

MINUTES OF HOUSTON COUNTY COMMISSION  
OCTOBER 10, 2005

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 and established that a quorum was present, and welcomed everyone. The invocation was given by Rev. Mark Berry, Pastor, First Church of the Nazarene. Commissioner Cook 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 some calls have been received as well as comments that have been put in the box at Chattahoochee Park about the tree cutting that is occurring. He stated he wanted everyone to understand that the county is not doing the tree cutting; it is the State of Alabama's contractor. The chairman pointed out the State Board of Education owns the property, and the State Department of Conservation oversees it. Chairman Culver reported the county leases the property. He pointed out the state law says any revenue generated from the cutting of trees or any other revenues generated by the property will go to the local school board. The chairman reported he wanted everyone to know that it is the state and not the county.

#### Awards and Presentations

1. Proclamation – “Red Ribbon Week” – Susan Trawick, Executive Director, Terry Grimes, Sonya Savelle, Judy Guiler, Dothan-Houston County Substance Abuse Partnership, Brittany McDaniel, Justin Motley, and Charlsie Smith, Youth Council Presidents.

Chairman Culver asked Ms. Susan Trawick, Executive Director, Dothan-Houston County Substance Abuse Partnership, to come forward. He reported it is always a pleasure for the county to commemorate, recognize, and celebrate “Red Ribbon Week.” He stated the kickoff is always on commission day and he asked that it be changed to a different time. Mrs. Trawick reported it would be changed next year to the afternoon. Chairman Culver then read the Proclamation declaring October 23<sup>rd</sup>-31<sup>st</sup> as “Red Ribbon Week” in Houston County, and presented it to Mrs. Trawick. Commissioner Cook made a motion to approve the

Proclamation as presented. Commissioner Snellgrove seconded; and the motion carried unanimously. Chairman Culver thanked Mrs. Trawick for the continued good work she and her staff do. Mrs. Trawick thanked Chairman Culver for the proclamation, and stated this is the 20<sup>th</sup> anniversary of Red Ribbon Week, and introduced Ms. Charlsie Smith, County Youth Council President. Ms. Smith then made comments about the history of the Red Ribbon Campaign, and urged everyone to wear their red ribbons.

2. Presentation by Little Miss Houston County – Taylor Shae Skipper.

Chairman Culver asked Ms. Taylor Shae Skipper, Little Miss Houston County, to come forward. She then presented Houston County pins to the commissioners. Chairman Culver wished Ms. Skipper and Miss Houston County, Lindsey Shirley, the best of luck in the National Peanut Festival Pageant. Mrs. Dorma Granger, Altrusa Club, thanked the commission on behalf of the Altrusa Club, and stated they appreciate all the commission does to assist them. Mrs. Granger thanked Ms. Skipper's mother, Mrs. Tami Skipper, who designed the pin, which has a peanut and a cotton boll on it. She pointed out during the NPF pageant, all of the contestants bring momentos from their towns, and Houston County did not have anything and they felt these pins would be nice. Chairman Culver reported they attend a lot of events and they see people with different type pins on but Alabama law does not allow the commission to spend money on advertising and pins even though it is promoting our county. He stated the commission might get with Mrs. Skipper to see if they could get a sponsor who would buy some pins and they could have them available on trips.

3. Employee of the Month – Road & Bridge.

Mark Pool, Engineer asked Mr. Randy Gaplin, Shop Foreman, to come forward and presented him with the "Employee of the Month" Certificate. Mr. Pool reported Mr. Gaplin was promoted to shop foreman in August, 2004 and he has had perfect attendance since he was hired, and is doing a good job. Mr. Gaplin thanked Mr. Pool. Chairman Culver thanked Mr. Gaplin on behalf of the commission.

Consent Agenda

1. Request to approve 7<sup>th</sup> Division joint bid for motorgrader blades.
2. Request to award bid for Prevatt Bridge Project.

