

MINUTES OF HOUSTON COUNTY COMMISSION
APRIL 25, 2006

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 Roy Roberts, Administrator

ABSENT: None

Chairman Mark Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Commissioner Harvey gave the invocation. The Pledge of Allegiance was led by Commissioner Forrester.

Commissioner Harvey made a motion to approve the minutes of the last meeting. Commissioner Cook seconded; and the motion carried unanimously. The chairman reported the commission was beginning a new procedure and would be signing the minutes at each meeting after they are passed in order to save the commissioners having to sign them at a later date.

Announcements and Public Comment from Chairman and Commissioners

Chairman Culver reported Monday April 24th was a holiday for state and county employees. He pointed out it is the first time the county has observed the holiday, and he stated he did not do a good job of informing the public that the county would be closed. The chairman reported he came down to do some work and there were people waiting at the front door to do business with the county. He stated they would try to do a better job of informing the public when the county will be closed. He pointed out the agenda was in the newspaper with the meeting date, and he apologized to those citizens who were not aware of the holiday. Chairman Culver reported the county has 13 holidays, and when the state is closed the county will be closed. He reported he would try to do a better job of informing the public.

The chairman reported he wanted to advise all elected officials and all of the candidates that April 25th is the final day to turn in their 45 Day Report to the Probate Judge's office.

Chairman Culver reported on April 24th, there was a recognition ceremony held for the National Guard and Reserve at the armory. He stated that he was unable to attend and because it was a holiday the commissioners were unable to be notified. Chairman Culver thanked those that put the event together recognizing the National Guard and Reserves. He pointed out to his knowledge, this is the first day they have had a recognition day. Chairman Culver reported the commission wanted to join with the State and the City of Dothan and the public in

commending those members of the National Guard who are fighting for our freedom, and expressing our appreciation.

The Chairman reported he had a press release that was going to be presented at the City Commission meeting which is meeting at the same time. He reported the state has released four (4) industrial access grants that will be made public today for a total of \$197,795.00. He reported PemCo, Ag Fibers, Michelin Tire, and Southeastern Sheet Metal are receiving funding from the Industrial Development Grant Program. He pointed out these global companies in the community are extremely important to us and he stated the commission appreciated the work the Governor's staff, the legislative delegation, and the Chamber of Commerce have done to secure these funds. The chairman reported the approximately \$200,000 the four projects are going to receive represents a total investment of over \$20 million. He stated that is a significant investment in the community along with 300 already announced jobs. Chairman Culver thanked the state for getting the money put forth.

The Chairman reported he had received several calls and questions about the parking lot out front, and why the county has not done anything. He stated that there were a couple of things the county has to take care of before the engineer can begin work. He reported the landscaping plan has to be approved by the City. The chairman pointed out there were some adjustments that had to be made and the county is waiting on those changes, and also the county has to get permits from the state because it is located on a state road.

Chairman Culver then gave a brief Legislative update.

He stated it ended up being a pretty good year for county government. He pointed out all of the county's bills were passed and implemented. He reported the Association of County Commissions of Alabama ended up passing seven bills some of which have a significant impact on us.

The chairman reported the publication of the voters list was initiated by Houston County. He reported the county had to pay a legal rate for the publication of the voters list which was over \$30,000, and the county wanted to be able to have it printed and pay an insert fee. The chairman stated there was some resistance to this statewide but in the negotiations on the Open Meetings Law, the State Press Association agreed to this and the bill was passed. He reported this will save our county and all the counties in the state significant money. Chairman Culver expressed appreciation to Representative Joe Carothers for his efforts on the bill.

He stated a bill passed giving counties authorization to close offices in cases of an emergency and natural disasters.

The chairman pointed out a bill passed dealing with landfill application fees and when they can be submitted. He reported he did not feel that would impact our county too much.

Chairman Culver reported the multi-state purchasing bill passed that allows counties to purchase off the National Association of County Officials (NACO) purchasing list. He stated it is a tremendous list containing items that the counties currently do not have the ability to purchase, and they anticipate the bill allowing substantial savings to counties.

