

MINUTES OF THE HOUSTON COUNTY COMMISSION
NOVEMBER 10, 2008

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

ABSENT: Mark Pool, Engineer

Chairman Mark Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Lt. Jonathan Howell of the Salvation Army gave the invocation. Commissioner Snellgrove 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 extended congratulations to everyone associated with the National Peanut Festival. He stated he thought it all went really well even though the crowds might have been down a little, but he thought it was to be expected. The chairman reported from his observation, the crowd was as big as he had ever seen at the parade.

The chairman reminded everyone November 11th was Veterans Day. He reported county, state and federal offices would be closed. He invited everyone to come down to the new Veterans Memorial Park at 11:00 A.M. The chairman encouraged those who could not attend the Veterans Day Ceremony to do something to remember those veterans who have fought to allow us the freedoms we have.

Chairman Culver reminded everyone again for the last 6 weeks the county employees in the Administrative building have been working four ten hour days, and the offices are not open on Friday. He reported quite a few people came on Friday, October 31st, and said they were not aware of it and did not know it. Chairman Culver stated the commission had done everything they know to do to get it in the newspaper, on the radio, and television; short of sending everyone a personal letter. He reported they want to continue talking about it until everyone realizes it. The chairman reported people are learning, and the use of the county offices between 7:00 A.M. and 8:00 A.M. has gone up significantly, and some in the afternoon. Chairman Culver reported the commission will make the determination to make the move permanent or not at the next meeting in two weeks. He reiterated that he wanted to make sure everyone realizes that the county offices in the Administrative building are closed on Friday. Chairman Culver pointed out the hours are Monday thru Thursday from 7:00 A.M. until 6:00 P.M. in general.

Chairman Culver reported several months ago, the county had applied for a CDBG grant for a water project south of Ashford. He stated he thought it was about a \$400,000 project. The chairman reported the commission had received a letter from Governor Riley informing them the county had been awarded the grant in the amount of \$333,000 for the project. He pointed out the Town of Ashford would also be

doing some match work on the project. Chairman Culver reported the commission would be voting on moving forward on the project in the not too distant future. He stated it was good news as the commission continues its efforts to get water to the citizens of the county.

Commissioner Snellgrove commented on the four tens work schedule. He reported the people who came on the last Friday of the month to buy tags that did not know the county offices were closed in the Admin building were not penalized because it was the last day of the month. He stated if they come in on Monday they will not have to pay a penalty for being late. He stated he had been asked several times about the penalty on the last day. Chairman Culver stated that was a good point. He reported it is no different than Saturday or Sunday was before the county closed on Fridays. He stated if the last day of the month was on a Saturday or Sunday then the person could come in on Monday and buy their tag without having to pay a fee. He encouraged everyone to help get the word out that the county offices in the Administrative building are closed on Friday.

Awards and Presentations

1. Presentation – Joe Faulk, President, Association of County Commissions of Alabama

Chairman Culver reported the commission was honored to have a distinguished guest, Joe Faulk, President, Association of County Commissions of Alabama. He reported Mr. Faulk is trying to go to every county commission meeting in the state during his tenure as President. Chairman Culver pointed out that is a very ambitious goal and he stated he felt Mr. Faulk would find them enlightening. He then called on Mr. Faulk for comments.

Mr. Faulk reported he serves as Chairman of the Elmore County Commission. He stated this is his eighth year of service on the commission and before that he was on the council of The Town of Millbrook.. He reported on August 21st, he was installed as President of the ACCA. He stated that Houston County was his 13th meeting and he had enjoyed going across the state. He pointed out he had 12 more meetings scheduled for December and January. Mr. Faulk stated his purpose in coming to Houston County was to say thank you to the commission and staff all of whom he recognized as being involved in ACCA which is very important. He stated in Elmore County they are in a unique position in that they are replacing three commissioners, and they will be installed on November 12th. Mr. Faulk reported the members of his commission run with the President and he stated he understood that Houston County commissioners run with the Governor.

