

MINUTES OF THE HOUSTON COUNTY COMMISSION
DECEMBER 8, 2008

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 Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Rev. Stacy Turney, Pastor, Church at the Crossing, gave the invocation. Commissioner Forrester led in the Pledge of Allegiance.

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

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver complimented everyone involved with the Downtown Christmas Festival that was held over the weekend. He stated there was a good crowd, and everyone seemed to have had a good time.

He urged people who live in one of the municipalities to check to see when their Christmas parades are scheduled. The chairman pointed out some of the parades had already taken place. He encouraged everyone who had the opportunity to get out and support the small towns.

The chairman reported this is the last meeting for this year. He thanked everyone for working hard on what has been an extremely intense year for the county commission. Chairman Culver thanked the staff, the citizens, everybody for working with this. He stated he felt 2008 would go down as one that everybody will remember.

Chairman Culver wished everyone a Very Merry Christmas and a safe holiday season. He encouraged everyone to remember the reason for the season and remember the birth of our Lord and Savior, Jesus Christ.

Awards and Presentations

1. Life South "On Air Blood Drive" – Sandra Hollis, Branch Manager

Ms. Hollis, Branch Manager, Life South, stated they had put together a competition between WTVY and Kickin' Country 93.7 to help raise 200 units of blood Thursday, December 11th, at the center next to Jim Skinner Honda. She reported this is the holiday season and each year, the need for blood goes up, and the donations go down because people are so busy. Ms. Hollis reported this blood drive would be a family friendly competition and she encouraged everyone to please come out between 5:00 A.M. and 7:00 P.M. and donate blood.

Chairman Culver encouraged everyone to get out and donate. He pointed out there have been some employees of Houston County that have had to use blood lately, and he hoped they would be able to participate.

2. VFW Award Presentation – "Police Officer of the Year" – Ed Pritchard

Chairman Culver reported it was always an honor to call Mr. Ed Pritchard to come forward. He stated Mr. Pritchard was a former officer and a former veteran, and he had accumulated so many titles over the years they were too numerous to list. He thanked Mr. Pritchard for being present and he thanked him for his service to his community and to the nation.

Mr. Pritchard stated the Veterans of Foreign Wars and the Auxillary have programs they complete every year, and one of his favorite ones is the Law Enforcement Award of the Year program. He stated they visit the Sheriff's Department and the city to get their nominee for that award. He stated on behalf of the Commander, C.J. Watson, and Mrs. Pat Prichard, President, the Ladies Auxillary, it gave him great pleasure to give the award to Deputy Trent Blair. He pointed out Deputy Blair will receive two honorariums, one from the VFW and one from the Ladies Auxillary. He then introduced Commander, C. J. Watson who presented the award. He pointed out she is the first female commander in this post in its 74 years of existence. Mr. Pritchard thanked Sheriff Hughes and Captain Gonzales and their staff. At that time, Deputy Blair came forward to receive his award. Commander Watson then presented Deputy Blair with the award and thanked him for his commitment to his job and the community.

Sheriff Hughes reported Deputy Blair was a paramedic with the Dothan Fire Department for a number of years. He stated the reason he received the award was because he saved a young man's life. He reported several months ago, a young man was shot at the Chevron station in the Cowarts area while working. He pointed out he was shot once in the neck and once in the upper chest area and Deputy Blair arrived within a few minutes. Sheriff Hughes reported with the medical training he had he was able to stop the bleeding and save the man's life. Sheriff Hughes commended Deputy Blair for his actions. Deputy Blair received a round of applause.

Chairman Culver extended the Commission's thanks to Deputy Blair for the outstanding job he and the entire Sheriff's Department does.

Regular Agenda

1. Request to approve and publish Annual Financial Statement.

Commissioner Harvey made a motion to approve and publish the Annual Financial Statement. Commissioner Cook seconded the motion.

Mr. Bill Dempsey then reviewed the summary. He reported it was different than the budget numbers because the analysis included bond money and some other 700 series monies that were not on the books. Mr. Dempsey stated it was a flow through, and it also included some gasoline monies that they pass on. He reported the total revenue for the past year from normal revenue sources was approximately \$36,787,000.00. Mr. Dempsey stated the normal expenditures were \$48 million with \$11 million more expenditures than revenues. He pointed out there were funds from other locations to include the sale of general fixed assets in the amount of approximately \$2.4 million, plus the bond proceeds from earlier in the year of \$9.2 million, leaving a total of \$234,000. Mr. Dempsey reported the fund balances were \$9.2 million. He pointed out they had projected as part of the budgeted funds to have approximately \$7.3 million and the county actually has \$7.5 million of its normal budget, which is very close to projections. He stated it is good news for this year because they are almost on the total of the beginning fund balance. Mr. Dempsey reported in addition to the \$9.2 million fund balance, there is \$1.2 million bond money that was still there as of October 1st plus about \$700,000 of other flow through money.

