

MINUTES OF THE HOUSTON COUNTY COMMISSION
DECEMBER 12, 2011

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

ABSENT: Commissioner Phil Forrester

Chairman Mark Culver called the 10:00 A.M. meeting to order, declared a quorum present, and welcomed everyone. Rev. Dennis Singletary, Pastor, Bluff Springs Baptist Church, gave the invocation. Commissioner Doug Siquefield led in the Pledge of Allegiance.

Commissioner Battles made a motion to approve the minutes of the last meeting. Commissioner Siquefield seconded; and the motion carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported this is the last meeting for 2011. He pointed out it has been a good year for the county and the county appears to be having some economic recovery. The chairman reported they are right on the cusp of having a couple of job announcements which is a good sign, and this county continues to have the best people in the world living here. He wished everyone a very safe Holiday Season and looked forward to having everyone back in January. The chairman asked everyone to remember that Jesus Christ is the Reason for the Season, and wished everyone a very Merry Christmas and a Happy and Safe New Year!

Chairman Culver reported as previously stated, the Commission would not be having a second meeting in December because it falls within a couple days of Christmas.

The chairman reported on December 15th, the Farley Plant would be testing the new sirens on the eastern end of the county. He stated on December 16th, the sirens on the edge of Henry County would be tested and some Houston County residents in the northern end of the county might hear them, and stated they should not be alarmed.

Chairman Culver reported at 12:00 Noon, the Dothan Rotary Club would be holding its annual Senior Citizens' Christmas Luncheon at the Civic Center. He pointed out there would be approximately 700 seniors in attendance, and they looked forward to this each year. He commended the Dothan Rotary Club for hosting this event each year.

The chairman extended congratulations to Commissioner Siquefield on his anniversary.

Awards and Presentations

1. Presentation – Toadlick Music Festival – Chris Gilbert

Chairman Culver asked Mr. Chris Gilbert to come forward and discuss the Toadlick Music Festival. Mr. Gilber, President, Toadlick Entertainment, reported on March 22nd-24th, the Toadlick Music Festival would be held at the National Peanut Festival. He pointed out the festival would be family oriented with 19-20 acts from Nashville and all over the country. He reported they anticipated 50,000 people to attend. Mr. Gilbert requested the commission's support. Mr. Gilbert reported tickets could be obtained from their website, www.toadlick.com. He stated there would be 400 camping spots, and any information could be obtained from the website. Mr. Gilbert reported they wanted to have a name that would catch people's attention, and he felt they had done that. Chairman Culver congratulated Mr. Gilbert and his staff for trying to create economic growth in the community, and he wished them the very best. The chairman stated he hoped this would become an annual event. Commissioner Battles asked how those people who did not have computers could purchase tickets? Mr. Gilbert reported the tickets have been on sale for a month or so, and if a person does not have access to a computer they could contact him and he could get them tickets. He reported the only ticket outlet they have is online. Chairman Culver reported the public library has the computer capabilities, and he encouraged anyone without computer access to go to the library.

Regular Agenda

1. Appointment to fill unexpired vacancy on the Houston County HealthCare Authority.

Commissioner Harvey made a motion to appoint Mr. Ted Long to fill the unexpired vacancy on the Houston County HealthCare Authority. Commissioner Sinquefield seconded the motion. The chairman reported this vacancy was created due to the untimely death of Mr. William Glover, who served for many years on this authority, and made many great contributions to the HealthCare Authority and the entire community. The chairman reported the commission's thoughts and prayers continue for his family. He called for the question; and the motion carried unanimously.

2. Appointment to fill unexpired vacancy on Dothan-Houston County Substance Abuse Partnership - Jason Devane.

Commissioner Sinquefield made a motion to appoint Mr. Jason Devane to fill the unexpired vacancy on the Dothan-Houston County Substance Abuse Partnership. Commissioner Battles seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

3. Request to adopt Resolution regarding FEMA.

Commissioner Harvey made a motion to adopt the Resolution regarding FEMA. Commissioner Sinquefield seconded the motion.