He reported there are hundreds of years of experience in ACCA and the prominent role has been to be able to pick up the phone and call the ACCA staff and ask a pertinent question which he did not know of before he became a county commissioner. Mr. Faulk reported so many people are unacquainted with the state law as it results around the Constitution of the State of Alabama in what counties do and don't do. He reported the ACCA also has a role with their affiliate groups such as the County Administrators Association, City/County Managers Association, E-911 Managers, etc. He stated they are there to support any role the county commission has or the staff.

Mr. Faulk reported one of his reasons to visit the county commission meetings throughout the state is to see how they do business. He stated most people in the state do not realize that all 67 counties are different, and operate under different rules. President Faulk reported they all work differently in the way they present their meetings.

President Faulk reported in the upcoming legislative session, there were two key things they need to guard for. He pointed out one has to do with the financial trouble of one county and as it will effect all of the other counties because of the role of the legislature wants to play in making sure that something like this does not happen again. President Faulk reported petroleum costs and other costs as funds are dwindling down as far as funds coming to counties are going to be state agencies and well intentioned legislators who will want to capture dollars that will eventually come to counties that ACCA wants to be sure to guard against.

President Faulk stated if at any time he could be of service that the ACCA office could get in touch with him, and he would be glad to try to assist. He then asked if the Chairman had any questions? Chairman Culver stated he did not have any questions. The chairman reported Houston County has certainly been involved in the ACCA and they understand the efforts made by them . He stated he and Commissioner Snellgrove are both on the board, and Commissioner Harvey is on the Minority Steering Committee. The chairman pointed out Commissioner Cook has served on the Legislative Committee and Commissioner Forrester has been the county's point man in Washington for quite some time. He stated the commission appreciated the association and what they do. The chairman thanked Mr. Faulk for coming.

Commissioner Snellgrove stated Mr. Faulk did not mention that he is a Wiregrass native. He stated he was born and raised in Dothan.

Chairman Culver reported the agenda shows three additional Proclamations. He pointed out Clark Matthews, EMA Director, had been called to an accident and he will not be able to attend. The chairman reported the "Winter Weather Awareness Week" proclamation would be postponed until the next meeting.

2. Proclamation – "Farm City Week" – Willie Durr, Chairman, Farm City Week Committee

Commissioner Forrester made a motion to approve the Proclamation declaring "National Farm City Week" November 21st thru 27th as prepared. Commissioner Harvey seconded the motion; and it carried unanimously.

Chairman Culver asked Mr. Durr to come forward and he presented the Proclamation. He thanked him for leading the annual effort for the community to recognize Farm City Week. Mr. Durr thanked the Chairman and stated they appreciated the commission taking this time to acknowledge the Farm City Week festivities. He reported this event has been going on for a number of years and he felt it was a perfect mix of urban and rural that we have in Houston County and the Dothan area. He reported Commissioner Cook and Mr. Glenn Forrester participated in the Farm City Swap, and everyone who attends the banquet will hear more. Mr. Durr reported Houston County is blessed with abundant

agriculture and they believe the impact is approximately \$100 million, and he reported the economic people say to multiply that by four times. He stated they feel the farmers should be recognized for the work they do. Mr. Durr thanked the commission and invited them to the banquet on November 18th, at 6:30 P.M. at the Civic Center. He also reminded the commissioner of the breakfast on November 14th at 7:30 A.M. at the Chamber of Commerce.

3. Proclamation – “Recognition of the Salvation Army” - Lt. Jonathan Howell

Commissioner Cook made a motion to approve the Proclamation in recognition of The Salvation Army as prepared. Commissioner Harvey seconded the motion; and it carried unanimously.

Chairman Culver asked Lt. Howell to come forward and presented him with the Proclamation. He also welcomed Lt. Howell who stated he had been in the community for 5 months. Lt. Howell thanked the chairman for welcoming him here and stated it was a wonderful opportunity to be in Dothan/Houston County. He stated they do have the Kettle Program and the Angel Tree Program which are two huge efforts for Dothan and Houston County. Lt. Howell pointed these programs give the citizens an opportunity to help out a less fortunate family. He stated the Salvation Army cannot do this program alone and all of the credit goes to the wonderful people who put money in the kettle as they walk by or who take one of the families off the tree. He reported they have an increase in the number of families this year that assistance from the Angel Tree Program plus some senior citizens with the food program as well.

