

MINUTES OF THE HOUSTON COUNTY COMMISSION

JULY 13, 2009

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, 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. Lt. Jonathon Howell, The Salvation Army, gave the invocation. Commissioner Phillip Forrester led in the Pledge of Allegiance.

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

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported an Election would be held July 14th in the city limits of Dothan, and he encouraged everyone who was eligible to take the time to go and vote.

The chairman reported he had received a notice at the first of the month from Mrs. Sherry Douglas, In-Home Services Director. He pointed out Mrs. Douglas runs a great program benefitting those who are unable to help themselves particularly in the elderly community. Chairman Culver reported through her hard work, she has signed up 81 clients in Houston County over the last year for energy assistance, and it has brought down over \$25,000.00 to those clients. He stated the commission appreciated her and her continued good work, and her real care for those she serves.

Chairman Culver reported he had received a letter from the Mid-South Division of the American Cancer Society thanking Mr. Mickey Sego and his staff for their outstanding assistance with the Houston County Relay for Life Event. It was pointed out Mr. Sego and his staff went above and beyond in both service and hospitality. Chairman Culver reported the event had to be canceled due to rain and it was re-scheduled. He stated Mr. Sego and his staff were so helpful the event has already been scheduled and booked for 2010. He congratulated Mr. Sego.

Chairman Culver reported Ms. Wendy Watkins, Revenue Commission office, has completed Level 1 of the Property Tax Support Development Program. He asked Revenue Commissioner Matthews to pass on the Commission's appreciation to Ms. Watkins for completion of the course and congratulate her on being better educated in order to do her job for the citizens of Houston County.

The chairman reminded everyone the commission would not meet in two weeks due to the National Conference, and the next meeting would be August 10th. He reported the Administrative meeting would be Thursday, August 6th.

Chairman Culver reported there had been some confusion on office hours for the Administrative Building. He stated the building is open from 7:00 A.M. until 6:00 P.M. The chairman reported most of the Probate Offices close at 5:30 P.M. in order to reconcile. It was reported the Revenue Commissioner's office closes at 6:00 P.M.

The chairman reported he had received the Sales Tax Report. He stated last month, the county was down from year to year by 10 ½%, and he talked about the possibility of it being an anomaly due to the flood. He reported this month, the county was down 9%. He stated with the struggling economy, the county is down 6% for the year for the same time frame from last year. He reported as the county enters their budget hearings, it will have an impact on what they are able to do. Chairman Culver pointed out 70% of the county's sales tax goes to education, and it is hitting them harder than it is the commission.

Chairman Culver reported The Downtown Business Association is hosting a Low Country Boil Saturday, July 18th, from Noon until 5:00 P.M. He pointed out Foster Street would be blocked off both North and South of Main Street, and they will have vendors. Chairman Culver encouraged everyone to come downtown and enjoy the Low Country Boil.

Consent Agenda

1. Request to award bid for track mounted excavator.
2. Request to award bid for PZ hot rolled steel sheet piling.
3. Request to extend current bid with Ennis Paint for thermoplastic for an additional three months.
4. Request to award bid for 10W30 oil to lowest responsive bidder, Davis Oil Company.

Commissioner Forrester made a motion to approve the Consent Agenda to include awarding the bid for one (1) track mounted excavator to Tractor & Equipment, low bidder meeting specs, in the amount of \$204,037.00 – 970 hours, awarding the bid for PZ 27 hot rolled steel sheet piling 15 ' long to Skyline Steel, low bidder meeting specs, in the amount of \$34,086.00, extend the current bid with Ennis Paint for thermoplastic for an additional three months, and award the bid for 10W30 oil to the lowest responsive bidder, Davis Oil Company. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Summary sheets in Minute Book)

Regular Agenda

1. Request to approve and advertise legislation regulating Adult Entertainment in Houston County.

Commissioner Cook made a motion to approve and advertise legislation regulating Adult Entertainment in Houston County. Commissioner Forrester seconded the motion.

Chairman Culver reported he had received a few calls and some conversations over the weekend and they had been mostly positive. He pointed out there were a couple of questions he would try to answer.

He reported the one negative thing about this item is that sometimes he felt government regulates more than the people should allow government to regulate. He stated this could conceivably be a case of that, but he stated he felt the good it would create based on the other comments he had received outweigh it, and there are times that things like this legislation need to take place. Chairman Culver reported the problem the commission has is that it is at the bottom of the food chain with the federal government passing things down to the state and in turn the state passes it down to the county, and the county does not have anyone to pass it to.

Chairman Culver reported last week, he had stated Dothan had restricted topless entertaining in the city and it was allowed outside of Dothan. He stated that was not totally correct because topless dancing is illegal throughout the state. Chairman Culver reported what they do outside of Dothan that is allowed is a facsimile of topless.

Chairman Culver reported the existing clubs and organizations are not being asked to close at this time. He stated as discussed on Thursday with the state of the economy no matter what kind of job you had it was a job and you needed it. He stated those existing clubs that are lawfully operating at the time the legislation passes will be able to maintain as long as they don't change anything relative to their business.

The chairman reported there was a brief discussion about a Special Session of the Legislature being called. He stated he had heard some talk over the weekend that the Governor may have made some strides to actually call a Special Session in August or September. He reported he was glad the commission went ahead and placed it on the agenda, and he hoped it would be advertised beginning this week and it would be ready in case there is a Special Session.

Chairman Culver asked for any comments from the commission and the audience? There being none, he called for the question; and the motion carried unanimously. (Please see attached legislation in Minute Book)

2. Request to adopt Resolution declaring preliminary and final assessments of property within The Improvement District of Houston County-Country Crossing Project as petitioned by the District and provided by Chapter 99-A of Title 11 of the Code of Alabama of 1975.

