

MINUTES OF THE HOUSTON COUNTY COMMISSION

JULY 27, 2015

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Siquefield, Commissioner Jackie Battles, Commissioner Brandon Shoupe, Gary Sherrer, County Attorney, Barkley Kirkland, 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. Rev. Stephen Russell, Pastor, Central Baptist Church, gave the invocation. Commissioner Doug Siquefield 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 Comments from the Chairman and Commissioners

Chairman Culver reported he had received a letter from the Dothan Area Botanical Gardens thanking the commission for some work that was done to assist them. He stated they are grateful and appreciate the commission working with them and partnering with them as has been done many times in the past. Chairman Culver thanked Engineer Barkley Kirkland for his staff handling the project expeditiously.

The chairman reported there will not be an Admin meeting on August 20th, but it will be discussed later.

He reported they received a press advisory regarding ACOM having a Press Conference on July 28th, at 10:30 A.M. He pointed out the Governor would be attending in conjunction with Blue Cross Blue Shield out at ACOM. The chairman stated anyone interested might want to participate in the event. He stated it is always good when the Governor is in town.

Regular Agenda

1. Request from EMA to adopt Resolution approving the Southeast Alabama Regional Multi-Jurisdictional Hazard Mitigation Plan – Steve Carlisle – EMA Director.

Commissioner Siquefield made a motion to adopt the Resolution approving the Southeast Alabama Regional Multi-Jurisdictional Hazard Mitigation Plan. Commissioner Harvey seconded the motion. Chairman Culver reported this plan has been on Ms. McGhee's desk since last week for review. He called for the question; and the motion carried unanimously. (Please see in Resolution Book)

2. Request to approve financing of one (1) knuckleboom truck.

Commissioner Shoupe made a motion to approve the request to finance one (1) knuckleboom truck with Synovus Bank, for a 35 month lease/purchase agreement in the amount of \$132,459.60. Commissioner Battles seconded the motion. Chairman Culver pointed out it was awarded to a local

bank on the 3% local preference rule, with a difference of \$75.60 over the 35 month period. He called for the question; and the motion carried unanimously. (Please see in Minute Book)

3. Request to adopt Resolution regarding Sanitation Late Payment Policy.

Commissioner Sinquefield made a motion to adopt the Resolution regarding a Sanitation Late Payment Policy. Commissioner Harvey seconded the motion. Chairman Culver reported they discussed the Resolution at the Admin meeting on Thursday, and the crux is that the county will be picking up sanitation customers' garbage cans if they do not pay their bill at 90 days. He pointed out they are implementing a charge to get the can back. The chairman reported there had been some discussion, and he asked Gary Sherrer, Attorney, for comments. Chairman Culver reported in essence, the Resolution states the county is authorized to do the collections, the charging and the pick-up. He pointed out charging the \$50.00 fee to pick up the can is new, and it is similar to a service re-connect fee if the county was an electric company or water company to get the can back. Chairman Culver reported this is necessary to cover the costs incurred in picking it up and getting it back to the customer. He encouraged the sanitation customers to keep their bill current in order to avoid the fee.