Commissioner Forrester made a motion to approve the consent agenda to award the 7<sup>th</sup> Division joint bid for motorgrader blades to the low bidder meeting specs, and to award the bid for the Prevatt Bridge project to the low bidder meeting specs. Commissioner Snellgrove seconded; and the motion carried unanimously. (Please see attached in Minute Book)

## Regular Agenda

1. Appointment – Houston County Department of Human Resources.

Chairman Culver reported there was not a name on Thursday and he did not know if anyone had a recommendation. Commissioner Snellgrove made a motion to carry over this item until the next meeting on October 24<sup>th</sup>. Commissioner Harvey seconded; and the motion carried unanimously.

2. Request from EMA – update Resolution concerning Flood Insurance Program.

Chairman Culver reported he was contacted by Shelby Womack, EMA Director, and he asked that the commission carry over this item until the next meeting also because he is out of town. The chairman stated he felt this request is something that Mr. Womack needs to be present to discuss. Commissioner Cook made a motion to carry over this item until the next meeting on October 24<sup>th</sup>. Commissioner Snellgrove seconded; and the motion carried unanimously.

3. Request from Houston County Water Authority concerning compensation.

Chairman Culver reported Mr. Sherrer had prepared a resolution that puts everything in place should the commission decide to approve the request. He stated he would either entertain a motion, and then have discussion or Mr. Jerry Smith, Chairman, Houston County Water Authority, was present and he could come forward and address the issue since he was not present on Thursday. Mr. Smith came forward and addressed the commission concerning the request. He reported this process was begun in April, and the water authority's request is to approve a proposed amendment to their Certificate of Incorporation that will allow board members compensation as long as they are meeting all of their financial obligations and there is money available. He stated the maximum is \$2,400 per year per director and the maximum pay for chairman is \$3,600 per year. Commissioner Snellgrove asked Mr. Smith how many meetings they would have a month? Mr. Smith stated they are set up for one but that is dependent upon if there is anything to discuss. He reported they do not meet just for the sake of meeting. Mr. Smith reported that they can have meetings anytime they are needed. He pointed out they met last month but they did not meet the previous three months because there was nothing to be discussed.

Commissioner Snellgrove asked if the members have to be present to receive the compensation? Mr. Smith deferred to Mr. Sherrer. Mr. Sherrer reported that the law provides for each director to receive \$200 per meeting and \$300 per meeting for the Chairman. He stated the law does not specifically address that and the water authority can set up whatever in their by-laws in regard to whether or not they have to attend. Mr. Sherrer reported they cannot receive more than \$200 per meeting for a director or \$300 per meeting for the chairman with a cap of \$2,400 per year or \$3,600 per year.

Commissioner Cook asked Mr. Smith if this is in line with other water authorities or is this how he came up with the information to set up? Mr. Smith stated that he did not know what the other authorities are doing. He reported that this law has just gone into effect. Mr. Smith stated that he went to a training session last year and according to the attorney that was at that session, this law had just been made available. Chairman Culver asked if there is a cap on the amount of money to be paid? Mr. Smith stated yes, it is \$200 per meeting for directors and \$300 per meeting for the chairman. He reported these are maximums, and it is his understanding from Mr. Sherrer that the board can go in based on the maximums and set whatever figure they want to within these parameters. Commissioner Harvey asked Mr. Sherrer if no matter how many times they met there would be the maximum cap? Mr. Sherrer stated yes. Commissioner Forrester asked how many members were on the board? Mr. Smith stated there were four board members and he served as chairman for a total of five. Chairman Culver stated the board is made up of appointees from each commissioner. Commissioner Snellgrove asked Mr. Smith if he thought his board would pass a policy that the members had to attend the meeting in order to receive compensation. Mr. Smith stated he thought they would. He pointed out these are the maximum amounts but he preferred the amounts be less than these. Commissioner Snellgrove asked if they had a policy in place regarding the amount the members would be paid? Mr. Smith stated no because this is not in place. Commissioner Snellgrove asked if this could be carried over until the next meeting and asked Mr. Smith if they would prepare a policy letting the commission know what they planned to do? The chairman stated he thought what he was hearing is the commission would like to know how much the water authority planned to pay as to whether or not it would be the maximum? Mr. Smith asked if the commission understood it would be funding from the water authority and not funding from the county? Chairman Culver stated they understood but the commission is an oversight body. The chairman asked if Mr. Smith would include in whatever the board adopts that the directors must attend the meetings in order to be compensated? Commissioner Snellgrove made a motion to carry over this item until the next meeting on October 24<sup>th</sup>. Commissioner Harvey seconded; and the motion carried unanimously.

