

MINUTES OF THE HOUSTON COUNTY COMMISSION
JULY 22, 2013

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Siquefield, Commissioner Jackie Battles, Commissioner Melinda S. McClendon, Gary Sherrer, County Attorney, Barkley Kirkland, County Engineer, and Nancy Bristow, Acting County Chief Administrative Officer

ABSENT: William J. Dempsey, Chief Administrative Officer

Chairman Mark Culver called the 10:00 A.M. meeting to order, declared a quorum present, and welcomed everyone. Commissioner Harvey gave the invocation. Commissioner Battles led in the Pledge of Allegiance.

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

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported there would be no Admin meeting on August 22nd because the commissioners would be out of town attending the Annual ACCA Meeting. He pointed out the Commission meeting would be held on Monday, August 26th.

The chairman reported Monday, July 29th, is an important day in the community with the Grand Opening of the Alabama College of Osteopathic Medicine (ACOM) at 10:00 A.M. He stated he felt somewhere down the road people would look back and realize that this would be one of the most significant events to happen in our community. He reported that the Governor would be back along with a lot of other people, and he encouraged everyone that could to attend the event.

Chairman Culver reported because of weather conditions and the beginning of construction that the county had done, as well as some illegal four wheeler activity, portions of Billy Snell Road were closed. He stated the road is not a through road but it is temporarily closed.

He stated as mentioned last week, Fortner Street was closed at South Bay Springs Road and Fortson Road and would be closed all week. Chairman Culver reported on July 29th, Fortner Street between Brannon Stand Road and Whittaker Road would be closed for 2 weeks. He encouraged everyone to be aware of the road closings and find alternative routes.

Commissioner Battles asked everyone to please keep the Memphis Baptist Church Mission Team in their prayers. He reported they will be leaving on July 29th going to Honduras.

Awards and Presentations

1. Houston County Queens – Mrs. Lisa Peter, President, Houston County Pageants, Inc.

Chairman Culver reported the commission meets 23 times a year in a regular meeting and this meeting is always their favorite one of the year. He stated it did not matter what else is on the agenda or what

the commission has going on. The chairman reported when the commission welcomes the queens it helps them realize how great the young people of Houston County are, and what outstanding qualities these young people have. He stated it was an honor to recognize them again. The chairman called Mrs. Elizabeth Hall, Pageant Coordinator, Houston County Pageants, Inc., to come forward along with the queens. He told each of the queens that they are all great representatives of the county and the commission appreciated what they are doing. Mrs. Hall stated she and other members of their board have had the pleasure of working with these girls over the past few months and they have a great group of girls this year. She thanked the commission for all of their support throughout the year to make sure the girls feel like royalty, as they are seen out in the community on as many occasions as possible. Mrs. Hall pointed out last year's "Ms. Houston County" won the Miss NPF competition and the year before that "Little Miss Houston County" won the competition. She reported they are going for two in one year this year. Chairman Culver then introduced each of the following queens, and presented them with a Houston County pin to wear on their banner:

Future Little Miss – Maddie Claire McNeil, daughter of Sid and Kim McNeil, and a student at Providence Christian School

Little Miss – Suzanne Snell, daughter of Billy and Heidi Snell, and a student at Rehobeth Elementary

Young Jr. Miss – Lydia Jewels Douglass, daughter of Doug & Joni Douglass and a student at Highlands Elementary

Jr. Miss – Annelise Rudd, daughter of Jason and Amanda Rudd, and a student at Houston Academy

Teen Miss – Katherine Carothers, daughter of Merritt and Paula Carothers, and a student at Providence Christian School

Miss Houston County – Bailey Halcomb, daughter of David and Sabrina Halcomb, and a student at Rehobeth High School

Ms. Halcomb reported that she and Little Miss, Suzanne Snell, have been to a party every week in preparation of the NPF competition, and interacting with everyone around the community. She stated she was so blessed to be representing Houston County again in October. Ms. Halcomb reported when she was Little Miss, her big Miss, was Elizabeth Peter Hall. All of the girls received a round of applause. Chairman Culver wished Ms. Houston County and Little Ms. Houston County good luck in the National Peanut Festival competition. The chairman then asked the commission to come down for a picture session. He thanked the girls for coming to the meeting.

