

MINUTES OF HOUSTON COUNTY COMMISSION
JANUARY 9, 2006

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Bobby R. Snellgrove, Commissioner Phillip L. Forrester, Gary Sherrer, Attorney, Justin Barfield, Acting Engineer, and Roy Roberts, Administrator.

ABSENT: Commissioner Frances M. Cook and Mark Pool, Engineer.

Chairman Mark Culver called the 10:00 A.M. meeting to order, established a quorum was present, and welcomed everyone. Mr. Myer Holloway gave the invocation. Commissioner Snellgrove led in the Pledge of Allegiance.

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

Announcements and Public Comment from Chairman and Commissioners.

Chairman Culver reported there would be two public hearings scheduled over the next two weeks concerning roads. He stated one is scheduled for January 11th to discuss the work to be done on the Ross Clark Circle. The chairman pointed out according to Commissioner Forrester, the other public hearing would be January 18th to discuss the I-10 connector. He encouraged everyone to attend the public hearings, look at the plans, and let the Alabama Department of Transportation know your comments on the plans. Chairman Culver reported both meetings would be at Westgate Park from 4:00 P.M. until 6:00 P.M.

Consent Agenda

1. Request to award bid on computer for Water Lab.
2. Request to extend annual bid on contract for rock for a year.

Commissioner Harvey made a motion to approve the consent agenda to award the bid on the computer for the Water Lab to Howard Computers, low bidder meetings specs, for a total of \$1,151.00, and to extend the annual bid on contract for rock with Lewis Materials. (Please see attached bid summary sheets in Minute Book)

Regular Agenda

1. Request to fill three (3) vacancies on Houston County Water Authority.

Chairman Culver reported two of the vacancies would be tabled until the next meeting. The chairman then appointed Mr. Rickey Hudson to fill the unexpired

term of Richard Murphy until March 1, 2009. Commissioner Snellgrove made a motion to table two of the vacancies and to appoint Mr. Rickey Hudson to the Houston County Water Authority. Commissioner Harvey seconded; and the motion carried unanimously.

2. Re-appointment to Revolving Loan Fund Board.

Chairman Culver reported he had spoken to Mr. Tom Solomon, SE Alabama Regional Planning and Development Commission, and they thought they had someone who was willing to serve on the board, but the gentleman decided he did not want to serve. He stated at this time, they did not have a name. Chairman Culver reported he had spoken with Mr. Solomon and he stated it would be okay to table this item until the next meeting. Commissioner Snellgrove made a motion to postpone this item until the next meeting. Commissioner Forrester seconded; and the motion carried unanimously.

3. Request to adopt Resolution authorizing the transfer of the bond trust management from Wachovia Bank to Regions Bank.

Chairman Culver reported Mr. Roberts had explained this at the administrative meeting, and the bottom line is that the commission desires to keep their funds in the State of Alabama. Commissioner Snellgrove made a motion to adopt the resolution authorizing the transfer of the bond trust management from Wachovia Bank to Regions Bank. Commissioner Harvey seconded; and the motion carried unanimously. (Please see in Resolution Book)

4. Request to authorize the purchase of voting equipment and to approve budget amendment if necessary.

Chairman Culver asked Judge Cooley to come forward. He asked them to recall at the administrative meeting, they discussed moving on this as expeditiously as possible in order to try to obtain any reimbursement. He stated the contract was awarded back in December but the details of the contracts were still being worked out. He pointed out he had spoken with ACCA earlier that day and those have been finalized, and they will be getting them out. The chairman reported the ACCA staff informed him if the county could not get a purchase order by noon, it needed to be done as quickly as possible if our county planned on getting any reimbursement. Chairman Culver reported each of the commissioners has received a copy of the county election equipment bid awards right before the meeting. He stated the recommendation is as follows:

Fully Accessible Precinct Level-Option A AutoMARK Voter/87000
from Election Systems & Software @ \$6,025 each

He pointed out this award includes a mandatory one time County service and license charge for a five year period in the amount of \$45,900 per purchasing

county.

It was reported that Houston County has 29 fiscal locations where the machines will be needed. Chairman Culver asked Judge Cooley if they needed one for absentees? Judge Cooley reported that includes absentees. She pointed out the county has more counters because they are needed more so than the ballot marking machines. She stated only one marking machine is needed per precinct including absentee as a precinct. Chairman Culver reported the total cost would be \$220,625.00 and the intent if the commission approves this is to move expeditiously through the ACCA's bid program to get these ordered and get the invoice to the Secretary of State's office and try to get some reimbursement on the machines. Commissioner Forrester made a motion to approve Judge Cooley's request to purchase the Fully Accessible Precinct Level – Option A AutoMARK Voter 87000 voting machines from Election Systems and Software at a cost of \$6,025.00 each for a total of \$220,625.00. Commissioner Harvey seconded the motion. Chairman Culver asked Mr. Roberts if a budget amendment needed to be included? Mr. Roberts stated he thought the purchase needed to be authorized and once they see what kind of reimbursement will be received then they can tell if a budget amendment will be needed. Mr. Roberts asked Judge Cooley is she was going to initiate the purchase order? Judge Cooley stated yes. Commissioner Snellgrove asked Judge Cooley about the one time county service and license charge for a five year period? She stated when you buy software you have to buy a license and this is the cost of their license to use their software on their machine. He stated he asked at the administrative meeting if this is their maintenance? Judge Cooley stated yes it includes their maintenance agreement for five years. Chairman Culver reported the one time fee is included in the \$220,625.00 and would be sent in for reimbursement also. The Chairman called for the question; and the motion carried unanimously. (Please see attached bid summary sheet in Minute Book)

5. Request from Landmark Park – assistance with moving lime.

Chairman Culver reported Mr. William Holman, Director, of Landmark Park, was present. He reported someone had donated some lime to Landmark Park and they needed some help in getting it to the park. Commissioner Harvey made a motion to approve the request from Landmark Park for assistance with moving the lime to the park. Commissioner Snellgrove seconded; and the motion carried unanimously. Chairman Culver asked Mr. Holman to get with one of the gentlemen from Road and Bridge after the meeting, and they could make the arrangements.