ITEM# 4. Request to approve budget amendment for architectural services on Courthouse - \$4,602.50.

Chairman Culver reported on Thursday additional detail was requested and the information was provided. Mr. Roberts stated it does explain the charges and the period of time is a year and he stated he was satisfied. Commissioner Cook made a motion to approve a budget amendment for architectural services on the Courthouse in the amount of \$4,602.50. Commissioner Harvey seconded the motion. Commissioner Snellgrove asked if this is the final bill? Chairman Culver stated he was going to let Mr. Sherrer address it in his report. The chairman called for the question; and the motion carried unanimously. (Please see budget amendment in Minute Book)

ITEM# 5. Request to condemn property for ditch improvement project on Dock Lamb Road.

Commissioner Snellgrove made a motion to approve the request to condemn the property for the ditch improvement project on Dock Lamb Road. Commissioner Cook seconded the motion. Commissioner Snellgrove asked Mr. Pool to explain why the county is having to do this? Mr. Pool reported sometimes silk builds up and clogs up the ditch and then it clogs up the pipe. He stated instead of the water running under the road there is a dam and water backs up on other people's property. He reported the ditch has to be cleaned up in order to get the pipe cleaned out and the water will not be dammed up. He pointed out sometimes people do not want to cooperate and the county has to condemn the right of way. Mr. Pool reported this is a ditch cleaning project so that the water will not be dammed and backing up on someone else's property and flooding the road. Chairman Culver called for the question; and the motion carried unanimously.

ITEM #6. Request to approve a portion of Sealy Road to be deeded back to the property owner, Mary Lott.

Chairman Culver reported when work was originally done on this road there were some extensive right of ways, and this one is 200 feet. He stated this road runs down to the Florida Line and serves what used to be Sealy Springs Spa. The chairman pointed out most of the other property owners have been deeded back their right of way. He stated this request is to be in compliance with the other property owners. Commissioner Snellgrove asked what the current right of way is? Mr. Pool stated it is 200 feet in most places. He reported the long term plan is to have it at 80 feet. Commissioner Snellgrove made a motion to approve the request to approve a portion of Sealy Road to be deeded back to the property owner, Mary Lott. Commissioner Harvey seconded; and the motion carried unanimously.

ITEM #7. Request to abolish position of Engineering Supervisor and create one additional Right of Way Agent.

Mr. Pool reported this is a reorganization. He stated he has been doing this for ten years and as people retire or quit, they have a chance to streamline. Mr. Pool reported it would save the county \$12,000 per year when you include benefits. Commissioner Cook made a motion to approve the request to abolish the position of Engineering Supervisor and create one additional Right-of-Way Agent. Commissioner Forrester seconded; and the motion carried unanimously.

ITEM #8. Request to allow Deanco Auction Co., to sell one 792 John Deere trax excavator.

Chairman Culver reported discussion at the administrative meeting was that this was one that is being replaced in the budget anyway. He pointed out this auction is being held in Mississippi, and it would probably be a timely thing in moving this piece of equipment because of all the cleanup that is going on over in Mississippi and Louisiana. Commissioner Cook made a motion to approve the request to allow Deanco Auction Co. to sell one 792 John Deere trax excavator. Commissioner Forrester seconded the motion and it carried unanimously. (Please see attached in Minute Book)

ITEM #9. Request to consider 2005-06 rental rates for the Houston County Farm Center.