Regular Agenda

1. Request from Revenue Commissioner to approve the 2012 Insolvents, errors and taxes in litigation, and uncollected insolvents and litigations for previous years.

Commissioner Battles made a motion to grant the Revenue Commissioner's request to approve the 2012 Insolvents, errors and taxes in litigation, and uncollected insolvents and litigations for previous years. Commissioner McClendon seconded the motion. Chairman Culver reported this is normal and customary, and the commission is required by law to do this annually. He called for the question; and the motion carried unanimously.

2. Request to adopt Resolution authorizing the county General Fund to be reimbursed for expenses incurred on ATRIP and ESCO projects prior to the receipt of the 2013 warrant proceeds.

Commissioner Siquefield made a motion to adopt the Resolution authorizing the county General Fund to be reimbursed for expenses incurred on ATRIP and ESCO projects prior to the receipt of the 2013 warrant proceeds. Commissioner Harvey seconded the motion. Chairman Culver reported this basically does exactly what it says. He stated some ATRIP projects are on the agenda to be awarded and there are others scheduled to be let. The chairman reported they were not sure when they would move forward with the ESCO project but it would allow the General Fund to be repaid for any funds spent in advance of the bond issue. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

3. Request to change county dental insurance to the local Government Dental Benefit Plan as offered by the State Employees' Insurance Board (SEIB).

Commissioner Siquefield made a motion to approve the request to change the county's dental insurance to the local Government Dental Benefit Plan as offered by the State Employees' Insurance Board (SEIB). Commissioner McClendon seconded the motion. Chairman Culver reported this was discussed in depth on Thursday, and he stated this basically lowers the cost of dental insurance for most of the county's employees. He pointed out there are some that will have to make some adjustments and decisions based on the fact that in order to get this insurance an employee has to be in the state employee insurance program. Chairman Culver reported when you look at the large percentage of employees (approx. 80%) that are in the program, it will be a major benefit to them. He asked for any questions or comments from anyone?

Commissioner Siquefield asked Mrs. Sheri Thompson, Personnel Director, to come forward and provide some clarity. Commissioner Siquefield stated on the insert in the package, the county's current policy for family coverage shows \$62.00 per month, and he asked her to please explain. Mrs. Thompson reported that the \$62.00 per month includes the \$35.00 that the employee pays plus the \$27.00 the county pays for a total of \$62.00. She stated on the single coverage, the total is \$20.00, and it includes \$14.00 for the employee and \$6.00 for the county. Mrs. Thompson reported on the summary that Mr. Dempsey provided he used the \$62.00 for family and \$20.00 for single, and his proposed projections are that by going with the SEIB, the current rate of \$44.00 for family, and \$18.00 for single coverage is what the rate is today. She pointed out these figures are based on projections that SEIB has given the county. Mrs. Thompson reported they will not truly know the rates until the last board meeting in August when the SEIB meets. She stated Mr. Dempsey was at a conference where Mr. Ashmore, Executive Director of SEIB, spoke and he stated a minimum increase of 8% could be expected in medical and dental rates. Mrs. Thompson reported they usually receive the letter notifying them of the rates sometime during the first 10 days of September. She stated if the rates come back as they are today, the county and employee portions have been included, and until the commission passes its budget, Mr. Dempsey does not know what it will be. Commissioner Siquefield thanked Mrs. Thompson for clearing up that the county pays \$27.00 and the employee pays \$35.00 for family coverage and for single coverage the employee pays \$14.00 and the county pays \$6.00. Mrs. Thompson