The chairman reported the bill for municipality responsibility for juvenile costs amended the current law to require that municipalities assume the financial responsibility for all costs associated with the detention of a juvenile who is held in a county facility for violating a municipal ordinance. Chairman Culver reported if a child is sentenced to the Diversion Center that the county pays for; if it is on a municipal code or ordinance then whatever city he or she came from will pay the cost of the incarceration. He pointed out the county will have to bill the municipalities.

Chairman Culver reported a bill passed requiring when cities annex property to report that annexation to the Legislative Office of Re-apportionment within seven days of the annexation in order that counties can be made aware of that because it impacts several things that counties do.

He pointed out that a bill was passed amending subdivision regulations that requires a permit at the beginning of the process instead of waiting until construction time comes to pursue someone.

Chairman Culver reported the sales tax holiday bill passed which allows local governments to forego collecting sales tax on school purchases. He stated he hoped the commission would pass and allow Houston County to be part of this bill. He reported the way the bill is written it states that it takes effect on the first day of the third month following passage which means it will not be in effect until July 1st this year and it also states that local governments and municipalities have to give 30 day notice. Chairman Culver reported the holiday is the first weekend in August, and if the bill does not go into effect until July 1st and the commission does not meet until the 2nd Monday there will probably not be enough time to implement the act this year. He stated it is his intention next year to vote 30 days ahead of the act to implement this bill. The Chairman stated he thought it was a good thing for the parents as the children go back to school. Mr. Culver reported the ACCA is working on trying to figure out what the legislation does, and if they find out that the county can do it this year, then the commission will try to have it on an agenda in time. He reported at the present time, it is questionable as to whether the commission can implement it locally this year. Chairman Culver reported it is a good piece of legislation and he would hope the commission

would adopt a resolution at the proper time implementing it concerning the county's one cent sales tax.

Awards and Presentations

1. Awarding of Certificates of Appreciation

Chairman Culver asked Sheriff Lamar Glover and Mark Pool, Engineer, to come forward and bring their employees to be recognized. Chairman Culver reported last Thursday, Mr. Jerry Sellers was doing some work out on Cottonwood Road and had an accident and almost cut his arm off. He stated fortunately for Mr. Sellers two of the county's deputies were riding by and stopped to help Mr. Sellers, and there was a Road and Bridge crew close by and they also helped. Mr. Culver reported sometimes in our day to day operations of the county things happen that are above and beyond the call of duty and he felt like this incident fell into that category. He pointed out if these four gentlemen had not taken the action they did Mr. Sellers might not be alive today. He presented Certificates of Appreciation to Deputy Scott Spivey, Deputy Phillip Small, Daniel Mathis, and Danny Hatcher for "heroic efforts in going above and beyond the call of duty in order to save the life of one of his fellow men." Chairman Culver reported this is a small token for their actions.

Mr. Pool stated Mr. Hatcher and Mr. Mathis always do a great job and they are very good employees. He reported that all Road and Bridge employees are willing to help with a disaster or a need, and he thanked them for a good job.

Sheriff Glover thanked the commission for this recognition. He stated they train often for this in their profession and his department had just recently completed training for the deputies that have been there for quite some time. He reported the deputies are supplied with first aid kits and the officers used all they had that particular day to save this life. The Sheriff stated they were thankful the road and bridge employees came by and they used theirs. He reported the Dothan Fire Department assisted also. Sheriff Glover stated because of the diligence of these men they saved a life. The Sheriff then recognized the supervisors, Lt. Ashley Forehand and Sgt. Jackie Smith.

Chairman Culver thanked the men on behalf of the Commission for not only being good county employees but being good citizens also.

2. Presentation by Judge Luke Cooley.

Probate Judge Luke Cooley reported the community worker who goes out to the smaller municipalities and does tags has been so successful that she had considered doing something in town because there is no other location other than the Administrative Building. She stated one of the groups that has the most problems waiting in line downstairs are the senior citizens because some of them

have some infirmities that make it more difficult for them. The Judge stated she had been working with Ms. Betty Forbus at the Houston Love Memorial Library and she would like to have seniors taking more advantage of the talking books and the big lettered books that are available at the library. She stated through a combined effort they are allowing the county to use their board room two afternoons a month. Judge Cooley reported the community worker will be available to do renewals for senior citizens 60 years old and older. She stated they would need a check or money order because they will not deal in cash. Judge Cooley stated they would be offering this to the seniors and see if they will take advantage of it and if it will be a service to them. It was reported the service will be offered on the 2nd and 4th Thursday afternoons between 2:00 P.M. and 4:00 P.M. beginning May 11th.