Chairman Culver reported there are some changes and some increases but primarily the biggest change will be the cleanup fee or dumping fee that will be put on to cover the cost of cleanup. Mr. Roberts reported there is an increase to the large exhibit building. Commissioner Cook made a motion to grant the request to approve the 2005-06 rental rates for the Houston County Farm Center. Commissioner Harvey seconded the motion. Commissioner Snellgrove reported the commissioners had received an event log laying out how they would keep up with the costs. He asked if it would be possible to put a column on the event log giving the number of people who attend each event? Mr. Snellgrove stated that by having that count they can determine the tax dollars the events are bringing in. Commissioner Snellgrove stated that most of the time they are not receiving enough money to cover the costs but they need to look at the tax dollars coming in for the various events. Mr. Roberts stated the county does not put the events on and he asked Mr. Mickey Segó, Farm Center Manager, if he had them? Mr. Segó stated no. Mr. Roberts stated the county did not need to hire anyone to keep up with attendance records. Chairman Culver stated that he thought Mr. Segó could probably ask them what their estimated attendance would be when they register and he could go on that. Mr. Culver stated that if it is an event that actually sells tickets and knows how many they sold he could ask after the fact. Commissioner Snellgrove asked if the people putting on an event have to pay taxes on their gate receipts? Mr. Roberts stated that they have to pay sales taxes if they are selling something. He reported if it is an event that does not have a sale, they just need a permit or business license. Chairman Culver pointed out there are different type events and the circus charges a fee for a profit and he thought they would pay someone for sales tax. He stated if an event like Ducks Unlimited is booked and they sell tickets for \$10 as a fundraiser he did not think they pay any tax. He pointed out the sales tax collection would be through the county's collection agent, AlaTax. Mr. Roberts reported that it is also once a month and if someone had more than one event they would not report except their total for the month. Mr. Roberts stated that the best way would be to try to get what information is available; either their attendance or if they have sales and know specifics. Mr. Roberts stated that he would get all they can. Chairman Culver asked Mr. Roberts to contact AlaTax and find out their exact procedure for collecting and advise the commission? Chairman

Culver called for the question; and the motion carried unanimously. (Please see attached rate sheet in Minute Book)

ITEM #10. Request to approve grade changes.

Chairman Culver reported when the budget was approved there were still some ongoing evaluations of three positions that were re-evaluated. He stated that there will be no additional money so no budget amendments are required. He pointed out the commission just needs to approve the funding of the grade changes as recommended by the Personnel Board. Commissioner Harvey made a motion to approve the funding of the grade changes as recommended by the Personnel Board. Commissioner Cook seconded; and the motion carried unanimously. (Please see attached in Minute Book)

ITEM #11. Request from the Human Resources Development Corporation to act as a pass through for a van for the Gordon senior citizens.

Commissioner Harvey reported Mrs. Carolyn Guy, Director, Gordon Senior Citizens, was present. Chairman Culver reported Ms. Peggi James, HRDC, had requested this, and he reported the money will flow through the county. He pointed out the county had just done this for the senior citizens at Wicksburg. Chairman Culver reported this is a good program and Gordon could certainly use the van. He pointed out there will be no cost to the county. Commissioner Harvey made a motion to approve the request from the Human Resource Development Corporation to act as a pass through for a van for the Gordon senior citizens. Commissioner Snellgrove seconded the motion. Mrs. Guy stated the van is a much needed project for the seniors in Gordon. The chairman called for the question; and the motion carried unanimously.

Chairman Culver reminded the commission when an item comes up on the agenda, there has to be a motion and a second before any discussion can take place.

Reports from Staff:

County Administrator.

Mr. Roberts had no report.

County Engineer.

Mr. Pool reported they had paved Knowles Drive last week and they paved the circle drive at Ashford Elementary School. He reported that they started working on the intersection of Prevatt and Beverlye Road and were putting in the cross drain on Beverlye.

County Attorney.

Mr. Sherrer stated he did not have a report. Chairman Culver stated earlier in the meeting, the commission approved the architectural fees on the courthouse and he asked Mr. Sherrer if the project would be resolved by the next meeting? Mr. Sherrer reported they had been very close to obtaining the final settlement on the courthouse for the commission for quite sometime. He stated that the lawyer for the bonding company is not in the picture anymore and that has sped things up considerably. Mr. Sherrer stated that they have to reach an agreement on the wording of the document on moisture control, which is a very important part of maintaining the courthouse. He pointed out they have reached agreement in principle concerning how the moisture control warranty is going to be done with the bonding company doing it on its own, but they have to have the correct wording in the warranty. Mr. Sherrer reported that the warranty that was presented did not have the correct wording. Mr. Sherrer that stated he would hope by the next meeting he would have an agreement for the approval of the commission along with a letter explaining and making his recommendations concerning that case. He stated that he could not guarantee it because he cannot control all sides, but at this time, it looks promising.

Adjourn

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