reported that the percentage of employees who participate in the state employee insurance program is 76%. Chairman Culver reported one of the benefits is that the county does anticipate an increase, and they are going to try to get back to the shared rate that they have with the employees. The chairman stated this will hopefully help some to offset this. He pointed out they do not know yet, but they hope to do some other things in the budget that if they can will offset any increases. He stated that all of that is yet to be determined. Mrs. Thompson reported if the county decides to make the change, the rates would not be effective until January. She stated there would be open enrollment in November and they would have mass communication with the employees between now and then. She reported depending on what their current coverage is, they will have to make some changes that will require action on their part in November. Mrs. Thompson stated everything will have to be done during open enrollment in November, and it will be the same thing with the health insurance, which will become effective in January. She pointed out the deduction will come out of the December paychecks. Chairman Culver called for the question; and the motion carried unanimously.

4. Request to award bid to APAC Mid-South, Inc., Birmingham, for the resurfacing and traffic striping on Fortner Street from Cumbie Road to South Brannon Stand Road and on Judge Logue Road from State Road 123 to State Road 12, and issue matching funds.

Commissioner McClendon made a motion to award the bid to APAC Mid-South, Inc., Birmingham, for the resurfacing and traffic striping on Fortner Street from Cumbie Road to South Brannon Stand Road and on Judge Logue Road from State Road 123 to State Road 12, and issue matching funds.

Commissioner Harvey seconded the motion. Chairman Culver reported as discussed many times, these two projects are part of ATRIP, and the commission will vote on a couple more which are also on the agenda. He stated they are still waiting for the final decision on Round 3, in order for the county to know where they are. Chairman Culver reported at the current time, the city and county have received approximately \$16-18 million in ATRIP funding counting the matching. The chairman stated that is a significant economic input of funding into our community. He pointed out all of the work will be done locally even though the low bidder is APAC Mid-South, Birmingham. Chairman Culver reported this program really helps the county get some needed roads resurfaced. The chairman called for the question; and the motion carried unanimously. (Please see attached Bid Summary Sheet in Minute Book)

5. Request to purchase garbage truck and cans to implement automated garbage pickup for a six month trial period.

Commissioner Battles made a motion to approve the request to purchase a garbage truck and cans to implement automated garbage pickup for a six month trial period. Commissioner Sinquefield seconded the motion. Chairman Culver reported as mentioned on Thursday there is a long lead time to get the trucks of approximately 6 months or so, and the commission is making a budget decision to put this first round in the budget next year. He stated they believe long term that it will pay for itself but there is time to grow into it. The chairman reported they have discussed this with the City of Dothan and other entities that use these type trucks about the dos and don'ts, and trucks to buy and those type things. He stated they have had some other ongoing conversations with the city and other entities and if they

can work some things out to make it more economical they will certainly move forward with it. Chairman Culver reported what they are approving is the largest outlay they could possibly have. He stated they will work to see if they can have a smaller outlay of cash during this time. The chairman reported the plan would be moving forward and then the rest of the county would be implemented sometime in the 2014-15 budget. He reported he had received two calls of concern with one being about the elderly in the county living further off the road. He stated the county will work with that with an education locating the can and working with those individuals. He reported the other call came from a citizen who stated she had 4 cans that she had bought and would have to buy another one. The chairman stated she would not have to buy another one because the county would furnish the first can. He reported depending on the size of the 4 cans she had all of the garbage may fit in the one big can. The chairman reported there would be a one time fee for a second can that a citizen would pay to rent the can. He stated the commission has not decided what the fee will be but he hoped they would go to approximately \$50.00, the same amount the City of Dothan charges. Commissioner Harvey asked about the people in the county who already have those cans in place? Chairman Culver stated none of the county's customers have those cans. Mr. Kirkland reported all of the cans that are supposed to be dumped by the county sanitation are 30 gallon cans. Mr. Harvey reported there are some county residents who have the 90 gallon cans. Chairman Culver stated they will have to have cans with the county's logo and have a serial number. He reported this will help maintain how the Sanitation Department bills. Mr. Kirkland reported he thought the cans have a 10 year warranty, and they will repair them with lids, wheels, etc. Mr. Kirkland reported the can will be assigned to the house; not the person. Mr. Kriser asked if you have two cans would you receive two service charges? Chairman Culver stated no. Commissioner Battles stated he wanted to make it clear if someone wants a second can, they will be charged a one time fee. Chairman Culver called for the question; and the motion carried unanimously. He thanked Mr. Kirkland, Mr. Dempsey, and the City of Dothan for all of their assistance.