Chairman Culver reported with this Resolution, Houston County and Geneva County are taking unprecedented action with the two counties coming together to adopt the same resolution on the same day to be presented to the congressional representatives. He stated the reason for the joint resolution is that they feel strongly the actions or inactions in the resolution cannot go unnoticed, and they need to find out why the actions with FEMA have taken place.

The chairman reported in March, 2009 there was a devastating flood in the state, and Geneva and Houston Counties were both impacted significantly. He stated both counties were declared federal disasters, and the total damage in Houston County was over \$4 million. Chairman Culver stated Geneva County's damage was in the millions, but he did not know the total amount. He pointed out this is the 4th significant flood in Houston County since 1990. The chairman reported the county has been fortunate in those floods that the money was in reserve and the county could immediately begin repairing roads and bridges so that the citizens could go on about their daily life. He stated that is what Houston County did in this case. The chairman reported Geneva County, on the other hand, was not in that situation and they had to have FEMA's assistance to repair some bridges that still to this day have not been repaired. Chairman Culver reported Houston County began the process, followed the process they always have, and they took all the necessary steps working through the state EMA. He pointed out they had FEMA reps on site. Chairman Culver reported the reps sent from FEMA had far less experience in floods than the people representing the citizens of Houston County. He stated the Houston County Engineer has over 30 year experience, and has worked many floods and the county's staff has had many years experience working floods and hurricanes. The chairman reported follow-up from the time the flood occurred was slow at best. The response they got from questions from FEMA was slow and at times was non-existent. He reported from the start, the county worked hard to get the funds back. Chairman Culver stated it took the county a while to repair \$4 million in damages. He reported these repairs were supposed to be completed within 18 months, and the county asked for an extension and FEMA granted the extension. He pointed out FEMA knew exactly what the county was doing. The chairman reported in April of this year, the state had significant damages due to tornadoes in Alabama. He stated FEMA focused on those, as they should have, and the county backed off for several months. The chairman reported Geneva County still remained without the ability for the citizens to drive around the bridges, and Houston County's budget was being impacted significantly. Chairman Culver reported since they could not get FEMA to respond, he requested a meeting on April 2nd with the state EMA officials, Mr. Pool, and Geneva County representatives. The chairman reported he was not able to go the meeting, but the representatives sat down and talked with FEMA and their response was there was no problem and everything would be handled within a week. He stated it was not handled within a week, not in three months, and more than 50 calls and e-mails were sent to FEMA and no response. The chairman reported they have now been told that some of the projects are going to be denied because an environmental was not done. Chairman Culver reported FEMA and the state knew exactly what Houston County was doing and no one stopped them in the process. He stated the county worked closely with them, and sent documentation they needed. Chairman Culver reported at this point FEMA owes the county a little over \$700,000. He pointed out Houston County started with \$4 million in damage and they have gotten some money. The chairman reported there are significant issues and they have begged for someone to come down here, and resolve this situation, but they have not. He stated it is an embarrassment to the agency, to Congress who funds these folks and an embarrassment to the citizens of the U.S. who fund this agency. He then read the Public Assistance Program's Mission Statement as follows:

"The Mission of the Public Assistance Program is to assist communities in recovering from the devastating effects of disasters by providing technical assistance and financial grants in an efficient,

effective, consistent and customer-friendly manner. We will accomplish the mission by having experienced, trained, knowledgeable and friendly staff, well documented, easy to understand, and accessible policies and procedures, timely and transparent decision-making, and a strong partnership with the states. We will continuously seek and identify opportunities to improve program delivery.”

