

MINUTES OF THE HOUSTON COUNTY COMMISSION
MAY 9, 2011

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Siquefield, Commissioner Jackie Battles, Commissioner Phillip L. Forrester, Gary Sherrer, County Attorney, Mark Pool, County Engineer, and William J Dempsey, Chief Administrative Officer

ABSENT: None

Chairman Mark S. Culver called the 10:00 A.M. meeting to order, declared a quorum present, and welcomed everyone to the meeting. Rev. Rudy Heintzelman, Executive Pastor, First United Methodist Church, gave the invocation. Commissioner Harvey led in the Pledge of Allegiance.

Commissioner Battles approved the minutes of the last meeting. Commissioner Forrester seconded; and the motion carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

The Chairman announced the third Annual Elected Officials and Media Softball Game would be held on Saturday, May 21st, at 10:00 A.M., at Colby Field. He reported this event helps raise food for the Wiregrass Area Food Bank. He encouraged everyone to please attend and admission would be a can of food or any kind of non-perishable item.

Chairman Culver reported on Thursday, the commission talked about the potential for a drug card program for our area. He stated the reason it was addressed was to get some feedback and he asked anyone who was in attendance and the media to help get the word out. Chairman Culver pointed out before the commission addressed it in two weeks they wanted input from the citizens.

The chairman reported he received a memo regarding the congressional redistricting public hearings. He stated this is a result of the latest census figures. Chairman Culver reported the state legislature would be taking off for the next two weeks to hold public hearings to get public input. He stated Houston County residents would have to drive 100 miles to the nearest hearing. The chairman stated the hearings are going to be in Huntsville, Birmingham, Montgomery, Selma, and Mobile. The chairman reported Linda McGhee had copies for the media to be picked up after the meeting. Chairman Culver reported this is very important and he hoped people would take the time to attend these meetings. He reported the commission is working on redistricting and hopefully will have something in the next month or two to bring forward for public input. He pointed out these meetings would be held in Houston County.

Chairman Culver reported Mr. Clark Matthews, EMA Director, and Mr. Steve Carlisle had been in Tuscaloosa for the last 8 days manning their EMA office. He asked Mr. Matthews to come forward and give an update. Mr. Matthews reported they had been to Cullman and back to Dothan and then back to Tuscaloosa. He stated the Governor, through the EMA Office, asked them to take a management task force to Tuscaloosa. Mr. Matthews reported the Emergency Operations Center collapsed during the tornado and all of the staff was able to get out unharmed but they needed to check on their families and

property. He stated he and Mr. Carlisle along with two Dothan firefighters went to assess what was needed and planned to draw from Dothan. He pointed out when they got there, they had a lot of good people around and they assembled them and started working. He reported these people had not had any food, water and ice and that was their first priority.

He reported words did not describe the devastation from this tornado which was 6,000 feet and over 100 miles long in Tuscaloosa County and the surrounding area. He reported there was nothing standing that was in its path. Mr. Matthews reported they stood up three warehouses—one for the volunteers, the Salvation Army and Red Cross, and one for the distribution of commodities. He stated he felt they accomplished a lot, and there were a lot of good people who worked very hard. Mr. Matthews pointed out there was mass confusion to begin with, but when he left, people were doing a lot of amazing things. He reported on Wednesday morning, he asked if they had any volunteers and he was told they had 23,500 people who had registered to come to Tuscaloosa to work. Mr. Matthews stated their recovery was going to be a long ordeal, and he encouraged everyone to standby because they would need some help when the volunteers go home. He reported our area as well as all across the state and nation had answered the call for assistance. He stated they have had a lot of class training, but they gained a lot of knowledge firsthand they brought back, and he felt if our area is ever faced with this type situation, it would help our community. Mr. Matthews reported he had a map showing the tornado paths. Chairman Culver reported the commission appreciated Mr. Matthews' expertise and help in getting them focused and doing the right things. He stated the Sheriff has had Homeland Security people to go, and the Road and Bridge Department is ready to go when they are needed. The chairman reported when these type things happen all counties help each other.

