

MINUTES OF THE HOUSTON COUNTY COMMISSION

APRIL 14, 2014

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Siquefield, Commissioner Jackie Battles, Commissioner Melinda S. McClendon, Patrick Jones, Acting County Attorney, Barkley Kirkland, County Engineer, and William J. Dempsey, Chief Administrative Officer

ABSENT: Gary Sherrer, County Attorney

Chairman Mark S. Culver, called the 10:00 A.M. meeting to order, declared a quorum present, and welcomed everyone. Rev. Mark Kocsis, Pastor, Trinity Lutheran Church, gave the invocation. Commissioner Doug Siquefield led in the Pledge of Allegiance.

Commissioner Harvey made a motion to approve the minutes of the March 24th meeting and the April 3rd called meeting. Commissioner Siquefield seconded the motion; and it carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver recognized Dean Mitchell, the Director of External Affairs, of the Dothan Area Chamber of Commerce. He stated Mr. Mitchell would be attending the county and city commission meetings. He thanked Mr. Mitchell for all the great work he did on the Chinese Symposium. The chairman stated they looked forward to having him attend the meetings.

Chairman Culver reported that the next commission meeting would be on April 29th due to Confederate Memorial Day, a state holiday, on April 28th.

He reported the Tennis Classic began on April 13th, and was going on all week out at Westgate Tennis Complex. He encouraged everyone to get out and support the event.

The chairman commended Mrs. Kerry Farrell and everyone who worked on the Tri-State Bar-B-Que Festival that was held over the weekend. He reported the weather was perfect, it was well attended both days, and very much a success.

He pointed out the Houston County Rescue Unit Building, located on Enon Road, would be dedicated to the Ingram Family on April 17th, at 6:30 P.M. The chairman reported Johnnie and Frankie Ingram had been involved with the rescue unit for many years. He commended the Rescue Unit for taking that action.

Chairman Culver reported the Annual Media vs. Electeds Softball game would be on April 26th, at 10:30 A.M., at Colby Bottoms Field. He pointed out it is a food/fundraiser for the Wiregrass Area Food Bank. The chairman reported some of the players were Mayor "Smasher" Mike Schmitz, "Tuff" Taylor Barbaree, "Mighty" Matt Parker, and "Dangerous" Doug Siquefield. He stated there is a good group of people playing to include "Ms. Houston County." He reported it will be a good time and he encouraged people to come out and support it.

Commissioner McClendon reported the Wicksburg High School Power Lifters won the 2-A State Championship in Enterprise over the weekend. She congratulated them on the victory, and stated they also won last year .

Awards and Presentations

1. Presentation by Toadlick Music Festival – Chris Gilbert, President, Toadlick Entertainment

Chairman Culver reported the commission was happy to have Mr. Chris Gilbert, President, Toadlick Entertainment, to brief everyone on this year's event. He asked Mr. Gilbert to come forward. He stated he had Mrs. Debbie Ingram with him, and she presented the commission with a small gift. Mr. Gilbert reported Toadlick 3 would begin on April 24th. He pointed out 90% of music festivals never had a third year, and they are definitely in the minority. He stated they have come a long way with their growth from the first to the second year being phenomenal, and he reported it looked as though they are growing 30% on top of that. Mr. Gilbert pointed out with any business, there has to be growth, and it looked as if they will get out of the red this year. He reported the support from the local community has been overwhelming from business leaders to the local ticket sales, which have been up. Mr. Gilbert reported the community has gotten behind them and the Mayor has been phenomenal , and the Mazda people have come on board and he could not be happier. He pointed out a huge milestone they are very proud of is that tickets have been sold in all 50 states. Mr. Gilbert reported they got a gift last week at the awards show when The Band Perry won CMA Vocal Group of the Year. He stated they are excited and looking for a great third year, and praying for no rain. He pointed out every year they have had a tornado, and they call it the "Toadlick Tornado."

Chairman Culver stated Toadlick should be a great venue at the National Peanut Festival, and he thanked Mr. Gilbert. Mr. Gilbert thanked the commission for their support. Chairman Culver thanked Mrs. Ingram for attending also.

Regular Agenda

1. Appointment to the Houston County Department of Human Resources – Mr. James Daniel

Commissioner McClendon made a motion to appoint Mr. James Daniel to the Houston County Department of Human Resources. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

2. Request to approve budget amendment for EMA grant expenditures to the 2013/2014 budget for a total increase of \$31,399.73.

Commissioner Sinquefield made a motion to approve the budget amendment for EMA grant expenditures to the 2013/14 budget for a total increase of \$31,399.73. Commissioner McClendon seconded the motion. Chairman Culver reported this money was in last year's budget but was not spent. He called for the question; and the motion carried unanimously. (Please see in Minute Book)

3. Request to award bid for convection oven for the Houston County Jail.

Commissioner McClendon made a motion to award the bid to Moore-Warren Equipment, Inc., in the amount of \$14,999.00, for a convection oven for the Houston County Jail. Commissioner Sinquefield seconded the motion. Chairman Culver reported this item is budgeted. He called for the question; and the motion carried unanimously. (Please see attached Bid Summary sheet in Minute Book)

4. Request from the Sheriff to award the bid for the purchase of the X-Ray machine to be used at the Courthouse.

Commissioner Sinquefield made a motion to approve the Sheriff's request to award the bid for the purchase of the X-Ray machine to be used at the Courthouse, to Security Detection, Inc., in the amount of \$20,950.76. Commissioner McClendon seconded the motion. Chairman Culver reported this cost is being shared by the commission and the judicial system. The chairman reported the Sheriff's employees operate the equipment and Captain Carlisle gave the commission a good report on Thursday. He stated he felt it will help citizens get in and out quicker. The chairman called for the question; and the motion carried unanimously. (Please see Bid Summary Sheet in Minute Book)

5. Request to purchase 1 new dump truck for Road and Bridge.

Commissioner McClendon made a motion to approve the request to purchase one new dump truck for Road and Bridge. Commissioner Sinquefield seconded the motion. Chairman Culver reported as discussed at Thursday's meeting, this will replace a truck they have sold and they received more money than the county paid for it. He stated it is a good deal and they hope to sell all of the others under the same scenario. Chairman Culver called for the question; and the motion carried unanimously.