He reported as far as debt, there are 3 outstanding warrants—2004 – principal amount \$21.4 million 2008 – principal amount of \$8.9 million, and in addition, the county development authority - \$147,000 still outstanding.

Mr. Dempsey reported in terms of lease payments, all of the lease payments will be paid out within 12 months of today with the exception of the one to be paid out in two years.

He then reviewed the revenue sources, and he referred the commission to the two charts that were in their packet.

Chairman Culver thanked Mr. Dempsey for the report. He reported the regular annual financial report by the Chief Administrative Officer would be given in January. The chairman reported the commission is required by law to publish the annual financial statement in the paper in order to notify the public and that was the action being taken. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

2. Request to support legislation submitted by District Attorney Doug Valeska increasing court costs in Houston County.

Commissioner Snellgrove made a motion to table the request until the next meeting. Commissioner Harvey seconded the motion. Chairman Culver reported a motion to table was not debatable. The chairman then called for the question; and the motion carried unanimously.

Chairman Culver reported there was discussion on Thursday about tabling this item and they talked about the timeframe. He stated he ran a timeframe if something was approved at the next meeting. He pointed out any local bill the commission approves must be advertised for four weeks and as it turns out, if the commission approved something at its next meeting the legislation would need to be ready to go. He reported the last day of advertising would be the first day of the Legislative Session. He reported they would try to get all of the questions answered before the next meeting.

3. Request to approve advertising and submittal of legislation establishing a Lodging Fee in Houston County outside the City Limits of Dothan.

Commissioner Cook made a motion to approve the request to advertise and submit legislation establishing a Lodging Fee in Houston County outside the City Limits of Dothan. Commissioner Harvey seconded the motion.

Chairman Culver reported on Thursday, there was discussion regarding the fact that the bill included municipalities such as if a hotel or motel were built in a municipality outside the city limits of Dothan that municipality would receive 1% of the lodging fee. He stated since Thursday, he had received calls from one Mayor and some legislators that after thinking about it that the municipality was going to get 1% and the county was going to get 2%. The chairman reported it was suggested that the amended bill in the package would establish it where 2% will go to a municipality, 2% will go to the county, and 2% will go to the Dothan Area Chamber and the Dothan Area Convention & Visitors Bureau. He stated if the county wanted to go in that direction, there would need to be a substitute motion to substitute the bill and then approve it, and go back and vote on the initial motion.

Commissioner Snellgrove made a motion to substitute the bill as provided with the changes. Commissioner Cook seconded the motion. The chairman reported this would change it to 6% and will include more for the municipalities and districts. He called for the question and the substitute motion carried unanimously.

Chairman Culver asked for discussion on the original motion. He called for the question on the motion to approve the advertisement of the legislation and submittal as substituted on the lodging fee; and it carried unanimously.

4. Request to adopt Resolution authorizing the Secretary of State as the Agent for Postcard Voter File Maintenance Program.

Commissioner Harvey made a motion to adopt the Resolution authorizing the Secretary of State as the Agent for Postcard Voter File Maintenance Program. Commissioner Cook seconded the motion. Chairman Culver reported the Secretary of State will be doing some work for the county and will pay for it. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

5. Request from Probate Judge to levy \$1.00 postage fee for license plate and sticker issuance and renewal.

Commissioner Forrester made a motion to approve the Probate Judge's request to levy a \$1.00 postage fee for license plate and sticker issuance and renewal. Commissioner Harvey seconded the motion. Chairman Culver reported the \$1.00 is to cover postage. He stated this year they will be sending out metal plates and the postage on it is \$1.34. He pointed out this will not cover all of the postage but it will cover the sticker. The chairman reported they tried doing away with this to see if there would be an increase in the number of people mailing their tags in and there has not been. The chairman called for the question; and the motion carried unanimously.

