

MINUTES OF THE HOUSTON COUNTY COMMISSION
JULY 23, 2012

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Sinquefield, Commissioner Jackie Battles, Commissioner Melinda S. McClendon, 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. He reported the commission was glad to have Commissioner McClendon in place. Rev. Mark Kocsis, Pastor, Trinity Lutheran Church, gave the invocation. Commissioner Jackie Battles led in the Pledge of Allegiance.

Commissioner Harvey made a motion to approve the minutes of the last meeting. Commissioner Battles seconded the motion, and it carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported July has 5 Mondays, and there will be 3 weeks until the next commission meeting. He reported the second admin meeting on August 23rd will not be held due to the commission being at the annual conference. The chairman reported the commission meeting will be held on August 27th, and they will be operating under the revised manner when there is not an admin meeting.

Chairman Culver reported the Governor ordered flags be flown at half staff through July 25th, in memory of the events and lost lives in Colorado. He asked that everyone continue to keep them in their prayers.

The chairman reported the Third Annual Economic Summit on Jobs will be held September 19th at the Dothan Civic Center. He stated this is an opportunity for citizens to come and discuss ways to positively impact the economy, and he encouraged everyone to come and participate.

He reported the Tire Program has been expanded for the customers of the Houston County Sanitation Department. The chairman pointed out customers can bring up to ten (10) tires of any kind out to the right-of-way, and they will be picked up. He asked citizens not to get upset if they are there over a week because they will be picked up. Chairman Culver urged the citizens to participate in an effort to clean up their yards and property and to help eliminate mosquito breeding areas.

Commissioner Battles asked for prayer for the mission team that Memphis Baptist Church is sending to the Dominican Republic. He reported they leave Sunday, July 29th, and will be gone for a week.

Commissioner Harvey expressed concern regarding the tires being placed at the road becoming a real eyesore if they are not picked up in a week. Chairman Culver reported the crews can only get them picked up as quickly as they can, and it is typically running about two weeks. The chairman requested if any of the commissioners notice any tires in their districts that are eyesores to let Road and Bridge know

and they will make a special effort to get them. Mr. Pool reported during the last round of cleanup, there was a windstorm that came through and they had to pull off and get the limbs. He stated they have expanded the program and they will get them as quickly as possible. Mr. Pool reported the tires had to be placed on the right-of-way.

Regular Agenda

1. Request from the Houston-Love Memorial Library Board to assist with the construction of new library buildings.

Commissioner Harvey made a motion to assist with the construction of the new library buildings per the attached proposal. Commissioner Siquefield seconded the motion.

Chairman Culver reported Mr. Steve Roy, Chairman of the Houston-Love Memorial Library Board, was present and he called him to make comments. Mr. Roy thanked the commission for their motion, and he stated this was the culmination of a long process that has lasted 5-7 years with various people having been involved. He pointed out the project gained momentum approximately 18 months ago with a challenge grant from the Wiregrass Foundation to the Library Board to raise \$4.5 million towards a \$7.5 million construction project to replace the existing library downtown and build a new branch at Westgate Park. Mr. Roy reported they appreciate the commission's consideration of the request. Chairman Culver asked Mr. Roy about the schedule? Mr. Roy reported with the commission's approval, they are well into the architectural phase and they would like to break ground in the middle of October. He stated they had set the date back earlier in the year and they were pleased to be able to stay on target. Chairman Culver reported the in-kind work the county will do is in two phases: site work and then come back when the building is built and work on the parking lots. He pointed out after all that work is completed the county will tear down the existing building located next door. Chairman Culver reported most of the county's work will be sometime next year. Mr. Roy reported the overall project is expected to last 12-14 months. Commissioner Siquefield reported at Thursday's meeting, discussion was held regarding some of the funding being given to the rural libraries located in Ashford and Columbia. Mr. Roy stated although no specific plans had been made, they were committed to maintaining all of the facilities including those in Ashford and Columbia. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached proposal in Minute Book)

2. Request to adopt Resolution authorizing property swap with the Dothan Eagle and the Dothan Downtown Re-Development Association.