Judge Cooley stated she was sorry she was late due to being in court. She asked Chairman Culver if he discussed the living will bill? The chairman stated no, because it was a Probate bill. Judge Cooley reported a statewide bill passed that allows those with living wills—not your will at death, your living healthcare initiative will to be filed in the Probate Office so if someone is interested in whether you have one or if the hospital needs it they can check with Probate. She stated it is not required and the hospital is under no liability if they do not call. The judge stated so many times a person's relatives do not know whether someone has a living will or not and with this bill the living will can be filed in the Probate Office.

3. Annual Report for Road and Bridge.

Mr. Pool asked the commission to turn to page 1 in their copy of the Annual Report for all of the numbers, and he stated it also has the numbers going back to 1999. Mr. Pool then gave some of the following highlights: the right-of-way crew cleared 60 miles of road, there were 88 miles of paint striping, 128 projects in the small towns, 21 miles of resurfacing was done at an average cost of \$65,000 per mile. He reported there were 2 miles of dirt road paving which was a total of 8 roads and 75 houses on those roads, and one church. Mr. Pool stated the \$65,000 on the resurfacing was the cost of the asphalt. He pointed out the average cost per mile to pave a dirt road was \$210,000 which included all labor and equipment. Mr. Pool reported the Litter Patrol that the Sheriff allows them to do with the inmates at the Jail picked up 3,848 bags of trash. He stated last year was rainy and they had 97 days of rain. Mr. Pool reported he felt they got a lot accomplished in spite of the rainy weather. Chairman Culver thanked Mr. Pool for his report and stated if any of the commissioners had questions they could contact Mr. Pool at the office.

Consent Agenda

1. Request to adopt Resolution to enter into Lease Agreement with First Continental Leasing – Road and Bridge dump trucks.

2. Request to approve and publish semi-annual financial statement.
3. Request to take bids on three (3) laptop computers for EMA and one (1) lighted mobile directional sign.
4. Request to extend annual bid for metal pipe at the same price.
5. Request to take bids for one (1) garbage truck for next year's budget. (330 day delivery)
6. Request to approve low bidder (F&W Construction Co.) for bridge on Paul Lamp Road and bridge on Omussee Road.

Commissioner Cook made a motion to approve the Consent Agenda and Commissioner Harvey seconded the motion for the following: Adopt Resolution to enter into Lease Agreement with First Continental Leasing for Road and Bridge dump trucks, approve and publish semi-annual financial statement, take bids on three (3) laptop computers for EMA and one (1) lighted mobile directional sign, extend annual bid for metal pipe with Hanson Pipe and Precast at the same price, take bids on one (1) garbage truck for next year's budget, (330 day delivery), and approve low bidder meeting specs, F&W Construction Co., for bridges on Paul Lamp Road and Omussee Road. Chairman Culver reported that publishing the semi-annual financial statement means absolutely nothing because the public cannot take anything from those numbers; it is a requirement of the law and it costs the county money. He stated it should be published annually once it is completed. The chairman stated in his opinion the county should work to do away with publishing the semi-annual financial statement. He called for the question on the motion and it carried unanimously. (Please see attached in Minute Book)

Regular Agenda

1. Request from the City of Dothan to participate in Downtown Master Plan.

Chairman Culver reported he and Commissioners Cook and Snellgrove attended the City of Dothan's Administrative meeting last week and heard the presentation on the Downtown Master Plan that is being put together by a gentleman who has worked on 3 different plans in Columbus, GA and has done work on plans in Pensacola, FL, Mobile, AL, Columbia, SC, Eufaula, AL, and Baltimore, MD. The chairman stated he is very well qualified to do this work. He pointed out the total cost of the plan is around \$115,000 including expenses. Chairman Culver reported that the county was requested to participate at a level and he told them he would ask the commission to participate at an amount of \$10,000 which would be at the same level the Wiregrass Foundation would be participating. He stated in addition, the Dothan Area Chamber of Commerce and the Convention and

Visitor's Bureau would be participating in the Master Plan. Chairman Culver stated he thought it was important that the county participate in order to have involvement in the Master Plan. He pointed out the county is probably the largest stake holder in downtown Dothan. Chairman Culver stated the commission has certainly taken strides with the county's property downtown necessary to help improve downtown Dothan. He reported Commissioner Harvey serves on the Downtown Group and all of their efforts to try to enhance the downtown area. He reported the mayor had planned to be here but they are having their commission meeting at the same time, and he was unable to attend. Commissioner Cook made a motion to approve the request from the City of Dothan to participate in the Downtown Master Plan in the amount of \$10,000. Commissioner Harvey seconded the motion; and it carried unanimously.