6. Request from Sheriff – move Courthouse Court Security Unit.

Chairman Culver reported at the administrative meeting it was reported that Judge Mendheim and the Courthouse security personnel had gotten together and believe it would be appropriate and advantageous to swap the office space.

He reported the office that Judge Mendheim is using for a jury room is larger than what he really needs, and what is being used as the courthouse security office is smaller than what they need. He stated both entities have agreed that a swap would be in order. The chairman pointed out normally, these requests do not come before the Commission but because of all the equipment and the camera there is a cost involved in moving the electronics. He reported at the administrative meeting, a cost of approximately \$1,000 was discussed. Commissioner Snellgrove made a motion to approve the request from the Sheriff to move the Courthouse Court Security Unit, and the cost incurred. Commissioner Harvey seconded; and the motion carried unanimously.

7. Request from Town of Ashford – approve variance to front set back line for proposed subdivision in Ashford.

Chairman Culver reported all the towns in Houston County with the exception of the Town of Madrid and the City of Dothan adhere to the county's Subdivision Rules and Regulations. He pointed out a 35 foot setback is required from the right-of-way line. The Chairman reported someone is building some small townhouses in the Town of Ashford and they have asked to waive it. He stated the Town of Ashford has approved the contractor's recommendation and are requesting the commission to approve it since the county has the subdivision regulations. Commissioner Forrester asked what would be the new set back line? Chairman Culver stated five (5) feet from the right-of-way. Commissioner Snellgrove made a motion to approve the request from the Town of Ashford to approve the variance to the front set back line for a proposed subdivision in Ashford. Commissioner Harvey seconded; and the motion carried unanimously.

8. Request to approve purchase of right-of-way at the intersection of Prevatt Road and Forrester Road.

Chairman Culver reported the request involves a cut through piece that needs to be taken to make the road better. Mr. Justin Barfield, acting engineer, stated it is a flare. Commissioner Snellgrove asked about the cost? Mr. Barfield stated it was over \$700.00. Commissioner Snellgrove made a motion to approve the request to purchase the right-of-way at the intersection of Prevatt Road and Forrester Road. Commissioner Forrester seconded; and the motion carried unanimously.

Reports from Staff:

County Administrator –

Mr. Roberts reported he hoped to present the annual financial report at the next meeting, and if not it would be at the following meeting.

County Engineer –

Mr. Justin Barfield, acting engineer, reported the bridge contractor moved in today to begin work on Prevatt Road. Chairman Culver asked Mr. Barfield the time they have to complete the project? Mr. Barfield stated it was 40 working days. He reported the contractor will put in the bridge and the county has 30 calendar days to go in and rebuild the approaches and then they will come in and finish. The chairman stated it should be finished by the end of March at the latest.

County Attorney –

Mr. Sherrer reported he was pleased to inform the commission that the lawsuit as it relates to the renovations and additions to the Houston County Courthouse has been tentatively settled pending the approval of this commission. He stated the contractor and the bonding company, after there had been many extensions of the contract, at one point was claiming an additional \$500,000 from the commission for extended term compensation and change orders. He stated after many delays in not being finished and that claim, the commission was forced to file a lawsuit. Mr. Sherrer reported over the term of the litigation, the Courthouse is now completed. He pointed out all warranties are in place, and the lawsuit is being settled for no additional funds to be paid by the Houston County Commission. He stated they were bringing to the commission an agreement to release the contractor now that everything is performed, and releasing the bonding company from any further claims. He stated if the commission is willing to do that, he would like the commission to pass a motion authorizing the agreement is a wash and the commission will release them and they are going to release the commission, and to authorize the chairman to exercise the necessary settlement agreement which he anticipated happening that afternoon in conjunction with his advise, the county administrator and the commission's advice as well. Chairman Culver reported the claim they filed was at one point as much as \$800,000 that the county owed them. He pointed out the county has been holding the last payment on the project in the amount of approximately \$200,000 until all of this was settled. Chairman Culver reported He asked Mr. Sherrer if he was saying this agreement will call everything even as we are today with all warranties in place, and the county will not have to pay them the \$200,000 nor will the county have to pay them the \$500,000 - \$800,000 that they claimed? Mr. Sherrer stated that was correct. Chairman Culver reported the commission could either authorize the attorney and chairman to enter into this agreement or recess until this afternoon after the attorney has had time to review it, and come back and approve it. The chairman stated he was excited about getting it approved and he wanted to get it signed today. He then asked for the commission's thoughts. Commissioner Forrester made a motion to authorize the chairman and attorney to review, approve and execute this settlement on this case before the end of the day. Commissioner Snellgrove seconded; and the motion carried unanimously. Chairman Culver thanked Mr. Sherrer for drawing this to a close. He stated it had been a long and laborious legal process.

Commissioner Snellgrove asked Mr. Barfield how long Hodgesville Road would be closed? Mr. Barfield stated it would be off and on for around two months. He stated the public needed to be aware of the crossdrain work in the area of Saunders Road back to County Road 33.

Adjourn.

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