honor him so they started wearing a small red ribbon and this gesture has grown into the largest drug abusive prevention campaign in the nation. She continued by stating that the mission statement at the “Partnership” is to promote drug prevention to the students and to the community and that “Red Ribbon Week” is actually “Red Ribbon Year” to the Partnership as they work 365 days a year. Ms. Guiler commended Jessica Mobley for her work and encouraged everyone to follow their social media pages. She added that with COVID-19, the education world is a little different and they have been Zooming classes with the local students. Unfortunately, the numbers have been climbing as alcohol sales have increased by 54% since March and statistically that affects youth usage as when it is in the home, it is available to the youth. Ms. Guiler then introduced Austin Miller, who is a junior at Wicksburg High School and is an avid contributor to youth council podcast, FTI, which stands for “For Teens Information”. Mr. Miller is also a member of the “Teen Talk” television show which is put on monthly by the Partnership.

Mr. Miller began by thanking the Commission for allowing him to speak. He stated that as a member of the 334 Prevention Project Youth Council for almost three years that he has learned so much from helping other organizations, as a volunteer to the dangers of drugs and vaping. He reported that there are too many people in this generation that are dying from their choice of vaping and drugs and that is one reason he became a youth council member. Mr. Miller stated that he was already against drugs and vaping but, at 334 Prevention Project, he learned

how to speak to his peers about their addiction and hopefully be the person to help them. He encouraged all students to join the youth council to speak up against tobacco and illegal drug use and be "Drug Free".

Chairman Culver thanked them for being present today and that the Commission appreciated all they are doing.

REGULAR AGENDA

1. Request to approve purchase of vehicle for IT Department – Danny Cumbie, IT Director

Commissioner Shoupe made a motion to approve the request to purchase a vehicle for the IT Department. Commissioner Herring seconded. Chairman Culver stated that this is a budgeted item and is off the state bid. When called for vote, the motion carried unanimously.

2. Request to authorize the Chairman to negotiate and enter into a service agreement contract with Trane, Inc., for preventative maintenance on Trane air conditioning equipment – Sean Curtis, County Buildings Maintenance Mgr.

Commissioner Sinuefield made a motion to approve the request and Commissioner Harvey seconded. Chairman Culver stated that this service agreement will be on all Trane Equipment and is a budgeted item. The motion carried unanimously.

3. Request to approve reimbursement to Dothan-Houston County EMA from Emergency Management Performance Grants – Chris Judah, EMA Director

Commissioner Shoupe made a motion to approve the reimbursement and Commissioner Herring seconded. Chairman Culver stated that this is a normally and customary reimbursement grant. The motion carried unanimously.

4. Request to approve CARES Act Funding reimbursement to Dothan-Houston County EMA in the amount of \$35,000 – Chris Judah, EMA Director

Commissioner Sinuefield made a motion to approve the reimbursement and Commissioner Herring seconded. Chairman Culver stated that this item was discussed on Thursday and it will provide things to assist others in the community. The motion carried unanimously.

5. Request to approve lease for the temporary use of a portion of the Farm Center parking area – Peter Covert, Chief Administrative Officer

Commissioner Shoupe made a motion to approve and Commissioner Sinuefield seconded. Commissioner Shoupe asked if this lease agreement has been agreed upon and Chairman Culver stated that verbally the Chief Administrative Officer and the FedEx Representative have been communicating. When called for the vote, the motion carried unanimously.

6. Request to approve the purchase of a new backhoe (\$97,989) and a new excavator (\$260,291) in place of the previously budgeted excavator with saw head (\$358,280)

Commissioner Herring made a motion to approve the purchase and Commissioner Sinuefield seconded. Chairman Culver stated that this is basically a wash as they are swapping the purchase of equipment that can be used now versus the purchase of equipment that may not be used for a while. The motion carried unanimously.

7. Request to sell the following items on GovDeals: 2004 Ford Explorer and 2006 Chevrolet Impala LT

Commissioner Herring made a motion to approve the request to sell the items on GovDeals and Commissioner Shoupe seconded. The motion passed unanimously.

STAFF REPORTS:

County Engineer –Closed Roads: S. Park, Middleton, Gin, Gilmore, Gene Terry, Coot Adams, Cecil Varnum, Johnny Ingram, Ben Ivey and Silcox. Report on FEMA projects; there are 35 sites and 15 have been completed so far.

County Attorney – No report

Commissioner Sinuefield thanked Engineer Kirkland and the Road and Bridge Department as they are spread out thin and a lot of work to be done. He added that he is glad to see a lot of FEMA projects getting started and is in hopes they can get done soon.

Commissioner Shoupe asked the County Attorney about the local preference on county bids. He asked that, if under current rules, to qualify as a local preference on a county bided project, the bidder needs a locally issued business license and is that the only requirement they have to meet to be considered a local bidder. Attorney Pres Register responded that the local preference is for competitively bid items and the law says that the county, as the issuer of the bid, can set out to local preferences owned. If they make no determination prior to the bid,

then it is the side of the bidding agent, which is the county. Mr. Register continued that the determination is not whether someone has their "home base" within the county, but whether or not they have a business that has a business license in the county. Commissioner Shoupe asked if they have to have a place of business and a business license or do they just have to have a business license. Mr. Register answered that they need to have both, a place of business and a business license in the county. Commissioner Shoupe asked that, under the current rules, would both companies qualify for a local preference if, for instance, a Cowarts owned company have been in business for ten years and they have a county issued business license and they have twenty employees and on the other hand a Birmingham based company has a city of Dothan business license, but no county license, and they make occasional deliveries to Houston County and they have one local employee, are they still a local business. Mr. Register confirmed that is correct. The last question Commissioner Shoupe asked if the Commission has any latitude to award bids based on local preference based on which company would be "more" local is that possible. Mr. Register answered that the local preference is not something that the county has to use, but it is a choice of how much to use it. He added that what is defined as a local business is determined by the law and if you are going to use local preference you have to include everyone that is in local preference. Commissioner Shoupe then asked that if, under that scenario, then the Cowarts owned company versus the Birmingham company, they are both considered local businesses so the commission cannot legally award it to company "A" if they are a little bit higher. Mr. Register stated the determination would be who is the lowest responsible bidder meeting specs and the determination would then, on the local preference on itself, would allow up to 5% difference in lowest and if there is no difference in terms of who would be a local vendor, then the 5% would no longer be there. Chairman Culver stated that the commission does not need to be arbitrary with any bid or that could land the county/commission in court. Commissioner Shoupe responded that arbitrary to his use of it is that the commission not base it on evidence, just make the determination that it is a local business. Mr. Register stated that the law has made the determination for them and the Attorney General's opinion has set out what is a local preference.

Meeting adjourned.