Awards and Presentations

Proclamation – “National Police Week” – Sheriff Andy Hughes

Chairman Culver asked Sheriff Andy Hughes to come forward. Commissioner Harvey made a motion to approve the Proclamation declaring May 15-21, 2011 as “National Police Week.” Commissioner Sinquefield seconded the motion, and it carried unanimously. Chairman Culver then read the Proclamation and presented it to Sheriff Hughes, and thanked him and his staff for the service they provide to all citizens. Sheriff Hughes thanked Chairman Culver and the Commission. He stated he always wants to be sure that the citizens of Houston County know what type individuals they have out working for them on a daily basis. He reported the men and women of the Sheriff's Department do a tremendous job. The Sheriff pointed out the proclamation referred to deeds and heroic efforts and a lot of the deeds often go without public notice. He reported these men and women face danger on a daily basis and whenever they leave home they never know if they are going to come back at the end of their shift. Sheriff Hughes reported there had been a record number of law enforcement killed in the line of duty this year. The sheriff recognized some Houston County deputies who gave the ultimate sacrifice throughout the years as follows:

November 27, 1915 - Deputy Grady Granger

August 17, 1916 – Deputy Sheriff Lucius Alvin North

December 14, 1969 – Deputy Sheriff Investigator Garvous Snellgrove

October 12, 1980 – Deputy Sheriff Lt. Fred McClain

The sheriff asked the members of the North, Snellgrove, and McClain families to stand. He personally thanked each one of them for the sacrifice their family member made to keep the citizens of Houston County safe.

Sheriff Hughes reported the sacrifices the law enforcement officers make on a daily basis; some of them have gone above and beyond the call of duty in assisting with the tornado damage in north Alabama. He pointed out the Houston County Sheriff's Department is the coordinating team for Homeland Security for the 10 counties in southeast Alabama. He reported a couple of days after the tornadoes occurred, they deployed a team of ten Houston County deputies and some other deputies and law enforcement officers from the Dothan Police Department and other surrounding agencies in a ten county region to Limestone County for four to five days. He stated they returned on a Sunday afternoon and on Tuesday morning they called back and a team left out on Wednesday morning and got back at the end of last week. The sheriff reported he received a call on Saturday and they wanted the team to come back on that day if possible because of a lot of lawlessness going on in these areas. He stated another team was deployed earlier in the day for Hackleburg, which is one of the hardest hit areas in the state. The sheriff reported he was grateful to send the help instead of our county having to ask for the help. Chairman Culver reported our area had been so blessed from these disasters, and anytime some other part of the state needs assistance the county will send it because we do not know when our county might need it.

Proclamation – “National Corrections Officers Week” – Sheriff Andy Hughes

Commissioner Harvey made a motion to approve the Proclamation declaring May 1st -7th as “National Corrections Officers Week.” Commissioner Battles seconded the motion; and it carried unanimously. Chairman Culver then read the Proclamation and presented it to Sheriff Hughes. Chairman Culver reported he thought it only fitting that the corrections officers are recognized. He pointed out as the proclamation states these people have an extremely difficult job and this commission appreciates the job they do. The chairman reported the commission appreciates the judges lowering the number in the jail because it eases the corrections officers job to a certain extent. Sheriff Hughes reported the corrections officers do not get the publicity the other law enforcement officers receive. He stated the deputy corrections officers are just as important because all the bad people that the law enforcement officers arrest go to prison and by law, the Sheriff gets to house all the felons in the county jail. Sheriff Hughes reported the corrections officers are shut up with these prisoners on a daily basis and they almost feel like they are in jail themselves. He then asked for a round of applause for the corrections officers present. The sheriff stated he appreciated the commission for recognizing the law enforcement officers and corrections officers and asked that they be kept in everyone's thoughts and prayers.