Commissioner Siquefield made a motion to adopt the Resolution authorizing the property swap with the Dothan Eagle and the Dothan Downtown Re-Development Association. Commissioner Battles seconded the motion. Chairman Culver reported this was discussed on Thursday and it involves a three way swap. He stated there is one agreement the county is involved in. The chairman reported Mr. Jansen Tidmore, President of the Dothan Downtown Re-Development Association, was present if anyone had any questions relative to their involvement. Chairman Culver reported this plan will move some of the county's parking. He stated he did not think the county would gain a lot or lose a lot but it would be an even swap. Chairman Culver reported it will improve the block down at the Courthouse by

doing away with the unsightly building. He pointed out this has long been in the making, and the Dothan Eagle has changed hands twice which has slowed the project down significantly. He stated the county will wait until the building is torn down and then do its work. Chairman Culver pointed out as most people are aware, the parking lot is badly in need of paving, and the county has held off on that until the swap is complete. Mr. Pool reported the parking lot is going to be a good re-design, and he felt it would work better. Chairman Culver reported as mentioned on Thursday, the entrance and exit will be reversed, and it will work much better coming in off Main Street because of the stacking lane rather than people turning across in front of the Sheriff's office. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

3. Request to adopt Resolution authorizing agreement with Five Star Federal Credit Union for placement of gate on County property and to provide access during construction of adjoining fence.

Commissioner Battles made a motion to adopt the Resolution authorizing the agreement with Five Star Federal Credit Union for the placement of the gate on County property and to provide access during construction of adjoining fence. Commissioner Sinquefield seconded the motion. Chairman Culver reported this was discussed in detail on Thursday. He called for the question; and the motion carried unanimously. (Please see in Resolution Book)

4. Request from the Town of Cowarts for assistance with traffic signal project at Glen Lawrence Road, Forrester Road, and Highway #84 East.

Commissioner Sinquefield made a motion to approve the original request of \$35,000 to assist the Town of Cowarts with the traffic signal project at Glen Lawrence Road, Forrester Road, and Highway #84 East. Commissioner Harvey seconded the motion. Chairman Culver asked for any discussion?

Mr. Gerald Crowley, resident of Houston County, stated he travels the road several times a week. He reported he does not have a lot of issues with the traffic light being installed, but he felt it might be creating more of a hazard than solving something. Mr. Crowley stated he really believed going east just past the motels the speed limit picks up to 65 miles per hour and the biggest hazard on the road is the speed limit. He stated if a traffic light is placed at that crossing, a real hazard is located just over the hill at Bordens. Mr. Crowley reported he had actually seen trucks blocking that road trying to get out. He stated there are hazards at Cowarts Crossing and then down at Efurd's. Mr. Crowley felt the most important thing is to lower the speed limit to 55 miles per hour out beyond Avon. Chairman Culver reported the commission is not making the decision on the light because that has already been made by the state. He stated the commission is addressing the request from the town for assistance on a project they are doing. Chairman Culver reported he appreciated Mr. Crowley's comments. He stated he thought the Town of Cowarts could request the state to consider the speed limit. Chairman Culver reported on Thursday, discussion was held regarding caution lights being installed advising the traveling public that they are coming up on a red light. Mr. Randy Roland, Mayor, Town of Cowarts, reported the caution lights would be located at Eddins Road and on the west side at the city limits sign. He pointed out there would also be additional signs warning of the red light. Chairman Culver asked Mayor Roland

if he had requested the state to review other locations for stop lights? Mayor Roland reported yes, and that this had been requested several times. He pointed out this particular intersection did not warrant a light at one time, and when the last request was made, it did meet the warrants. The mayor reported the locations at Eddins Road and the crossing down at Efurds at the subdivision do not warrant a light. He stated they will stay on top of those locations and when they do warrant a light, then they will come back to the commission. Mayor Roland stated they appreciated what the commission is doing for them. He reported he would have to take this back to his council next month and see if they will approve it. Chairman Culver called for the question on the motion; and the vote was YEAS: Commissioners Sinuefield, Harvey, and McClendon NAYS: Commissioner Battles Chairman Culver then declared the motion passed.