6. Request to approve Right of Way Encroachment Policy.

Commissioner Sinquefield made a motion to approve the Right of Way Encroachment Policy. Commissioner McClendon seconded the motion. Chairman Culver reported since the discussion on Thursday, they have received several calls and concerns. He stated some of the concerns were good and will lead to the commission hopefully amending what was on the agenda on Thursday. He pointed out some of the calls were from people who did not understand the policy. He stated he wanted to try to make everyone aware of what the commission is doing. The chairman reported the most calls he received were from people who live in the subdivision south of Olympia Spa who have brick mailboxes right by the road. He stated one of the changes in the amended policy that he asked the commission to consider would be to exempt all platted subdivisions. He stated this policy would not apply if someone lives in a platted subdivision. The chairman pointed out the issues with the right of way in subdivisions are different anyway. He stated usually in a subdivision there is not a lot of right of way, most of the time it is curbed and it will not be an issue.

Chairman Culver reported the other language in the amendment hopefully clarifies the notification letter. He stated it adds the sentence, "property owners will be notified by letter if there is an encroachment on the right of way." "Any existing hazard on the right of way will be removed by Houston County after thirty (30) days from the date shown on the notification letter."

Chairman Culver reported the county is not going to leave the meeting and start sending out a lot of notification letters. He stated nothing will change from where the county currently is unless there is a new structure being built incorrectly or if someone's road is resurfaced. The chairman reported ATRIP projects that are ongoing are grandfathered in so those will not be impacted. He stated the county does not have a lot of resurfacing on the agenda at the current time because of lack of funding. The chairman reported they hope to have monies for resurfacing at some point, and if someone has a road that is not in a subdivision with a non-breakaway mail box or anything else, the county will ask that they be moved. He stated he heard or read that the county was going to start issuing letters next week to remove mailboxes, and he stated that is incorrect. Chairman Culver reported this will not take place until a road is resurfaced. He stated the commission has the amended version, and a motion is needed to amend the previous motion with the recommended amendment. Commissioner Harvey made a motion to amend the previous motion with the recommended amendment as previously stated. Commissioner Sinquefield seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. He stated now the commission is back on the original. The chairman reported he wanted to be sure that the citizens understand why the commission is doing this. He stated it is not something the county has gone out and looked for. He reported the county felt that the 10 foot from the edge of the pavement worked well, and was fine with it. Chairman Culver reported the commission has to work under the auspices of the Alabama Department of Transportation, who approve plans for on-system roads before they can be let. The plans have to be approved their way or they will not fund them.

He reported the state sent an e-mail to the Road and Bridge Department of a letter they want the county to start using to send back to them on any project on a county road before it is done. He then asked Engineer Kirkland to read the first paragraph as follows:

"This is to certify that any right-of-way encroachments, such as non-breakaway mailboxes, brick columns, fences, utility poles in clear zone, buildings, etc., will be removed prior to authorization of the project. It is understood that failure to remove hazardous right-of-way encroachments associated with the project could result in withdrawal of Federal and/or State funds from this project or future Federal aid projects."

Chairman Culver reported it is new terminology in the letter that the state is requiring. The chairman reported the county did not go out looking for this. He pointed out in order to continue to get federal aid projects, which include the \$23 million of ATRIP money for these projects, if the county does not agree to this then they will not get the money. He pointed out the county receives over \$500,000 in maintenance funds, and it would be in jeopardy without this. The county has to make sure it complies, in an effort to get every possible dollar to come back to the community. The chairman stated he knew all of the commission has had calls about this item. He stated he hoped this issue has been addressed. He asked for any other comments from the commission? Commissioner Sinquefield stated he thought this had been addressed very well, but one of the concerns is to prevent hazardous structures on the right of way from causing serious injuries. He stated a concern of the county is to also protect the citizens. Commissioner McClendon stated she felt the citizens thought it was a mandate coming from the county, and she felt that has been addressed.

Mr. Jerry Dillard, citizen of Houston County, asked for the definition of a breakaway mail box? Mr. Kirkland reported mailboxes on the right of way must be mounted on a wooden post not greater than 4"x4" or 4" in diameter, or 2" in diameter hollow thin walled metal post. Chairman Culver asked if that was the state's regulation. Mr. Kirkland stated yes. Chairman Culver called for the question in the amended motion; and it carried unanimously. (Please see in Policy Book)

7. Request to award bid for crushed limestone.

Commissioner McClendon made a motion to award the bid for crushed limestone to the low bidder meeting specs in each category. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Summary Sheet in Minute Book)

Staff Reports:

Chief Administrative Officer -

Bill Dempsey gave an update on moving back in the Administrative Building. He reported the plan is to move back between mid-July and mid- August. He stated that included painting, flooring, cleaning and building modifications.

County Engineer -

Mr. Kirkland reported there were 4 roads closed at the present time:

East Saunders between Hodgesville Road and Highway 231, is an ATRIP project and they hope to have it open this week

Jasper Brown Road near Gordon had a pipe fall in

Indigo Pond Road and Lanier have been under water and will remain due to being low areas

County Attorney –

Acting County Attorney, Patrick Jones, stated he had no report.

Adjourn

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