6. Request to approve agreement between Alabama Department of Transportation and Houston County for the resurfacing of County Road 22 from the Henry County Line to Gordon Williams Road. (Length 7.74 miles)

Commissioner McClendon made a motion to approve the agreement between the Alabama Department of Transportation and Houston County for the resurfacing of County Road 22 from the Henry County Line to Gordon Williams Road. (Length 7.74 miles) Commissioner Sinquefield seconded the motion. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

7. Request to approve agreement between Alabama Department of Transportation and Houston County for the resurfacing of County Road 33 from County Road 55 to State Road 52 and also resurfacing on Nuclear Plant Road from County Road 33 to State Road 95. (Length 11.10 miles)

Commissioner Sinquefield made a motion to approve the agreement between the Alabama Department of Transportation and Houston County for the resurfacing of County Road 33 from County Road 55 to State Road 52 and also resurfacing on Nuclear Plant Road from County Road 33 to State Road 95. Length

11.10 miles) Commissioner Battles seconded. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

8. Request to approve the preliminary plat for Country Village Estates.

Commissioner Battles made a motion to approve the preliminary plat for Country Village Estates. Commissioner McClendon seconded the motion. Chairman Culver asked if anyone had any questions relating to this item?

Mr. Jason Peters, resident of 153 Hidden Springs Court, addressed the commission. He reported for the record he wanted to state he has had conversations with Commissioner Battles regarding this development. He stated it was sad that due care has not been taken with regard to regulations being in place to insure existing homes and property would not be devalued. Mr. Peters reported it appears that a developer can come in and build smaller houses and devalue the existing properties. He reported he was a registered Civil Engineer and his concern was the drainage. He pointed out he has been in Engineering in Florida for 24 years and he has done a lot of work regarding storm water drainage. Mr. Peters stated he did not have a concern about a development coming in as long as it is done right. He reported his concern is that he hopes someone has looked at the fact when the new homes go in that their septic systems are properly designed. Mr. Peters stated, for the record, he was putting Houston County on notice that he hopes that the septic systems have been looked at and that they have been designed so that they will properly function. He reported his property is higher than the property for the proposed development, and when the rains that occurred three weeks ago happen his septic tank struggles, and then it recovers. Mr. Peters stated he was not personally being impacted. He reported he was concerned and interested in knowing the mechanisms that the county will use to insure that the septic systems in the new homes were going to work without causing flooding to adjacent property owners. He pointed out back in the 80's this area was considered a wetland, but it is not at this time. Mr. Peters reported he had lived at his present address since 2003 and since that time he has seen the property under water 4 times. He stated in 2007 or 2008 a developer came in and filled it with dirt, and he stated he believed the county made him go back and build a pond, which he did. Mr. Peters stated he voiced his concerns and was told that the developer was not allowed to put dirt in that low lying area because it is a potential risk to the adjacent property owners. He reported there are 20-30 acres in that area that drains to this location. Mr. Peters stated that the storm drainage system on the roadway actually connects to that site and drains to that site. Mr. Peters reported his neighbor, Ron Kaita, has photos that showed the site being under water. He stated as a property owner, he did not have a problem with the development as long as it is done right. He stated his concern is due care has not been exercised. Chairman Culver thanked Mr. Peters.