5. Request from Community Corrections to approve grant in the amount of \$1,000.00 to replace the primary PC at the Work Release Facility. (100% grant)

Commissioner Harvey made a motion to approve Community Corrections request for a 100% grant in the amount of \$1,000.00 to replace the primary PC at the Work Release Facility. Commissioner Battles seconded the motion. The chairman called for the question; and the motion carried unanimously.

6. Request from Revenue Commissioner to approve budget amendment in the amount of \$1,500.00.

Commissioner Sinuefield made a motion to approve the Revenue Commissioner's request for a budget amendment in the amount of \$1,500.00. Commissioner McClendon seconded the motion. The chairman called for the question; and the motion carried unanimously. (Please see attached Budget Amendment in Minute Book)

7. Request from EMA to approve Mitigation Grant #HMGP DR (1971-197) for six Individual Safe Rooms (PN71-173) and authorize the EAM Director to sign. (100% Grant)

Commissioner Battles made a motion to approve a 100% Mitigation Grant #HMGP DR (1971-197) for six Individual Safe Rooms (PN71-173), and to authorize the EMA Director to sign. Commissioner McClendon seconded the motion. Chairman Culver called for the question; and it carried unanimously.

8. Request to approve budget amendment for Road and Bridge Department.

Commissioner McClendon made a motion to approve the budget amendment for the Road and Bridge Department. Commissioner Sinuefield seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Budget Amendment in Minute Book)

9. Request to approve preliminary plat for Miller's Crossing Subdivision – 1st Addition.

Commissioner Sinuefield made a motion to adopt the Resolution giving conditional approval for the preliminary plat for Miller's Crossing Subdivision. Commissioner Harvey seconded the motion. Chairman Culver reported Mr. Sherrer had the resolution. Chairman Culver asked for any comments?

Mr. Pool reported the Town of Cowarts had informed the Houston County Health Department that it is unable to guarantee that they provide water and sewer to Miller's Crossing Subdivision. Mr. Pool recommended that the commission approve the preliminary plat conditionally. Commissioner Battles asked what supplying water and sewer have to do with the commission approving the plat? Mr. Pool reported this subdivision is located in the Town of Cowarts and they are going to have the roads. He reported before Commissioner Battles was elected, the Town of Cowarts had asked the Houston County Commission to adopt their subdivision regulations because they do not have an engineering staff. Mr. Pool reported they make sure everything is uniform from Cowarts, Ashford, and all of the towns in the county. He stated they are making sure the subdivision regulations are correct. The engineer pointed out they cover everything—water, sewer, roads, drainage, etc., so when the subdivision is built, the county does not have to go out and spend money doing repairs. Mr. Pool reported the subdivision regulations are solid. Commissioner Harvey asked Mr. Pool if he had seen any problems that they might run into? Mr. Pool reported as far as the roads and the drainage, there is no problem. He stated it is the water and sewer with the Town of Cowarts. Mr. Pool reported when the Town of Cowarts has it worked out, they can re-submit the plat and it will come back for the commission's approval. Chairman Culver asked if there were any questions or comments?

Mr. Ronnie Driskell, Engineer, for Miller's Crossing Subdivision, Dynamic Developments, LLC, reported they were caught off guard with this because the Town of Cowarts had written a letter to the Houston County Health Department saying they would be able to provide water and sewer. He pointed out that was a pre-requisite before Mr. Pool would be able to bring it to the commission. Mr. Driskell stated he did not have the documentation with him, and he did not understand but he was afraid the commission was getting in the middle of something. Chairman Culver assured Mr. Driskell the county did not want to get into the middle of anything. Chairman Culver reported the commission received communication from the Town of Cowarts after the admin meeting on Thursday. Chairman Culver suggested Mr. Driskell talk to the Town of Cowarts after the meeting to find out the issue. He reported the commission has the authority to approve conditionally and that is basically what they are doing. Mr. Driskell asked if he got a letter from the Town of Cowarts would he need to bring the plat back before the commission? Chairman Culver reported they were approving a resolution that he had just received.