Lt. Howell stated he had been informed there is a competition between the city and county with the Kettle Program. He stated he understood there is a plaque that is presented to the winner. The chairman reported the county won the plaque last year, and in so winning they discovered the city was cheating and he wanted Lt. Howell to be aware of it. Chairman Culver reported the competition is between the city and county commissions and the county recruits Starla Matthews, Revenue Commissioner and Probate Judge Luke Cooley in order to have seven also. He reported when they got out to WalMart last year, the Fire Chief, the Police Chief and the City Manager were all there. He stated this is not about county and city employees; it's the commissioners. Chairman Culver asked Lt. Howell to make sure he passed along to the city that any use of unauthorized personnel would automatically disqualify them. Lt. Howell thanked the commission.

Regular Agenda

1. Request to adopt Resolution approving application establishing the Improvement District of Houston County—Country Crossing Project.

Commissioner Cook made a motion to adopt the Resolution approving the application establishing the Improvement District of Houston County—Country Crossing Project. Commissioner Snellgrove seconded the motion.

Chairman Culver reported he wanted to be sure to clarify what the districts do. He stated basically the districts are set up for the sole purpose of them being able to develop infrastructure within the district;

streets, waterlines, etc. and they do it through assessments or fees that they charge within the district. He reported the benefit to the citizens of the county is the project does not come to the county and ask for any monetary or in-kind work, they do not ask for anything from the taxpayers of the county. He stated all of it is raised and done within the district. Chairman Culver reported it is like a little municipality that is set up and they take care of all the infrastructure. He stated he thought there were some questions that came up about eminent domain and condemnation. The chairman reported both of the districts they will be doing including this one and another one in two weeks require commission approval for any eminent domain action or condemnation. Chairman Culver asked County Attorney Sherrer if one of the districts by law requires the approval of the commission? Mr. Sherrer stated that was correct. He stated one of the districts does not but the district establishers have agreed to that and he felt it was a very important thing to assure the citizens in the area that there will not be any reaching and grabbing any land for the purpose of developing buildings and houses. He stated that was not going to happen. He stated the commission has an approval authority, and he stated knowing the commission like he did, they would not approve anything in that manner.

Chairman Culver called on Mr. Sherrer for comments relating to eminent domain/condemnation. Mr. Sherrer stated they had done two things:

1. They cannot exercise what has traditionally been a governmental power of eminent domain. He reported condemnation is the process of exercising that power. He stated even though the Code purports to give them certain eminent domain powers this commission is wisely restricting that power to where the public still has input if there is going to be an exercise of eminent domain type powers.
2. To protect the tax base of the county for the citizens of the county the commission also wisely put in there the district can only own because everything the district owns itself will be exempt from taxation. He stated in this particular document and this particular organization they can only own streets, roads, and utilities. Mr. Sherrer reported everything else that would be out there would be subject to sales tax, ad valorem tax, and all the public taxing type things that are benefit to and the public at large.

Chairman Culver stated he thought those were two very important things. He stated in dealing with some folks they could have pushed for those because the law allows those things, but they have agreed, and the commission had asked and he felt they have protected the citizens of the county. He stated he appreciated Mr. Sherrer for helping. He stated with commission input they have done the best they can to protect the citizens of the county from both loss of revenue and expansion without commission input. Mr. Sherrer stated if they are going to expand the district too, they will have to come to the commission in any event because they will have to amend their Articles of Incorporation, and that will require commission approval. Chairman Culver reported in the legal description and map in the packets, the district that is being set up is only the property that was purchased for the Country Crossing development that is owned by Resorts Development Group II LLC. He stated it does not go outside of that property and at this time there is only one property owner in the district so it does not impact anyone else. Chairman Culver reported if the boundaries of the district are to change it has to

come before the commission for approval. He stated they had tried to cover all of the bases to make sure all of the citizens are protected. The chairman called for any questions from the commission or the audience.