Chairman Culver reported they have failed in their mission. He stated they have taken two actions, and are asking for two actions: 1. A letter was sent last week from Geneva and Houston County formally requesting that the State EMA set a meeting with FEMA no later than January 31, 2012. Chairman Culver recognized Ms. Laurie Ward, from Representative Roby’s office and State Representative Paul Lee. He reported the county’s congressional leaders have gone out of their way to help. He stated Representatives Lee and Chesteen also contacted the state and expressed the importance of this matter. He stated as of December 12th, citizens of Geneva County are forced to continue to drive around the bridges, and they have been notified that their insurance rates are going up because emergency vehicles cannot get to them. Chairman Culver reported it has almost been three years, and Houston County is still waiting on \$700,000. He stated this is not acceptable. The chairman reported in the letter, they requested a FEMA rep with both knowledge and authority come and be on site in Houston and Geneva Counties before January 31st. He stated they want the rep to meet with the counties and establish the exact steps necessary with a timeline that they intend to report to the congressional leaders. 2. He stated the Resolution addresses the problem, and FEMA should not be placing this problem on any cities or counties in the State of Alabama or the nation. Chairman Culver reported they need to find out why the problem is ongoing so that it does not happen with any other entities. He reported they are adopting a joint Resolution basically condemning actions or inactions and calling for our congressional representatives to intervene on our behalf and inquire how this happened and make sure it doesn’t happen to any other county or city in Alabama or in the United States. The chairman reported he did not know if it is political; he stated he had heard that, whether they are irresponsible, understaffed, or if they do not have the ability, but the county needs to find out and address it so that the next time there is a flood or hurricane this will not happen. He then read the Resolution. He thanked Senator Sessions’ office for taking the lead, and Representative Roby’s office for their assistance. Chairman Culver reported Geneva County has the original Resolution and they will sign it today and bring it over and he will sign it. He stated it will be sent to Washington to our senators and representative and then their local staff will also receive a copy. Chairman Culver reported they will look to them for action on this matter.

Mr. Mark Pool, Engineer, reported Houston County was prepared for the flood. He stated the county’s entire road system is videotaped every February, and they had pictures before and after the flood. He stated this was a 150 year flood with an 18 inch rain. Mr. Pool reported they immediately inventoried all of their roads, and took pictures of all the damage and had it all on the map before FEMA came. Mr. Pool reported there were close to 200 damaged sites, and in three weeks the inspector wrote only one PW, Public Work Project. Mr. Pool reported FEMA sent some other people down who had no experience. He stated he has had many years of experience on these type projects, and he had a hard time explaining to another inexperienced engineer. Mr. Pool reported the road system is broken into two parts: collector roads handled by the public federal highway administration and the other is

handled by FEMA. He reported the Federal Highway Administration sends a registered Professional Engineer down, and the same one goes to all 7 counties. He reported he was in Houston County for two days and did the cost estimate. He stated they draw up an agreement, the county does the work, and in approximately three months the county is paid. Mr. Pool reported they have no problems. He stated FEMA sends the people down and they have an argument about the county's cost estimates because they say the county's are too high, and spending too much time on the repairs. Mr. Pool stated the county does projects according to the Alabama Department of Transportation's Construction Manual. He stated they claimed they were using RS Means as their estimates. Mr. Pool pointed out he obtained a copy of the book and after Assistant Engineer, Barkley Kirkland, reviewed it, he called the author of the book. He reported they found the RS Means estimates were higher than the county's estimates. He stated they approached FEMA about it, and they were informed that FEMA was not using RS Means. Mr. Pool reported there was a large meeting in Montgomery with the Geneva County Engineer, 8 people from FEMA, and none of whom were engineers, along with four registered Professional Engineers from Houston County during the flood, who had expertise in the work and documentation. He stated he gave them a book pointing out the errors they had made and also in the addition. Mr. Pool reported after the meeting, they did not agree on the dirt and they were only going to pay on the loose dirt. He stated FEMA hired a consultant, who is a registered professional engineer, and he came to Houston County and agreed with everything the county had and wrote up the extra damages. Mr. Pool stated FEMA did not report all of the damages; just some of them, and they have been fighting that for two years. Mr. Pool reported in April, they met and were told it would be straightened out in two weeks. Mr. Pool stated they had 4-5 sites with underwater damage, and they had the State Highway Department to bring their divers in and check the bridges and they found damage. He reported they profile the bridges and they know what the stream level was before the flood, and afterwards in order to determine the damages. Mr. Pool stated FEMA brought someone in to do the estimates and the county's staff was not allowed to talk with them. He pointed out the county's estimates were not the same, and when they met in Montgomery, they complained about it, and stated they wanted to straighten it out. Mr. Pool reported FEMA's comments were that these were large projects and whatever it cost to fix them they would pay it. He stated they completed the work that affected the public, and saved the underwater damage until last. Mr. Pool reported they did the underwater damage and it took some time because they had to dam the streams up. He pointed out the completed work ran several hundred thousand dollars over FEMA's estimates. Mr. Pool reported FEMA sent an auditor down to check it, and they will not pay one dollar over their estimates, even after FEMA had told the county's staff it did not matter they would pay what the repair cost was. Mr. Pool reported he kept a diary on each site and took a daily picture and reported everything that was done on each site. Mr. Pool stated the county had not received any money on those sites, and when he contacted FEMA he was informed it was in environmental. He reported after a year, he contacted the Wildlife & Fisheries Division trying to find out what was going on. Mr. Pool reported FEMA had written letters to the Wildlife & Fisheries Division, and that department informed Mr. Pool that there might be a problem with endangered mussels. He pointed out there are 300 mussels in the U.S. and he stated FEMA had never done this before. Mr. Pool reported he had been through several floods in Coffee County where they replaced bridges and they did not have an environmental group. He stated he was interested in finding out what they need, and after meeting two years later, on