The chairman called on Mr. Gary Sherrer, County Attorney, who stated the commission was not getting in the middle of anything. He stated it has pursuant to Alabama Statute and by its own subdivision regulations requirements for purpose of public health, safety and security that developers have provided to the county commission or will provide showing that all the utilities are reasonable and adequate for the development of the subdivision. He reported on July 18, 2012, a letter was received from the attorney for the Town of Cowarts, that was written to the Health Department with copies to the county commission that in jest says due to certain uncertainties inherent in some litigation that apparently the county is not involved in that they make a supplemental representation to you that we (Town of Cowarts) are unable to guarantee that we will provide water and sewer to Miller's Crossing. Mr. Sherrer reported if they cannot do that it does not comply with the subdivision regulations. He stated the resolution he prepared for the commission cites the different sections of the subdivision regulations as the authorizing statute. Mr. Sherrer reported it stated the reason being the plat of the

developer has not made reasonable, adequate provisions for all necessary utilities particularly the provision of water and sewer services for Miller's Crossing. He stated once a written report is submitted to the commission, the developer can file at any time the plat with that and have the final approval done. He pointed out the commission will have to do a final approval. Chairman Culver apologized for not having the discussion on Thursday but he was made aware after Thursday, and all of this has come up since the admin meeting. He reported the commission is in the position that the subdivision has to meet the county's requirements and evidently based on what Mr. Sherrer just said, what is in front of them does not. Mr. Driskell stated he understood the position the county is in. He reported they have provided everything they have been asked to, and obviously everyone is at the meeting with new information. Mr. Driskell stated he appreciated the commission looking at it. Chairman Culver stated the commission is looking for Mr. Driskell to re-submit once the issues are worked out. Mr. Driskell stated this is technically a denial of their request. Mr. Sherrer stated it was not, it was a conditional approval as provided by Section 2-4-1 (4) of the Subdivision Regulations. Mr. Driskell asked if they would get a copy of the resolution? Chairman Culver gave him a copy at that time. Mr. Driskell asked if they needed a revised preliminary plat? Mr. Sherrer reported they would re-submit the plat and present all of the pre-conditions in the subdivision regulations once they have a report that the water and sewer are adequate.

Ms. Virginia Lynn McInnes, Attorney, the Town of Cowarts, reported that Cowarts had previously provided a letter guaranteeing to the Houston County Health Department that it would provide water and sewer to Dynamic Development back in 2010. She stated last week they received a claim that was filed by Dynamic Development and after reviewing the claim it came to their attention that they could not guarantee that because now the matter is in the hands of the court system. Ms. McInnes stated they felt it was incumbent upon the Town of Cowarts to provide the Health Department and the Commission if they were relying on their representation that they would be providing water and sewer to supplement that to make the commission aware that the Town of Cowarts could not guarantee it because it is in hands other than their own. Ms. McInnes reported the Town of Cowarts contends to abide by whatever is worked out.

Chairman Culver called for the question; and the motion carried unanimously. Chairman Culver thanked everyone and stated the commission hopes it gets worked out. (Please see in Resolution Book)

10. Request to award bid for Hot Plant Mix.

Commissioner Sinquefield made a motion to award the bid for Hot Plant Mix to APAC-Alabama, Inc., low bidder meeting specs. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Summary Sheets in Minute Book)

Staff Reports:

Chief Administrative Officer – there was no report

Chairman Culver reported that Mr. Dempsey recently attended the National Association of Counties Annual Conference on the commission's behalf. He stated Mr. Dempsey brought back some relevant information that the commission will be looking at as they move forward. Chairman Culver stated the commission appreciated Mr. Dempsey attending

County Engineer -

Mr. Pool reported they have had a lot of good weather, and things were going well. He stated his staff is working on a massive amount of plans for ATRIP. He stated they have probably gotten as much work done as 5-10 other engineering offices. Mr. Pool reported they are going to make an adjustment to the Round 1 approval, and they have \$20 million worth of plans ready to go. He stated they are hoping the Governor is going to decide he wants some dirt moved somewhere, and the county is ready. Chairman Culver reported there is a committee that makes that determination.

County Attorney – there was no report

Adjourn

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