6. Request to approve office location for Alabama Department of Veterans Affairs District Manager.

Commissioner Harvey made a motion to approve the office location for the Alabama Department of Veterans Affairs District Manager. Commissioner Cook seconded the motion. The chairman reported this was not the Veterans Affairs Office that has already moved to the Farm Center. He pointed out this is the district manager. Chairman Culver reported he will be in the old SARCOA building. He called for the question; and the motion carried unanimously.

7. Request to renew farming lease on land at Houston County Distribution Park.

Commissioner Cook made a motion to renew the farming lease on land at Houston County Distribution Park. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

8. Request to approve application for Class "C" Bingo Permit, with preconditions to operation, submitted by the Houston Economic Development Association.

Commissioner Cook made a motion to approve the application for Class "C" Bingo Permit, with preconditions to operation, submitted by the Houston Economic Development Association. Commissioner Harvey seconded the motion.

Chairman Culver stated there were some people who would like to speak. He then reminded everyone about the rules and regulations. He stated 3 people from each side of an issue could speak for 5 minutes each if so desired. He asked each person who planned to speak to state their name.

Rev. Ricky Plummer, Pastor, Bethel Baptist Church, stated he did respect the commission's position but as commissioners he felt they had usurped the authority given to them by the county. He stated this item is an example of how they are pushing through a divisive issue or decision which affects so many lives in this county. He stated this is a far cry from charitable bingo which is what the people perceived that they were voting on. He stated the project had been weaved through and every loophole had been utilized just to get the project to go through. He asked if the commission believed this was a good venue for the county, then why would they not allow it to be voted on by the people? He asked if the financial supporters were aware that anything this commission does that another slate of commissioners can undo? Rev. Plummer asked the commission to reconsider the gaming aspect of Country Crossing? He then read a Resolution from his church that was passed on November 12, 2008, opposing the video gaming element of Country Crossing. He asked the commission in issuing the preliminary permit for the gambling aspect if they had considered the individuals that will be responsible for the day to day operations of the casino?

Rev. Jeff Peacock, Pastor of the Hodgesville Baptist Church, thanked the commission for the opportunity to speak. He stated each commissioner is in their prayers. He then read a Resolution opposing gambling in Houston County which was passed by his

church on November 19, 2008. Rev. Peacock then gave statistics on gambling and how it affects the community's crime rate, divorce rates, suicide rates, etc. He stated he felt the actions of the commission should be challenged legally. He stated he would not rest until this is done and/or the county has a commission that will support legislation for the people of Houston County to decide for themselves whether or not they want gambling.

Rev. Joe Holland, a minister at Bethel Baptist Church, read Resolution #6 on Electronic Bingo Gambling that was passed by the Alabama State Baptist Convention opposing all forms of gambling in the State of Alabama. He stated the meeting was November 18th & 19th.

Chairman Culver asked if anyone wanted to speak in support of the permit?

Mr. Tim Hawkins, a business owner in Dothan, thanked the commission for allowing him to speak. He stated it was his belief that they were there to talk about issuing the bingo permit; not whether there would be one issued. He stated he thought the investors should be able to go ahead and get the permit in hand as assurance they will have it when they open. Mr. Hawkins reported there are conditions that must be met and if they do not meet the conditions, then Sheriff Hughes will shut it down. He stated on the other hand, he knew Ronnie Gilley, and he will not give them a reason to shut them down. Mr. Hawkins stated he would appreciate it if they would go ahead and issue the permit. He thanked the commission.

Ms. Deana Yeager, a resident of Houston County, stated she is a member of a church that does not judge on gambling or anything else. She stated she supported Country Crossing and bingo, and felt it was time to get the project going. Ms. Yeager reported there was already crime in the area, and she did not think they could judge the bingo for the crimes because it is already here and it is everywhere. She requested the commission to approve the permit.

Mr. Jerry Brown, resident of Dothan, stated there is a governing group going to watch over the project to ensure it is legitimate and he saw no problem. He stated God worked in mysterious ways and if he wanted to use the devil to make money for the charities; why not let him do it that way? He thanked the commission for allowing him to speak.