August 11th, FEMA wrote a letter back to the Wildlife and Fisheries stated they had been out of money for two years, and they did not have anyone on staff to do the studies, and Houston County could not wait to do the work. Mr. Pool reported if they had known a study was necessary they would have paid for one. He stated FEMA either overlooked it or they did not do it on purpose but they did not do the study. Mr. Pool reported that in the letter FEMA wrote that there is no reason that Houston County should not be paid as long as in the future they do mussel studies when they do construction work in the streams. The Wildlife and Fisheries wrote back and stated that a study could not be done after the work has been done. Mr. Pool reported they have heard that the environmental group is going to recommend that Houston County not receive any money on these sites. Mr. Pool reported he had never seen anything like this. He pointed out no one told them to hold up or slow up and everybody at the State EMA and FEMA knew and they did not have any idea what the environmental at FEMA did.

Chairman Culver reported from this the public can see what the frustration level has been. He stated the issue needs to be resolved and they need to find out why the issue is out there. The chairman reported they hoped to find this information from the U. S. delegation in Washington. Chairman Culver thanked those present that represent Houston County in Montgomery. He called for the question; and the motion carried unanimously. (Please in Resolution Book)

4. Request to enter into extended contract with Addiction & Mental Health Services, Inc. d/b/a Bradford Health Services.

Commissioner Battles made a motion to enter into an extended contract with Addiction & Mental Health Services d/b/a Bradford Health Services. Commissioner Sinquefield seconded the motion. The chairman reported this is part of the employee assistance program. He called for the question; and the motion carried unanimously.

5. Request to enter into a one year lease with Mr. Rex Buntin on the farm property at the Houston County Distribution Park.

Commissioner Sinquefield made a motion to enter into a one year lease with Mr. Rex Buntin on the farm property at the Houston County Distribution Park with a total cost of \$1,509.00. Commissioner Harvey seconded; and the motion carried unanimously.

6. Request to approve Houston County In-Home Services job re-evaluation and eliminate a position – Mrs. Sheri Thompson, Personnel Director.

Commissioner Harvey made a motion to approve the Houston County In-Home Services job re-evaluation and eliminate a position. Commissioner Sinquefield seconded the motion. He called for the question; and the motion carried unanimously.

7. Request to authorize process for receiving prices on garbage disposal and to authorize the Chairman, Engineer, CAO, and County Attorney to establish specifications and procedures.