Commissioner Cook made a motion to adopt the Resolution declaring preliminary and final assessments of property within The Improvement District of Houston Country-Country Crossing Project as petitioned by the District and provided by Chapter 99-A of Title 11 of the Code of Alabama of 1975. Commissioner Harvey seconded the motion.

Chairman Culver reported this is basically agreeing to the assessments they have put upon themselves. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

3. Request from Dothan Area Chamber of Commerce to adopt Resolution designating Houston County as a Recovery Zone under the American Recovery and Reinvestment Act of 2009.

Commissioner Harvey made a motion to approve the Dothan Area Chamber of Commerce's request to adopt the Resolution designating Houston County as a Recovery Zone under the American Recovery and Reinvestment Act of 2009. Commissioner Cook seconded the motion.

Chairman Culver reported this will provide Mr. Matt Parker and others an additional tool in bringing new and expanded jobs to our community. He stated this was set aside through the Stimulus Bill. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

4. Request from Revenue Commissioner to approve the annual 2008 insolvents, errors and taxes in litigation, and uncollected insolvents and litigations.

Commissioner Harvey made a motion to grant the Revenue Commissioner's request to approve the annual 2008 insolvents, errors and taxes in litigation, and uncollected insolvents and litigations. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

5. Request from EMA to approve 100% Homeland Security Grant for sustainment of the R2 Communications Vehicle - \$10,000.00.

Commissioner Harvey made a motion to grant EMA's request to approve a 100% Homeland Security Grant for sustainment of the R2 Communications Vehicle in the amount of \$10,000.00. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

6. Request from EMA to approve Radiological Emergency Preparedness Plan.

Commissioner Cook made a motion to grant EMA's request to approve the Radiological Emergency Preparedness Plan. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

7. Request for a 160 Special Retail More than 30 Days Alcohol License for Professional Golf Academy at Dothan National LLC d/b/a PAR 72 GRILL, 7410 U.S. Highway 231 South, Dothan, AL 36301.

Commissioner Cook made a motion to approve the request for a 160 Special Retail More than 30 Days Alcohol License for Professional Golf Academy at Dothan National LLC d/b/a PAR 72 GRILL, 7410 U.S. Highway 231 South, Dothan, AL 36301. Commissioner Forrester seconded the motion.

Chairman Culver reported as discussed on Thursday, it was his understanding that this license will allow the sale of alcohol in the lounge and it is then able to be taken outside the lounge but not off premises. The chairman asked the Sheriff if that was his understanding? Sheriff Hughes nodded in the affirmative.

The chairman asked if there was anyone present in objection to the request? There being none, he called for the question; and the motion carried unanimously.

Staff Reports:

Chief Administrative Officer

Mr. Bill Dempsey reported the budget process would begin later in the day when the department heads would receive their packages to be completed within the next 2-3 weeks. He stated they had done some evaluation for this year and they were seeing some negative impacts on revenues for this year for economic reasons. He stated they were not expecting next year to be a sunshiny year. Mr. Dempsey reported the county would need to tighten up again next year.

County Engineer

Mr. Pool reported B. J. Mixon Road had fallen in since the meeting on Thursday, and he went over the road closed list as follows: Lanier Road, East Cook Road Jimbo Road, Dean Road and B.J. Mixon Road. He reported they do expect future roads to fall in. He pointed out it normally occurs for about six months after a flood. Mr. Pool reported it has been 3 ½ months since the flood date, and they were half way through with their cost estimates. He pointed out there are 206 sites and they have 105 cost estimates, and they are at \$2.5 million and rising. Mr. Pool reported there are another 101 sites to finalize cost estimates. He stated he felt they were half way through with work but they would have one crew work on underwater damage and it will go on for at least a year. Mr. Pool pointed out they have not started the work on underwater damage. He reported Houston County was hit really hard; much harder than he ever dreamed.

County Attorney

Mr. Sherrer reported he had given the commissioners a copy of a Resolution earlier in the day regarding a funding agreement that was passed in the April 13th meeting to assist the Houston County Water Authority in doing a bond issue to extend some water lines. He stated now the time for the bond issue issuance has arrived and the bond lawyers want the Commission to adopt formally again in a Resolution. He pointed out the commission would really be doing the same thing that was done before in a Resolution with some excerptive minutes formalizing purposes of the bonds themselves. Mr. Sherrer reported he received this Thursday afternoon after the Administrative meeting. He stated there is a timing issue for the Water Authority that they get the best rate possible. Chairman Culver also stated another is that the Commission will not meet again until August 10th. He asked Mr. Sherrer if he was requesting the commission approve the paperwork involved with what was approved in the April 13th meeting? Mr. Sherrer stated that was correct. The chairman stated it had to be unanimous consent. He asked if any of the commissioners had any objections considering the request? The chairman asked if there were any questions or comments? Commissioner Cook made a motion to approve the Resolution. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

Chairman Culver asked if there were any questions for the staff?

Chairman Culver reported Mr. Pool mentioned there would be more roads falling in. He asked Mr. Pool if he was being pre-emptive with that issue? Mr. Pool stated there is invisible damage. Mr. Pool explained if there is an old pipe under a road and with the normal rains the water goes through the pipe.

He reported in a flood situation, the water was going through the pipe at an accelerated speed and then the water built up where the pipe was not carrying the water and created even more pressure in the pipe. He stated if there was a hole in the pipe, then the water spun around up under the road and when the flood waters went down, there was a big void. He stated they cannot see it and as more and more traffic goes over the road it will start breaking off and before you know it the road has fallen in. He said if anyone calls about a little hole, the crews go and check it and usually there is a great big hole under there.

Adjourn.

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