

MINUTES OF THE HOUSTON COUNTY COMMISSION
FEBRUARY 8, 2010

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Bobby R. Snellgrove, Commissioner Frances M. Cook, Commissioner Phillip L. Forrester, Gary Sherrer, Attorney, Mark Pool, Engineer, and William J. Dempsey, Chief Administrative Officer

ABSENT: None

Chairman Mark S. Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Rev. William C. Slade, Pastor, Parks Chapel A.M.E. Church, gave the invocation. Commissioner Phil Forrester led in the Pledge of Allegiance.

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

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported he had been notified by the Town of Cottonwood that they received a \$29,213.00 grant to the Cottonwood Volunteer Fire Department to be used for the purchase of extrication equipment. The chairman publicly congratulated them and their efforts to continue to improve their department and thanked them for notifying the commission. He reported the amount of the equipment is \$30,750.00.

The chairman stated there had been a change in the TERF Program that was announced last week. He reported the Family Services Center was handling it as the fiscal agent. The chairman reported those who wanted to donate to the fund that has been set up to assist agencies that provide services to anyone in need at this time due to unemployment, should make checks payable to FSC TERF. He reported SunSouth Bank is the place to take them by or they can be mailed to: P. O. Box 1910, Dothan, AL 36302. Chairman Culver stated if anyone would rather make a contribution to the Wiregrass United Way or their favorite charity they would gladly accept those. He pointed out there is a great demand on these agencies at this time.

He reported there was a meeting held last week at the City by the Choctawhatchee, Pea & Yellow River Water Management Authority. He reported he was out of town and unable to go but Commissioner Forrester represented the commission. The chairman reported the group decided to continue its effort to pursue the reservoir for the project. He stated the permit application is continuing. He reported everyone has to look very forward 50 years from now as to where water will be obtained. Chairman Culver pointed out water has been a top priority for this commission in their long range planning. He reported the future supply of it is a huge consideration. Chairman Culver reported the reservoir project continues and the commission is also looking into partnering with the City of Dothan to draw water from the Chattahoochee River.

Commissioner Forrester reported this is a joint effort with the Mayors of Dothan, Daleville, Ozark, Enterprise, and all the other associated governmental agencies were all there pursuing this. He pointed

out it is a top priority for everybody. He reported this is a quite a project as it will stretch from North Brannon Stand Road all the way to where the dam would be in Dale County.

Commissioner Bobby Snellgrove reported the Ashford Lions Club sold Brunswick stew over the weekend, and it was quite successful. He thanked all of those who participated.

Awards and Presentations

Chairman Culver reported there were a couple of presentations and the first one on the agenda would be slightly delayed because Senator Smith was on the way from a meeting in Ozark, and should arrive by the time the other presentations are completed.

1. Presentation – Energy Efficient Grant – Houston County Legislative Delegation.

Chairman Culver asked Senator Smith and Sean Curtis, Maintenance Manager, to come forward. Senator Smith stated she was pleased to attend and she bragged on the commission on the work they are doing to help improve the overall efficiency of energy for the county. She then announced that the county would receive a \$250,000 grant from ADECA to help support energy efficiency improvements at the Houston County Health Department, the Farm Extension Office, the Courthouse, Community Corrections, and the Administrative Building. Chairman Culver reported they applied for the grant several months ago and it is part of the stimulus funds that are out there for energy efficiency. He stated they had worked through several ways to use the funds and did not know if they would get the funds. Chairman Culver pointed out the commission had been contacted by all of the legislative delegation. He reported Senator Holley could not be in attendance, and Representative Clouse sent the fax that it had been awarded. He stated Representative Lewis, Representative Beck and Representative Baker were all involved and he extended his thanks to them on behalf of the commission.

At that time, Mr. Curtis reported the major portion of the grant would be used for lighting retrofits, and HVAC upgrades in the Admin Building. He stated both of the components were major and they create a lot of energy issues and they were addressed with ADECA and the energy grant.

Chairman Culver thanked Senator Smith for all of the help she gives to Houston County and stated he appreciated her working with the county on this grant and other things the county will be working on during this legislative session. She stated it was always a pleasure to work with the commission. Mr. Dempsey stated the savings were projected to be over \$80,000 per year.

1. Check Presentation – Lori Burns, Territory Development Manager, Office Depot

Ms. Lori Burns reported Houston County is part of a state of Alabama Co-op called U. S. Communities and as part of that a rebate is given as part of the purchases. She pointed out the year runs from August 1st thru July 31st, and for last year, the county earned a check back in the amount of \$466.47. At that time, she presented the check to Chairman Culver. The chairman thanked Ms. Burns and stated the U. S. Communities Program is through the National Association of Counties (NACO). He stated it has been used all over the nation in an effort to save funds through Office Depot and many other organizations.