Proclamation - “Relay for Life Days” – Mrs. Sarah Hesters, Community Promotions – Houston County Relay for Life

Due to the absence of Mrs. Hesters, Chairman Culver asked if anyone wanted to come and represent the Relay for Life Team? He reported he was on the team, and he stated he would represent them. Commissioner Battles made a motion to approve the Proclamation declaring May 9th-13th as "Relay for Life Days." Commissioner Sinquefield seconded the motion; and it carried unanimously. The chairman then read the Proclamation. He reported he did not think there was anyone in attendance that had not been touched by family, friends, or others by cancer. The chairman stated to him it is the scariest disease that individuals face because there is no cure for most of it and you never know when it is coming. He stated the county started a Relay for Life team a couple of years ago, and the event has become near and dear to our employees. The chairman reported our team has done a good job and they will be out there and he encouraged everyone to go out to the Farm Center Friday night, May 13th, and participate.

Regular Agenda

1. Request to approve appropriation to the Houston County Law Library to assist in funding of court Reporter position.

Chairman Culver reported the commission had been asked by Judge Binford to table this item temporarily. Commissioner Sinquefield made a motion to table this item. Commissioner Battles seconded the motion. Chairman Culver called for the question; and it carried unanimously.

2. Request to adopt Resolution granting request petitioned by the Houston County Healthcare Authority.

Commissioner Forrester made a motion to adopt the Resolution granting the request petitioned by the Houston County Healthcare Authority. Commissioner Harvey seconded the motion. Chairman Culver stated he would like to mention a couple of things as there had been a lot of discussion in various forms in the community. He reported there is no Home Rule in the State of Alabama, and the county commission has no authority to raise any taxes without going through the Alabama Legislature or other legislatively empowered taxes. He then read the following three things from the Resolution:

"the citizens of Houston County pursuant to Amendment 72 of the Alabama Constitution of 1901, by an election called and held on July 19, 1949, authorized the levy of the Special Tax for public hospital purposes at the rate of **four (4) mills**"

"after many years of collecting the Special Tax at the rate of four mills, the Health Care Authority in the early 1980's determined that the rate thereof could be reduced temporarily to one mill without adversely affecting the efficient operation of the health care facilities in the County; accordingly, the rate of the Special Tax was temporarily reduced to one mill, **subject to future adjustment as the needs of the Health Care Authority required**"

"the Supreme Court of Alabama ... held that the constitutional amendment, providing for the levy of a special tax for public hospital purposes, **is mandatory in respect to levying the tax**, when authorized by the electorate of the county"

The chairman stated the commission has no choice but to do what they are doing. He stated the discussion about the county raising taxes from a procedural aspect that the commission is levying a tax because they have no authority to raise taxes. He reported in this case, the commission is simply doing what they are mandated by law to do. The chairman stated this commission would not be taking any steps that are outside the bounds of the law. The chairman asked for comments. There being none, he called for the question; and the motion carried unanimously. (Please see in Resolution Book)

3. Request to contract with PolyEngineering, Inc. for purposes of increasing capacity at the Houston County Industrial Park sewage treatment plant subject to agreement with the Alabama Department of Transportation.

Commissioner Harvey made a motion to approve the request to contract with PolyEngineering, Inc. for purposes of increasing capacity at the Houston County Industrial Park sewage treatment plant subject to agreement with the Alabama Department of Transportation. Commissioner Forrester seconded the motion. Chairman Culver reported as noted Thursday, this is to provide sewer service to the Alabama Rest Area on Highway #231 South by connecting to the county's treatment facility at the Houston County Distribution Park. He stated the county was approving a contract for the county's portion which is at the treatment plant to begin the process. The chairman pointed out the county will not incur any cost or move forward until hopefully in two weeks the commission approves the contract with the Alabama Department of Transportation. Commissioner Battles asked if there were any dimensions of the expansion? Chairman Culver asked Mr. James Brannon, PolyEngineering, to come forward. Mr. Brannon stated the tank they were adding was about a 10 ½ foot in diameter. He stated the formal plans have not been prepared because they did not want the county to incur any cost until they have a contract for the reimbursement of the cost. Mr. Brannon stated it would not take long to get the plans prepared. The chairman reported he felt the county's approval in advance of the contract with PolyEngineering would show the county's commitment to the Alabama Department of Transportation. Chairman Culver asked Mr. Brannon to follow up. The chairman called for the question; and the motion carried unanimously.