Commissioner Battles made a motion to authorize the process for receiving prices on garbage disposal and to authorize the Chairman, Engineer, CAO, and County Attorney to establish specifications and

procedures. Commissioner Harvey seconded the motion. Chairman Culver reported the county needed to move forward on getting prices on the disposal of the citizen's garbage because in May the contract with the Solid Waste Authority will expire. He pointed out one of the alternatives may be for the county to build a transfer station, and if that is the case it will take some time to build it. Chairman Culver reported later that day a meeting would be held with the Attorney, Commissioner Battles, Mr. Pool, and Mr. Dempsey. He stated the other commissioners would be supplied with information regarding this matter in an effort to keep everyone updated. He called for the question; and the motion carried unanimously.

8. Request from EMA to approve IMAL Homeland Security Grant in the amount of \$41,332.50 – Clark Matthews, Director, Houston County EMA.

Commissioner Harvey made a motion to grant EMA's request to approve the IMAL Homeland Security Grant in the amount of \$41,332.50. Commissioner Sinquefield seconded the motion. The chairman reported this is a grant on the maintenance of the Homeland Security equipment. He called for the question; and the motion carried unanimously.

9. Request from EMA to approve ILEL Homeland Security Grant in the amount of \$35,300.00 – Clark Matthews, Director, Houston County EMA.

Commissioner Battles made a motion to grant EMA's request to approve the ILEL Homeland Security Grant in the amount of \$35,300.00. Commissioner Sinquefield seconded the motion. The chairman reported this is a grant on the maintenance on the Sheriff's equipment. He stated these funds are all flow through. Chairman Culver called for the question; and the motion carried unanimously.

10. Request from EMA to approve agreement to transfer Homeland Security vehicle that is declared excess to the Huguley Fire Department.

Commissioner Battles made a motion to grant EMA's request to approve the agreement to transfer the Homeland Security vehicle that is declared excess to the Huguley Fire Department. Commissioner Sinquefield seconded the motion. The chairman called for the question; and the motion carried unanimously.

11. Request from Sheriff's Department to award the bid for the purchase of a new Extended Length Super Duty 3500 Cargo Van to low bidder meeting specs.

Commissioner Sinquefield made a motion to award the bid on a new Extended Length Super Duty 3500 Cargo Van to Solomon Chevrolet, low bidder meeting specs, in the amount of \$26,261.50. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

12. Request from the Sheriff's Department to award bid for prisoner transport.

Commissioner Battles made a motion to award the bid for prisoner transport to North Atlantic Extradition, Inc. Commissioner Harvey seconded the motion. Mr. Dempsey pointed out the other

bidder has a \$300.00 minimum cost versus the other company not having a minimum cost. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

13. Request to sell two dump trucks and one motorgrader in DeanCo Auction in March.

Commissioner Harvey made a motion to approve the request to sell two dump trucks and one motorgrader in the DeanCo Auction in March. Commissioner Sinquefield seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

14. Request to purchase two trucks with proceeds from the auction.

Commissioner Battles made a motion to purchase two trucks with the proceeds from the auction. Commissioner Sinquefield seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

Staff Reports:

Chief Administrative Officer – there was no report

County Engineer –

Mr. Pool reported things were going well. He reported one of the reasons they were selling the equipment was due to not having the number of employees.

County Attorney – there was no report

Chairman Culver asked if the commission had any questions for the staff? Mr. Matthews reported in the flood of 2009, there were 9-10 rescues and the Governor was going to give the county a Swift Water Rescue Team. He stated there was a county that could not manage or staff it. He stated he had been contacted to move it down here and Homeland Security wanted him to sign for it. Mr. Matthews reported the county that has had it wanted the stuff picked up now, and he wanted the commission to know about it. He stated the equipment will go to the Dothan Fire Department, and eventually they will build a regional team out of law enforcement, fire, and all. Mr. Matthews reported according to the Homeland Security Policy, he has to sign for it to begin with. Mr. Matthews reported it will have to be picked up and it will be transferred to the City of Dothan. Mr. Matthews stated he wanted the commission to know it might occur over the holidays.

Chairman Culver wished everyone a Very Merry Christmas, and a Safe and Happy New Year!

Adjourn.

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