2. Presentation – VFW Houston County Deputy of the Year Award – C. J. Watson, VFW 3037 Post Commander, and Ed Pritchard, Quartermaster

Chairman Culver stated the Commission is always glad to have these representatives of the VFW in attendance and particularly when they recognize one of the county's own. He also welcomed Sheriff Hughes, and asked them to come forward.

Mr. Pritchard stated they appreciated the opportunity to be present and honor law enforcement. He stated nationally, they have the Law Enforcement of the Year Program that goes down from the federal, state, district and post. He reported it starts off at post and they were honored to receive a nomination from the Houston County Sheriff's Department. Mr. Pritchard asked Sgt. Tony Lee Turner to come forward. He stated Sgt. Turner joined the Sheriff's Department in 1999. He reported on December 12, 2008, Sgt. Turner was working robbery stakeout detail, and he and his partner responded to the Hop In after being notified by fellow deputies they were observing a robbery in progress. He stated due to the immediate action taken by Sgt. Turner, and his leadership, the suspects were arrested without any incidents. Mr. Pritchard then presented him with the VFW Houston County Deputy of the Year Award. Mr. Pritchard thanked Sgt. Turner for his service to the community and he wished him a continued safe career. Mr. Pritchard stated he was impressed with the way Sheriff Hughes and his Chief Deputy have been conducting business, and he stated he did appreciate their service in the community and the job they do.

Sheriff Hughes reported during the time period the event happened there had been quite a few armed robberies in the county and Sgt. Turner was one of four deputies assigned to a certain location, and all four of the deputies will be recognized this year for their work through various organizations. He stated he thought it appropriate since Sgt. Turner was a Marine Corp veteran and a veteran of the War in Iraq that he be presented with the one from the Veterans of Foreign Wars. Sheriff Hughes thanked the VFW and the Commission. Commander Watson thanked law enforcement for the outstanding job they do in protecting this community, and always being there. Chairman Culver thanked Commander Watson and Mr. Pritchard for the great job they do at the VFW.

3. Presentation – Houston County Safety Improvement Plan – Mrs. Kelly Crowell, Safety Director

Mrs. Kelly Crowell, Safety Director, gave a brief presentation on the Safety Improvement Plan.

Mrs. Crowell stated she had worked 200 hours, and that she had gone through five years of information. At that time she reviewed a Safety Improvement Plan based on the information she had gathered. She stated the main goal is to reduce the number and severity of occupational injuries, and to lower the workman's comp cost. Mrs. Crowell pointed out the county's workman's compensation has increased 83 percent since 2003, and this year's workman's compensation premiums exceed \$655,900.00. The Safety Director then reviewed the plans for safety improvement.

Chairman Culver thanked Mrs. Crowell for her report. Commissioner Snellgrove stated it has long been a goal of the commission to have a safety program, and he looked forward to supporting Mrs. Crowell in

her endeavors to make the workplace safer. He stated the commission wanted to send the employees home safely. (Please attached in Minute Book)

Chairman Culver stated Senator Smith had arrived and they would go back to Item #1.

Regular Agenda

1. Request to set County Levies for Alcoholic Beverages.

Commissioner Cook made a motion to approve the request to set County Levies for Alcoholic Beverages. Commissioner Forrester seconded the motion. Chairman Culver stated this is normal and customary item that is required each year. He stated he did not believe there was any change in any of the levies. The chairman reported if there are changes they were mandated by legislation, and not at the request or responsibility of the commission. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

2. Request from Revenue Commissioner to set millage rate.

Commissioner Harvey made a motion to approve the Revenue Commissioner's request to set the millage rate. Commissioner Cook seconded the motion. Chairman Culver reported this is a requirement of the commission and the Revenue Commissioner. He stated it does include the additional school levy of 2.00 Mills and he stated he thought it was included last year. He reminded everyone the total millage is 21.50 Mills. The millage is as follows:

General Fund	7.00 Mills
Road & Bridge Fund	3.50 Mills
County Wide School Fund	4.50 Mills
Hospital	1.00 Mill
Special School District Fund	3.50 Mills
Additional School Levy	2.00 Mills
Total Mills	21.50 Mills

Chairman Culver called for the question; and the motion carried unanimously.