He asked Mr. Sherrer for comments on the laws as far as what happens when the county picks up the can. Mr. Sherrer provided some background. He reported this Resolution arises out of the county's general regulatory authority that was given to them by the state through the overall Solid Waste Plan and the Solid Waste statute that gives counties and cities the authority to require mandatory participation. He pointed out back in the early 90's, there was a severe problem with unauthorized dumps in Houston County. Mr. Sherrer reported the county elected to do mandatory participation requiring people to participate in all of the dumps or if not all, it seemed to be all of the dumps disappeared so it was a very good public health law getting rid of the nuisance problem in Houston County. He stated the county has gone to the larger garbage cans to allow for efficiency. Mr. Sherrer reported because the state law does not address the delivery and pick-up of those the law does allow the county commission to have the power and authority to adopt rules and regulations per the Alabama Code 22-27-3. Mr. Sherrer stated the Resolution cites the Alabama Code 22-27-5(a), which is one way of enforcing the mandatory participation saying that the county can collect through a civil lawsuit if it wants to, and the county can suspend services if it wants to. He pointed out in order to suspend services, the can has to be picked up and returned so it is like a cut-off and turn on fee, the \$50.00 fee. Mr. Sherrer reported that is not where the enforcement ends, however. He stated if someone does not pay and their can is picked up, there are still provisions provided for the enforcement. The attorney stated the customer cannot say that he does not have to participate anymore, so he will just start another dump in his backyard or in a ditch in front of his house, or the ditch in front of the neighbor's house. Mr. Sherrer reported if they fail to subscribe to the program, or they fail to pay, the law designates that as being a public nuisance, and it designates that as being a criminal offense. He reported the Health Department has a Solid Waste Officer who can send out a citation stating they have to appear within 10 days, and if they do not appear within 10 days, it is referred to the District Attorney. He stated the law provides that any person violating any provision of this article; not paying your bill or not subscribing, or not doing with your solid waste like it is supposed to be done through the county, or any rule or regulation; i.e., made by this county commission made pursuant to this article shall be guilty

of a misdemeanor and upon conviction shall be fined not less than \$50.00 and no more than \$200.00, and if the violation or failure or refusal to obey or comply with such provision of this article or such rule or regulation is a continuing one each day's violation shall constitute a separate offense, and shall be punished accordingly. Mr. Sherrer reported each day someone does not comply, and if there is a public nuisance, each day can cost between \$50.00 and \$200.00, a criminal penalty. He stated it is a misdemeanor and if the fine is not paid, there can ultimately be court time if the Judge so determines. Mr. Sherrer reported just because a can is picked up does not mean that someone can go and start creating a private dump. Chairman Culver stated in essence, the state law remains in place and in effect even though the county commission may have a rule stating they are picking the can up, they still fall under the state law as they do all other state laws. Mr. Sherrer stated that is exactly right. Commissioner Sinquefield thanked Mr. Sherrer for explaining it to the commission. He pointed out his concern was after the 90 day can pick up, there is a mandated requirement that they cannot dispose of the garbage just any way they want to. Commissioner Sinquefield asked Mr. Sherrer if he thought they need to amend the Resolution or leave it with the letters that go out. Mr. Sherrer stated he did not think the Resolution needed to be amended, he stated if they do not choose to participate and pay the pick-up and delivery fee then they are violating in choosing not to participate. He reported they are guilty of a public nuisance, and they are subject to not only civil prosecution but criminal prosecution at that point in time. If they do not pay the \$50.00 to get it back, they violated not only non-participation, but they violated the lawful regulation that this commission has adopted and they are subject to prosecution in criminal court. Chairman Culver stated they have to amend their letter that is going out to Sanitation customers at 60 days, and he asked if it would be prudent of the commission to reference or note in that letter that if they do not pay and the county has to pick it up in 90 days, then they would be in violation of criminal law.? Mr. Sherrer stated he thought it was a fair thing to do and put people on notice. Chairman Culver reported that letter will actually be what they receive; they will never see the Resolution. Mr. Sherrer pointed out this is an authorizing Resolution, and what is actually sent is to make them aware if they do not pay the bill and they do not have the can, they are in violation of a criminal law. The chairman stated it might be good when Mr. Dempsey and whoever is involved in putting the letter together, that a brief reference is placed in there notifying them of the possibility of violating a criminal law. Mr. Dempsey reported there is already a reference to that in the letter that is sent out so that including the fines as presented by Mr. Sherrer are currently outlined. Mr. Dempsey stated he thought they needed to modify the letter to make mention of the fee that will be charged. Chairman Culver reported they would look at the language too on reference to the criminal charges. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

4. Request from Sheriff to purchase 15 vehicles off State Bid to be funded through Sheriff's Process Servers Fee.

Commissioner Harvey made a motion to approve the Sheriff's request to purchase 15 vehicles off the State Bid to be funded through the Sheriff's Process Servers Fee. Commissioner Shoupe seconded the motion. Chairman Culver reported they discussed this request at length at Thursday's Admin meeting, and he felt this is a good thing. He stated it will be on the agenda in two weeks to approve the financing

and hopefully the accessories that go with this. Chairman Culver reported they talked after the Admin meeting that this is the largest one time purchase of Sheriff's vehicles for at least as long as the Sheriff has been with the county. He stated this addressed one of the 4 or 5 items they have been talking about for a year or two that are real issues the county is facing. Chairman Culver reported the commission appreciated the Sheriff working hand and glove with them to address the issue, and it will be a good start toward that. The chairman called for the question; and the motion carried unanimously.