4. Request to approve items to be sold on GovDeals.

Commissioner Sinquefield made a motion to approve the items to be sold on GovDeals. Commissioner Battles seconded the motion; and it carried unanimously. (Please see attached in Mintue Book)

Staff Reports:

Chief Administrative Officer – there was no report

County Engineer

Mr. Pool reported on the following projects:

The Industrial Access Project in Ashford - has about two months remaining before completion.

Cherry Rock Road and Rowland Road - the City of Dothan has written letter stating they were ready to be paved; and money was in the budget for this project. They have started laying some pipe that had been supplied by the city. Those projects would take approximately six months.

Madrid Senior Citizens Center parking lot expansion - waiting on the state

Ardilla Intersection - one month of work to do but they are also waiting on the state on this project

County Road #81 - two weeks left on the project

Mr. Pool reported they had just completed the analysis of the paved road system. He reported the state has an extensive grading system of the "r" roads, and when a road reaches a 13-14 grade they need to be resurfaced. He stated at this time, the cost would be \$7.1 million, and he pointed out there is no money in the budget for resurfacing. He stated the county does get federal funds in the amount of \$500,000 and \$400,000 in MPO funds but that money does not apply for all of the roads. He stated they need to do this every year and show the commission the county's status, which is currently not meeting the needs. He stated in his mind there is two ways to go –either enhance revenue, or cut back on what you are doing, cut back on your men and the projects you are doing and create money to do resurfacing. The engineer stated the economy is messed up and nobody wants additional taxes. Mr. Pool pointed out that the commission might want to look at, if for some reason there is a big drop in fuel, the possibility of a small bond to do some of these roads. He reported the county would not want to do all the roads because he would not have anywhere for the federal funds. He stated the county does not have any bridge problems. Mr. Pool reported there is another \$35 million in Grade 15 roads. He stated the roads were not going to get better; only worse. He stated he did not know at what rate, but next year when the maps are prepared they would see the changes. Mr. Pool stated he was basically giving the commission an overview and the county is not gaining ground. He pointed out no other counties are gaining either. Chairman Culver stated all of the counties are in the same boat. Mr. Pool reported it is much cheaper to have good roads. He stated when a road is resurfaced that has gone way past when it should have been resurfaced it does not last as long, and it costs more to resurface. Mr. Pool used the example of a homeowner's roof that is leaking and you take care of it immediately instead of waiting until the whole house is messed up.

Chairman Culver stated there were a couple of initiatives to generate more revenue for roads and one is the collection of the rack bill in the legislature. He reported a small amount should be received from the census figures. The chairman reported there was also potential legislation to pay as you go legislation to fund specific projects. Mr. Pool reported back in the '50's gas was 30 cents a gallon and the gas tax was 18-20 cents, and there was plenty of money for the farm-to-market roads. Mr. Pool stated today, it is \$3.50 per gallon and the gas tax has not increased. He pointed out in the State of Georgia, their gasoline tax is on a percentage, and when the price of gas triples so does their revenue. The engineer also reported if the state comes up with a way to generate solar, nuclear power, or propane, there will not be any revenue. He pointed out as the price of fuel goes up, people drive less and less tax is received and everything is going up.

The chairman reminded the media that Ms. McGhee had a list of the congressional hearings for redistricting.

Adjourn

Commissioner Harvey made a motion to adjourn. Commissioner Battles seconded; and the motion carried unanimously.