3. Request from Dothan Area Chamber of Commerce to act as pass through for Tri-States Junior Beef Expo.

Commissioner Forrester made a motion to approve the request from the Dothan Area Chamber of Commerce to act as a pass through for the Tri-State Junior Beef Expo in the amount of \$2,700.00. Commissioner Snellgrove seconded the motion. Chairman Culver reported this is something the commission has chosen to do at the request of the Alabama Department of Agriculture and the Chamber of Commerce. He stated the Department of Agriculture has always paid some of the entry fees for youth showing cattle at the Tri-States Junior Beef Expo, which is the longest running beef cattle show east of the Mississippi, is held at the Farm Center. Chairman Culver reported former

Representative Joe Carothers has been very involved over the years and we are honored to have that continued show in our community. Chairman Culver called for the question; and the motion carried unanimously.

4. Request to enter into contract for shredder services.

Commissioner Harvey made a motion to enter into a contract with Assured Data Destruction, a division of Wiregrass Rehabilitation Center. Commissioner Cook seconded the motion. Chairman Culver reported he felt it was always good when bids are taken and the Rehab Center is the appropriate bidder because it puts people to work that might not be able to work. He called for the question; and the motion carried unanimously.

Staff Reports:

Chief Administrative Officer – there was no report

County Engineer

Mr. Pool reported he had just received a request from the Town of Gordon for a letter of cooperation for a project. He stated they did not have any plans, any drawings, they had not had a chance to look at it, and no one had contacted them. Mr. Pool reported the engineering firm had put a cost estimate of the work they wanted the county to do at \$85,000, which he stated he thought it looked like 5% of the project that would equal the amount of the match.

Chairman asked Mayor Dismuke to come forward and explain how this came to be.

Chairman Culver reported he received a call from Mayor Dismuke's Administrative Assistant on Thursday afternoon after the agenda had been set and she stated the grant was being submitted for a new town complex. He stated they talked about the timing and he had told her the commission would go ahead and address it at the meeting. Chairman Culver stated the commission would rather address it in two weeks. He reported Mr. Frederick Hamilton was supposed to attend the meeting to let the commission know when the deadline was for the grant. Chairman Culver asked Mayor Dismuke if he knew the deadline date and he did not. The chairman stated that question needed to be answered.

Mayor Dismuke reported this was a federal grant through the HUD Economic Development Initiative Program. Chairman Culver asked the mayor how long they had been working on the grant? Mayor Dismuke stated it had been a year. Chairman Culver reported it would take unanimous consent to place it on the agenda to vote for it to be approved. He asked for some direction from the commission? He asked Mayor Dismuke if they were building a town hall? Mayor Dismuke stated it was a City Hall/Senior Citizen Building including the City Hall Building with City Clerk's office, Mayor's office, Utility office, Council Chambers, Senior Citizen Community Room and Kitchen at a cost of \$560,000 with \$85,000 for building the pad and parking site work, and \$52,000 for the access road, parking & handicap accessible paving for a total of \$697,000 on the sub-construction. He stated there was \$5,000 for the Phase 1 Environmental, \$62,700 for Architectural/Engineering, and \$34,000 for the Inspection for a total of \$798,700. Chairman Culver reported the commission had all of those figures before them.

Commissioner Harvey stated he would like to see the commission put it on the agenda contingent upon the Town of Gordon presenting the county with the plans. Commissioner Cook asked if there would be a problem if it was delayed until the next meeting? Mr. Harvey stated the commission did not know what kind of time frame they were working with. Chairman Culver stated the commission could take some type of action pending proper inspection from the county that if the commission finds out the grant application time is beyond two weeks, it would go away if it can be addressed in two weeks. The chairman stated the question is when the application is due. He stated he had talked to some federal people who seem to think that there is time to put it on the agenda. He stated they would do whatever the commission desires. He asked if anyone objected to immediate consideration? There being no further objections, Chairman Culver stated he would take any appropriate motions.