5, Request to approve preliminary plat for Pine Grove Subdivision.

Commissioner Harvey made a motion to approve the preliminary plat for Pine Grove Subdivision. Commissioner Sinuefield seconded the motion. Chairman Culver asked for any comments? He reported in Mr. Kirkland's absence on Thursday, Mrs. Britney Clayton, Assistant County Engineer, handled it very well. The chairman called for the question; and it carried unanimously.

6. Request to approve the final plat for Park Ridge Subdivision, Phase 1.

Commissioner Battles made a motion to approve the final plat for Park Ridge Subdivision, Phase 1. Commissioner Sinuefield seconded the motion. Mr. Kirkland reported they have met all of the county's requirements. Chairman Culver reported with this approval they can sell lots. He called for the question; and the motion carried unanimously.

7. Request to adopt Resolution to initiate a project to construct a roundabout at the Taylor Road and Campbellton Road intersection.

Commissioner Battles made a motion to adopt the Resolution to initiate a project to construct a roundabout at the Taylor Road and Campbellton Road intersection. Commissioner Shoupe seconded the motion. Chairman Culver reported this was discussed on Thursday at the Admin meeting, and this is not a motion to build a roundabout, but a motion to pursue some roundabout funding that is available. He stated if they can get the funding, they have talked with the City of Dothan about the potential of putting a roundabout at the intersection of Taylor and Campbellton. He stated if the funding is approved, they will have discussions and see if it is the prudent thing to do. The chairman stated as mentioned on Thursday, that the City of Dothan is putting a roundabout at the grand entrance to Jim Oates Park, at South Gate Road where it intersects with Campbellton Road. Chairman Culver reported the county would be putting in some turn lanes on Taylor Road to access Jim Oates Park. He stated there would be several traffic enhancements around the Jim Oates Park area, and this could be one of those pending this grant application. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

Staff Reports:

Chief Administrative Officer – there was no report

County Engineer

Mr. Kirkland reported they had completed the limb pick-up from the storm in April. He pointed out there were some limbs that have been placed out there since they went down the roads, and those are considered paid tickets. Mr. Kirkland reported they would be catching up on picking up paid tickets and trash people have out. He stated people have been pretty understanding until the last 2 or 3 weeks. Chairman Culver reported that storm created a lot of debris and the county crews having been working diligently for the last 4 months, and the citizens have been really understanding of the work they have been doing and they appreciate it. Chairman Culver stated the county crews have done a great job of picking up and disposing of the debris. He reported they do appreciate the citizens of the county having an understanding attitude.

County Attorney – there was no report

Commissioner Battles asked Mr. Kirkland if he has records of the limb and debris pick-up, on what roads? Mr. Kirkland stated yes, and also the date they picked up. Commissioner Battles stated if he or the other commissioners get a call and someone is complaining that the county crews did not come down their road they can call Road and Bridge and they can look at the map and determine when it was picked up. Mr. Kirkland stated yes. Commissioner Battles reported he had a person who called that lives on a dead end and he stated it has not been picked up. Mr. Kirkland stated there might be an isolated case like that; but for the most part they went up and down most all of the roads.

Commissioner Shoupe reported he had a call from someone out at Wicksburg who was complaining about not having things picked up and they finally got it resolved. He pointed out the citizen stated the county did a much better job getting up his limbs than he would have done, and he asked him to pass on the compliment.

Commissioner Battles reported he had a similar situation from someone who was complaining about the shoulder work on Memphis Church Road, and now he sees what is happening and is very proud. Mr. Battles stated the man asked that he let Road and Bridge know that they are doing a great job.

Adjourn

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