2. Request from SE Alabama Regional Planning and Development Commission to upgrade telephone system.

Commissioner Forrester made a motion to approve the request from the SE Alabama Regional Planning and Development Commission to upgrade the telephone system. Commissioner Cook seconded the motion. Mr. Roberts reported in their proposal the SE Alabama Regional Planning and Development Commission proposed to pay for the telephones but item #1 is a 32 button telephone and item #2 is a console. He stated it seemed like a natural splitting point for the county to pay for the cards to go with the system and the labor and the Planning Commission to pay for the telephones that are involved. Chairman Culver asked Mr. Roberts if he had talked with the Planning Commission and if they were in agreement? Mr. Roberts stated no he had just received it. He reported their letter indicated they would be willing to discuss any adjustments to that. The chairman asked for the commission's wishes? He reported they have a letter before them proposing to split the cost with the SE Alabama Regional Planning and Development Commission paying 58% and the county paying 42%. Chairman Culver stated he thought Mr. Roberts suggestion is that they take care of all of the phones and the county take care of the cards and labor. Mr. Roberts reported if the SE Alabama Regional Planning and Development Commission chose to move to another location, they would not want to leave the console and the main 32 button phone. He stated the county would end up owning 2 pieces of equipment to go with a phone system and the cards can always be used in the county's system. Commissioner Snellgrove asked if the motion could be amended to ask Mr. Roberts to negotiate on the phone system? Chairman Culver asked Commissioner Forrester if he would agree to amend his motion to ask Mr. Roberts to negotiate on the phone system? Commissioner Forrester stated yes. The chairman asked Commissioner Cook about amending her second on the motion, and she stated yes. Chairman Culver stated the motion would be to authorize the administrator to negotiate with SE Alabama Regional Planning and Development Commission to upgrade the telephone system. The chairman called for the question; and it carried unanimously.

3. Request to approve Mutual Aid System Agreement.

Chairman Culver reported Mr. Shelby Womack, EMA Director, is present to answer any questions about the document. He stated a similar document was presented a year ago and there were some minor issues that the ACCA had, and they wanted to address them before we entered into the Alabama Aid Mutual System Agreement. Chairman Culver reported the document in the package has been endorsed by the ACCA and the Alabama League of Municipalities. Commissioner Harvey made a motion to approve the Mutual Aid System Agreement. Commissioner Cook seconded the motion. Mr. Pool asked Mr. Womack what he was getting the Road and Bridge Department in? Mr. Womack stated it would fall under the county umbrella. The chairman stated since the ACCA has been involved in this he felt sure there have been engineers included in this discussion. The chairman called for the question; and the motion carried unanimously.

4. Request to amend Policy for work requested by School Board, Volunteer Fire Departments, or other Entities.

Commissioner Cook made a motion to approve the request to amend the Policy for work requested by the school board, volunteer fire departments, or other entities. Commissioner Harvey seconded the motion. Chairman Culver stated a couple of times in the last year requests have come up by entities that the county supports and does work for that are having upcoming events prior to the commission meetings. He stated it put him and Mr. Pool in a difficult situation because there is no commission meeting set at the time the requests are made. He stated he would like to amend the current policy and advise the non-governmental entities that if it is not approved in the commission meeting the county will not do the work. He stated he felt it would help all of the commission members and the engineer. He reported the entities have to know when the commission meets and what their plans for events are and get their requests in to the commission. Chairman Culver stated then the commission would not be put in this position. Commissioner Snellgrove asked what the plan would be to handle an emergency situation such as a big rain prior to one of the entities having a big event? Chairman Culver stated if the commission adopts this amendment to the policy then they would be on their own. The chairman stated if the commission would like to amend the policy to include some ability if it is an emergency they could, but he felt the commission would be better protected to leave the policy as presented. Chairman Culver called for the question; and the motion carried unanimously.