Mr. Jim Bryan asked about the commission approving any additional purchase of land but he asked if the property owner doesn't have to approve also according to 11-99-B of the Code of Alabama? Mr. Sherrer stated they were dealing with 99-A, and he would have to look specifically as to whether the property owner has. He stated obviously the property owner has to agree or they would have to come to the commission to try to get them to approve some type of condemnation and that is the protection that is included for the property owners in terms of expansion. He stated it would have to be approved by the commission at both levels; the acquisition even if they own the land. Mr. Sherrer stated if they come to a landowner and they sell them a parcel of property and that is all voluntary and everyone is satisfied; they still have to bring it to the county commission to be approved as a part of the district if they want it to be within the definition and description of the district itself.

Chairman Culver stated he thought he had read what Mr. Sherrer read also and that they had talked about at some point that in essence, one of them says that the landowner agrees to the sale of the property. He stated in essence it is saying that you cannot use eminent domain to get a person's property against the landowner's wishes. Chairman Culver stated again he did not believe that the current commission would broadly authorize anyone to use eminent domain to gain property for development. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

2. Request to adopt Resolution appointing Directors of Improvement District of Houston County—Country Crossing Project.

Commissioner Cook made a motion to adopt the Resolution appointing Gerald W. Taylor, William K. Graham, and Mark Sheldon as Directors of the Improvement District of Houston County—Country Crossing Project. Commissioner Forrester seconded the motion. There being no discussion, the chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

3. Request to approve Retail Beer License (Off Premises Only) submitted by Davis & Davis Enterprises, Inc. d/b/a One Stop Food Store, 6762 Cottonwood Road, Dothan, AL.

Commissioner Cook made a motion to approve the retail Beer License (off premises only) submitted by Davis & Davis Enterprises, Inc. d/b/a One Stop Food Store, 6762 Cottonwood Road, Dothan, AL. Commissioner Snellgrove seconded the motion. The chairman asked if anyone was present in opposition to the request? There being none present and no further questions; the chairman called for the question; and the motion carried unanimously.

4. Request from Landmark Park for dirt to create two handicapped parking spaces, and dirt to cover an exposed underground conduit along with backhoe and operator.

Commissioner Harvey made a motion to approve the request from Landmark Park for dirt to create two handicapped parking spaces, and dirt to cover an exposed underground conduit along with backhoe and operator. Commissioner Cook seconded the motion. Chairman Culver stated everyone had received a copy of the e-mail from William Holman requesting 6-7 loads of dirt for two spaces along with the covering of the conduit which is much needed. The chairman pointed out this is customary. He called for the question; and the motion carried unanimously.

5. Request from Revenue Commissioner to award bid on vehicle for Re-Appraisal.

Commissioner Snellgrove made a motion to approve the Revenue Commissioner's request to award the bid for a 2009 Ford Escape in the amount of \$17,220 off the State bid list for Re-Appraisal.

Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Information in Minute Book)

Reports from Staff:

1. Chief Administrative Officer

Mr. Dempsey reported he had been notified by Stephanie Weed that 153 people went through Paymentus last month. He stated that was the first month it had been in use and he felt it was successful. He reported it is helpful to the Revenue Commissioner's office.

2. County Engineer

Barkley Kirkland, acting Engineer, reported on the bond issue for the detour bridge and resurfacing of various roads that they just completed, they had approximately \$5,448,529.00 budgeted and they spent approximately \$5,220,891.00 coming in under budget by \$227,638.00. He stated work began November 4th on the project that was let through the state two or three months ago on the three bridges. He stated Windmill Road is the first bridge to be done. Chairman Culver asked about the timeframe? Mr. Kirkland stated there were 110-120 working days but he was not sure if they were calendar days or what. Commissioner Forrester stated he was out at Windmill over the weekend and they were just getting started. It was pointed out the other two bridges, Pilgrim Church Road and Wallace Buie Road, are both in Commissioner Harvey's district. Chairman Culver asked everyone that might be traveling in those areas to be careful. He stated he hoped this project would be done as quickly and expeditiously as the Brannon Stand Road Bridge was done.

3. County Attorney

Mr. Sherrer reported he would like to clarify the question by Mr. Bryan. He reported 99-a does say "however no land shall added to a district by amendment except with a written consent of the owners of such land."

He stated he wanted the commission to know that he had reviewed it in the interim and wanted to address it.

Adjourn.

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