CW-5 Ron Kaita addressed the commission. He stated he had been doing Imagery for the U.S. government for 37 years. Mr. Kaita reported he has his initial complaint that he provided to ADEM a year ago about this property. He stated ADEM's response was that there are issues. He reported he had photos of the original status of the property, and he stated the original pond was in the center. He pointed out the current pond has been relocated to the edge of the property, and he had photos of it when it flooded back in February and it ran up to a resident's house. Mr. Kaita reported the entire

neighborhood drains into this property. Chairman Culver asked Mr. Kaita to leave the photos and they would look at them. He stated he had no problem about the development coming in but the property has been flooded several times, and he was concerned about the homes not being built in there properly and later being abandoned, the sewage, and the effect it could have on the drinking water. Chairman Culver thanked Mr. Kaita.

Mr. Ryan Kriser, Kriser Homes, stated they purchased the property a year and a half ago with the idea of developing it. He reported Mr. Alan Parker is their Engineer, and they have gone through all of the steps. He stated they have met with the Health Department and received approval on the septic systems out there. Mr. Kriser reported they had met with the Houston County Road and Bridge Department and they have scrutinized this with a fine tooth comb. He stated they have made them tow the line on the elevations of the homes, and the retention area will be expanded to the point to hold the capacity. Mr. Kriser reported it will help the whole neighborhood because it will be a larger retention area that will be dug out. He stated they will spend approximately \$60,000 on the elevation of the land to improve the area. Mr. Kriser pointed out in years past, it has been nothing but a cesspool there, and it would seem to him that the neighborhood would be pleased that three nice homes would be coming into the area. Mr. Kriser reported he did not know about devaluing the property owners' homes because the homes would be over 2,000 square feet which is basically the same size as the existing homes, and he did not understand that comment. The developer reported they would be held to a 100 year flood plan by the county and there are a lot of places that do not. He stated they have been scrutinized heavily and glad to meet the county's requirements to satisfy their needs. Mr. Kriser stated as a builder and developer, he did not want a homeowner to come back suing him. He reported all of the elevations, clay and various things for the home pad will be trucked in and compaction will be met according to the building code.

Chairman Culver stated it has been a while since a plat for a subdivision has been done. He asked Mr. Sherrer and Mr. Kirkland to tell the general requirements as it relates to storm water and septic. Mr. Sherrer stated he could not without a book. Mr. Kirkland reported the developer has met all of the county's requirements that are in the subdivision regulations. He stated they have been back and forth and they took out one home in order to make the detention area larger. Mrs. Brittney Clayton, Assistant Engineer, stated one of the lots had to be removed. Mr. Kirkland reported it is a wet area and they have met all of the county's requirements. Mrs. Clayton reported the septic systems are through the Health Department. Mr. Kirkland stated the perk tests are through the Health Department also. Chairman Culver stated the county is not trying to shove any responsibility off, but they do not deal in septic. Mrs. Clayton reported that part of the final plat requires acceptance from the Health Department on the sewage, and if they do not receive it, they will not approve the final plat.

Mr. Peters reported he has no problem with developing the property as long it is done properly. He stated he was concerned about the perc test. He asked if the developer would be allowed to haul in fill dirt and perform the perc test? Mr. Kirkland stated it was not with the county; it is with the Health Department.