5. Request to approve agreement with ALDOT for resurfacing Hodgesville Road from County Road 33 to Saunders Road, 5.98 miles and also New Hope Road from Geneva County Line to South Park, .08 miles.

Commissioner Cook made a motion to approve the agreement with ALDOT for resurfacing Hodgesville Road from County Road #33 to Saunders Road, 5.98 miles and also New Hope Road from Geneva County Line to South Park, .08 miles. Commissioner Snellgrove seconded the motion. Mr. Pool reported the project would be let April 28th. Chairman Culver asked Mr. Pool if he would be advising the public when the work would be done so that the public could avoid those areas if at all possible? He stated yes and that was the reason for all the preliminary work during the winter. The chairman called for the question; and the motion carried unanimously. (Please see attached in Resolution Book)

6. Request to approve budget amendment to transfer funds for a GPS-60C and IR camera monitor.

Chairman Culver asked if these were budgeted items? Mr. Pool stated they were non-budgeted items but they were ahead on part of their revenue from selling some of their equipment. Commissioner Harvey made a motion to approve the budget amendment to transfer funds for a GPS-60C and IR camera monitor. Commissioner Cook seconded the motion. Mr. Roberts reported the reason this item had to come before the commission is because it involves capital expenditures, and any time the commission approves money into or out of capital, they request the commission's approval. The chairman called for the question and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

Reports from Staff:

- a. County Administrator

Mr. Roberts reported the commission had received a court order for an indigent burial which he stated is an unusual occurrence. He stated since the policy has been that the county pays \$200 for an indigent burial, and this amount is \$595.00, he felt he should make the commission aware of it. Mr. Roberts reported this person was not a resident of the county but died in the county. Chairman Culver stated he did not know if it was an order or a court agreement. He asked the commission to make a motion approving it since it is not our normal policy. Commissioner Forrester questioned whether the county anticipated more of these in the future and if the \$200 figure had become unrealistic? Mr. Roberts stated the county only budgets \$800 for indigent burials and we do not normally have that many. Mr. Sherrer, Attorney, reported the state statute requires the county to pay the reasonable cost with regard to the burial. He stated in some instances the city has donated a burial plot, and in this instance, the city would not donate a burial plot and an alternative burial plot had to be found. Mr. Sherrer stated when you have a deceased body, the law provides for some way of burying respectfully that body. He reported the county does not seem to have any alternative other than that. Mr. Sherrer reported when there is no one to make the choice then the county files for and obtains a court order and the order

recites what the statute says--that the county pay the reasonable expenses for the burial. He stated he did not know if \$200 was reasonable or unreasonable. Chairman Culver stated \$200 is the amount according to our policy. He reported the court ordered amount if \$595.00 but they had to go to a private cemetery because there is no county cemetery. Commissioner Forrester made a motion to approve the expenditure in the amount of \$595.00 to pay for the indigent burial. Commissioner Cook seconded the motion. Commissioner Snellgrove reported Mr. Sherrer had stated this is the first one in approximately 4 years since there has been a court ordered one, and there might have been a total of 4 in the 20 years he has been the county attorney. Chairman Culver reported normally these are run through the Department of Human Resources. Mr. Roberts stated they have to go through DHR and after the investigative work is done they make a request to the county. Chairman Culver called for the question on the motion; and it carried unanimously.

b. County Engineer

Mr. Pool reported there were a lot of political signs being placed on the right of way and it is getting grass cutting season. He stated in the past they have gone around during election time twice and collected the signs and put them out at Road and Bridge. He reported they kept up with the cost and charged back the candidates the time and fuel it took to collect the signs. Mr. Pool asked for the commission's direction on how to handle it this year? Commissioner Snellgrove asked if the county planned to notify the candidates in writing of the policy? Chairman Culver asked Mr. Pool to get with Ms. Susie Shepard in the Probate Office for a list of the candidates and then get someone to handle that. Mr. Pool stated he thought the current policy was working well. Commissioner Snellgrove asked if the county has always collected all of the monies owed on the signs? Chairman Culver stated there may have been a couple of candidates who did not get elected that we did not receive money from.

c. County Attorney

There was no report.

Adjourn

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