Chairman Culver stated they agree with the comments that were made. He stated the commission is against illegal gambling and will not approve anything having to do with illegal gambling in Houston County. He stated from their legal research, bingo based on legislative rulings is bingo and is legal. He stated they had tried to put stringent regulations on this. He stated Walker County was mentioned and that is the example that Houston County does not want to become, and that is why the stringent regulations have been put on there. Chairman Culver reported the permit the commission will be issuing if passed, has preconditions to operation. He pointed out the approval for the permit does not give anyone the ability to go operate bingo today. He reported 7 out of the 10 venues must be completed and operational before it can be used, proper insurance must be in place before it can be used, machine stamps must be affixed on the machines before it can be used. He stated in addition, the permit gives a 14 day grace period when the non-profit determines they have met all the stipulations they are to notify this commission and this commission has 14 days to tell them they have not or if it does nothing they will assume they have. Chairman Culver reported they have put as many safeguards for the county and the citizens in this as they can. He stated they have looked and reviewed and he stated he wished it did not have bingo but we would not have the project without it because it is a funding mechanism. Chairman Culver reported 500,000 people are out of jobs in the U.S., and

as public servants he believes they have to work to provide and this does give opportunity.

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

Chairman Culver then took a point of personal privilege before the delegation from Bethel Baptist Church left for an update on the road construction near their church. He asked Mr. Pool to update them on the project at the Ardilla intersection. He stated the project is 50% complete, but the state nor the city have started on their portion. The chairman stated he wanted them to know the county was working diligently on this project.

9. Request to approve amended Sanitation Collection Policy.

Commissioner Harvey made a motion to approve the amended Sanitation Collection Policy. Commissioner Cook seconded the motion.

Mr. Dempsey reported the Policy would be effective January 1, 2009. Commissioner Snellgrove asked if the county would notify all of its customers with the changes in the policy? Mr. Dempsey stated yes, they have sent notices out to every customer they are currently billing, and they are also going to send notices to the business customers if the commission approves it. The chairman called for the question; and the motion carried unanimously. (Please see Policy on website)

10. Request to approve contract for AS400 hardware and software maintenance.

Commissioner Harvey made a motion to approve the contract for the AS400 hardware and software maintenance. Commissioner Forrester seconded the motion. Chairman Culver called for the question; the motion carried unanimously.

11. Request from EMA to approve budget amendment to transfer funds to cover generator fuel cost and advertising associated with grant.

Commissioner Cook made a motion to grant the request from EMA to approve the budget amendment to transfer funds to cover generator fuel cost and advertising associated with grant. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

12. Request to approve budget amendment to cover difference in cost of vehicle for Revenue Commission - \$2,220.00.

Commissioner Harvey made a motion to approve the budget amendment to cover the difference in the cost of the vehicle for the Revenue Commission in the amount of \$2,220.00. Commissioner Snellgrove seconded the motion. Commissioner Snellgrove asked if he was correct in that it was not new money; just a transfer? Mr. Dempsey stated there is an additional expense to the county in the amount of \$2,220.00 but there is also additional revenue to the county coming from the Revenue Commissioner's discretionary fund to offset each other. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

13. Request to award bid on patrol vehicles.

Commissioner Harvey made a motion to award the bid on patrol vehicles to low bidder meeting specs exercising the applicable local privilege of the 3% local rule, Bondy's Ford (Dothan, AL) in the amount of \$22,250.80. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Summary Sheet in Minute Book)

14. Request to award bid on In-Car Video Systems.

Commissioner Forrester made a motion to award the bid for the In-Car Video Systems to the low bidder meeting specs, WatchGuard Video, in the amount of \$4,897.00 each. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Summary Sheet in Minute Book)

15. Request to reject all bids for cleaning, caulking and sealing the Administrative Building and re-bid.

Commissioner Harvey made a motion to reject all bids for cleaning, caulking and sealing the Administrative Building and re-bid. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

16. Request to establish the price for base dirt at \$1.00 per yard.

Commissioner Cook made a motion to approve the request to establish the price for base dirt at \$1.00 per yard. Commissioner Snellgrove seconded the motion. Chairman Culver stated he had asked on Thursday how much it would cost the county? He reported he was told it would be absorbed into the budget without it costing the county anything; they would get less dirt. The chairman called for the question; and the motion carried unanimously.

Staff Reports:

1. Chief Administrative Officer

Mr. Dempsey reminded everyone again that effective January 1st, Wiregrass Electric Co-op will be the billing agent for Sanitation billing.

2. County Engineer – there was no report

3. County Attorney – there was no report

Chairman Culver reported the County Attorney and County Engineer had been under the weather and he was glad to see both of them back. He stated he hoped they would both continue to recover and keep good health.

Adjourn.

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