Mr. Sherrer reported, according to the regulations, they have to meet the 100 year flood plan, and requirements of the Engineering Department. Mr. Kirkland stated they have looked at this and by all accounts they have met the county's requirements. Commissioner Sinquefield thanked Mr. Peters and Officer Kaita. He asked what things did the county commission need to do before voting since the county's specs have been met? Mr. Peters stated he had not seen the site plan, but he was going off what he had seen on the property. He reported his point is that they are not opposed to the development as long as it is done right. Mr. Peters reported he had not called the county to look at the plans or things of that nature nor was he going to. He stated from the residents' standpoint they see a potential danger at that site, and at the end of the day when the developer leaves, there will be new property owners and existing property owners. Mr. Peters stated when something happens down the road, he was putting the county on notice that with the approval of this site that they were accepting the liability. Chairman Culver reported after two years, the county will accept the responsibility. He stated the county's subdivision requirements have a two year bond that the developer is responsible for. Attorney Sherrer stated Mr. Peters was legally incorrect. He reported the county is not accepting responsibility for the way something is built. Chairman Culver asked Mr. Sherrer to hold on that he was not going to get into a legal debate. He stated if Mr. Peters would like to get with Mr. Sherrer after the meeting that he could do that. Officer Kaita stated they were talking about the property and building on it. He stated like Mr. Peters, he is up on the higher end of their subdivision and it is not that big of an issue for him. Mr. Kaita reported the property owners on the lower end were not in attendance, and he stated their properties flood up to the middle of their yards. He stated there is a pipe that dumps straight into that property and he asked if consideration had been applied regarding those neighboring properties, and what is going to happen? Mr. Kirkland reported the developer had met everything the county requires. Chairman Culver stated he appreciated Mr. Peters and Officer Kiata for bringing it up and discussing it because if they have questions, that was the time to do it. He reported he appreciated Mr. Sherrer protecting them. The chairman called for the question on the motion; and it carried unanimously.

9. Request to begin condemnation proceedings for right-of-way acquisition on Pine Acres Drive.

Commissioner McClendon made a motion to approve the request to begin condemnation proceedings for right-of-way acquisition on Pine Acres Drive. Commissioner Battles seconded the motion. Chairman Culver reported this item was discussed on Thursday. He stated the City of Dothan is putting in water lines and the county has to have some additional property for right-of-way. The chairman reported there is one property owner that they cannot locate, and the county is going to see if Mr. Sherrer and the courts can locate the person. Mr. Kirkland reported they had three people and they were able to get 2 of the signatures and they just lack this one person. Chairman Culver called for the question; and the motion carried unanimously.

10. Request to approve increase in payment for base dirt from \$1.25 per yard to \$1.60 per yard.

Commissioner Sinquefield made a motion to approve the request to increase the payment for base dirt from \$1.25 per yard to \$1.60 per yard. Commissioner McClendon seconded the motion. Chairman

Culver reported this is to meet market pricing, and the county gets a lot of other benefits other than just buying the dirt. The chairman called for the question; and the motion carried unanimously.

11. Request to provide a letter of commitment to support the Town of Gordon's CDBG application for Senior Center.

Commissioner Harvey made a motion to approve the request to provide a letter of commitment to support the Town of Gordon's CDBG application for a new Senior Center. Commissioner Sinquefield seconded the motion. Chairman Culver reported the Town of Gordon has not received the grant yet and the commission is not committing to do the work yet. He reported Mr. Kirkland will go out and review the site and the commission will know exactly what they are getting into before they give the final approval. He stated this is for the county to provide the letter of commitment. Chairman Culver called for the question; and the motion carried unanimously.

Staff Reports:

Acting Chief Administrative Officer – Ms. Bristow stated there was no report

County Engineer -

Mr. Kirkland reported he had received notification from the Choctawhatchee, Pea and Yellow Rivers Watershed Management Authority that they would provide a \$20,000 grant on the Cumbie Road Ditch Stabilization Project, which is around the watershed area. He reported that the Choctawhatchee, Pea and Yellow Rivers Watershed Management Authority is requesting that the agreement be executed and returned. He stated the county would have labor and equipment and it is basically a \$20,000 grant. Chairman Culver reported this was received after Thursday's meeting, and he stated Mr. Kirkland is asking for approval on the project. The chairman reported they would need unanimous consent, and someone would need to make a motion and second it if the commission wants to do the project. It was reported the work must be completed by the end of September. Commissioner McClendon asked if the cost of the project would go over the amount? Mr. Kirkland stated no. Chairman Culver asked if there were any objections to considering the request? There were no objections. Commissioner Sinquefield made a motion to approve the application for the \$20,000 grant for the Cumbie Road Ditch Stabilization Project. Commissioner McClendon seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

County Attorney – there was no report

Adjourn

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