Commissioner Harvey made a motion to provide the letter of commitment for the site prep work for the Town of Gordon pending the plans being submitted to the county engineer. Mr. Pool stated he did not know anything about the project. Chairman Culver stated the normal procedure is to get the plans in advance and the county goes out and does cost estimates, determines how much it will take, and then it is placed on the agenda. He pointed out this is very unusual for the commission to be doing it this way. Chairman Culver stated what he thought he was hearing Commissioner Harvey say was to place it on the agenda for a contingent approval but if the commission finds out that they have time, it will be discussed again in two weeks. Mr. Harvey stated that was right. Commissioner Harvey stated that was his motion. Commissioner Cook seconded the motion. Commissioner Forrester asked the appropriate way to make sure the county did not exceed the \$85,000 cost estimate? Chairman Culver stated \$85,000 is the engineer's estimate and the county's cost usually runs a little less than the engineer's costs. Commissioner Forrester stated he did not want it to run more since the county engineer had not had the opportunity to review it. Chairman Culver stated Commissioner Forrester could offer it as an amendment to the motion. Chairman Culver stated Commissioner Forrester made a motion to amend the previous motion to include not to exceed \$85,000.00 and it was seconded by Commissioner Harvey. The chairman asked if there was any discussion on the amendment to the motion? There being none, the chairman called for the question on the amendment? The motion carried unanimously. Chairman Culver went back to the original motion that stated they authorize the commitment letter to be sent pending review by staff, and that it not exceed \$85,000.00. The chairman called for the question; and the motion carried unanimously. Chairman Culver thanked Mayor Dismuke and he stated he would get him the commitment letter. He asked Mayor Dismuke to contact Mr. Frederick Hamilton as soon as he left the meeting and have him to call him. Chairman Culver stated the county needed to know the timeframe. He stated if it is a month from now, everything that had been done at this meeting would be moot, and it would be discussed at the next meeting. Mr. Pool stated he would get in touch with Peters Municipal Associates and get a set of plans. He stated he remembered a project the county was going to do in the Dothan Industrial area several years ago, and they required a seven foot building pad and after they discussed it was dropped down to one foot. Mr. Pool stated it is better if the county can be a part of these projects. Chairman Culver stated he thought the mayor understood that and he had talked with the Town Clerk also. He stressed that the county be given the information on these type projects well in advance to prevent being up against a timeframe particularly if they had been working on it a year.

County Attorney

Mr. Sherrer stated he had prepared an amendment to the Rules and Regulations with regard to the operations of Charitable Bingo in Houston County. He stated the only change in the rules was on page 6, and it is the definition of Bingo or Bingo Games. He stated it incorporates within that definition the six characteristics of bingo that are set forth in the Cornerstone Opinion as rendered by the Alabama Supreme Court. Mr. Sherrer reported an additional section of three sentences that basically says that there are some bills before the Alabama Legislature, and if the Alabama Legislature adopts a different definition of bingo, these three sentences provide that the commission does not have to come back and amend the rules and regulations; that they will automatically be placed in the rules and regulations. Mr. Sherrer stated with things going the way they are, the commission could conceivably be back in two weeks to do it again. He reported he tried to put it in the amendment to get some flexibility at least in one area where he stated he knew there were two different bills pending in the Alabama Legislature.

Chairman Culver reported the commission was amending the existing definition of bingo to comply with what the Supreme Court has said bingo is. Mr. Sherrer stated in the St. Clair County case, the Surles case, the court did not rule the machines illegal, it ruled the definition of bingo, and the City of Ashville's ordinance. He reported they said it was too broad and it went through the definition as being too broad. Mr. Sherrer stated that was the reason it chose not to specifically rule on the machines but to rule on the ordinance and because of that the county not only has our criteria that the county was required before Country Crossing was allowed to open on December 1st. Mr. Sherrer stated the commission is now making those criteria part of the rules. Chairman Culver stated this amendment makes Houston County's rules more stringent per what the Supreme Court has ruled. Chairman Culver stated as the commission has done throughout this whole process and once again, through this action to do everything to insure the county meets the letter of the law. He reported the county was already in that position, but since the Supreme Court continues to re-write law as they go along, this change will bring the county's regulations into compliance with their most recent ruling. Chairman Culver asked if there were any objections in considering the item? There being none, he asked if there was a motion to amend the regulations as presented? Commissioner Cook made a motion to amend the Rules and Regulations for Charitable Bingo in Houston County. Commissioner Harvey seconded the motion. Commissioner Snellgrove requested that the amendment be read in an effort to let the general public know what the county is doing. Chairman Culver stated it was condensed but it had not been condensed by the commission, but by the Alabama Supreme Court. Chairman Culver then read as presented. Chairman Culver reported what he had read was directly out of the Supreme Court ruling, and they have certification that all of the electronic player stations currently sitting silent at Country Crossing meet those requirements. Chairman Culver stated this brings the commission further into compliance with what they believe to be legal as has been their task from the start and continues to be. Chairman Culver stated they hoped this week to bring some calm to the situation as it continues to be quite an embarrassment to this state. He stated he hoped everyone from the Governor to Operators to the DA to himself will calm some of the rhetoric that is out there and bring a civility that includes no harassment of security officers at Country Crossing, includes letting the county move forward with the

legislative arena and the legal arena and bringing this to a civil conclusion so that the county and the state can get on about important business that face us in this episode in our state.

Adjourn.

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