

MINUTES OF HOUSTON COUNTY COMMISSION
DECEMBER 12, 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 Nancy Bristow, Acting Administrator.

ABSENT: Roy Roberts, Administrator.

Chairman Mark Culver called the meeting to order, established a quorum was present, and welcomed everyone. Commissioner Curtis Harvey gave the invocation. Commissioner Frances Cook led in the Pledge of Allegiance.

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

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported this would be the last meeting of the year and he wished everyone a Merry Christmas and a safe and Happy New Year.

Linda York – Wallace Community College

Ms. Linda York, Director of Humanities, Wallace Community College, addressed the commission on a grant they had received from the National Endowment for the Humanities. She pointed out the grant will fund a series of public lectures and faculty seminars entitled "How the South Was Spun: Southern Storytellers & Myths." She stated the series would begin in January and there would be one each month at the Wiregrass Museum of Art. Ms. York urged everyone to attend and to invite others also.

Consent Agenda

1. Request to award bids on paper and toner, and janitorial supplies to low bidders meeting specs in each category.
2. Request to award six month bid on hot asphalt to low bidder meeting specs.
3. Request to award bid on fertilizer to low bidder meeting specs.

Commissioner Cook made a motion to approve the consent agenda to award the bids on paper and toner, janitorial supplies, the six month hot asphalt bid, and fertilizer bid to the low bidders meeting specs in each category. Commissioner Snellgrove seconded; and the motion carried unanimously. (Please see attached bid summary sheets in Minute Book)

Regular Agenda

1. Appointment to fill unexpired term on Houston County Health Care Authority.

Chairman Culver reported the commission had received notification on the appointment for District 3's resignation and they have properly submitted names for Mrs. Cook's appointment. Commissioner Cook made a motion to appoint Don Owens to fill the unexpired term on the Houston County HealthCare Authority. Commissioner Harvey seconded the motion; and it carried unanimously.

2. Request to award bids on ACCA County Joint Bid Program.

Chairman Culver reported the new awards in each category are in the package and then there is also a portion that is a renewal from last year that came after the package was made up. He asked them to recall 4 years ago, the ACCA passed legislation allowing all counties in the state to purchase under one bidding program. The chairman pointed out the thought was that everyone buying together would allow them to get better prices than each county buying individually. He reported it has been a good program. Chairman Culver reported at the time it was done, he was President of the ACCA and Houston County was asked to be awarding authority, and in order to keep things easy and continuity our county has continued to be the awarding authority. The chairman reported the bids that are being awarded are for any county in the state to be able to use. Commissioner Snellgrove made a motion to award the bids as presented on all items in the joint bid program to the low bidder meeting specs in each category. Commissioner Cook seconded the motion. The chairman stated it was his understanding that it would include the voting machines. He reported the information is probably upstairs because they were going to fax the information after 10:00 A.M. The chairman called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

3. Request from Judge Denny Holloway for four additional beds for Big Brothers Home.

Chairman Culver reported there had been a meeting about this and it was discussed a couple of times. He pointed out Big Brothers is one of those that the county has put a moratorium on the amount the county will pay them. He reported their per day cost is \$50.00 per day, and the Diversion Center is \$76.00 per day. The chairman reported there has been some cost incurred already and this would include approving cost already incurred. He pointed out Judge Holloway's thoughts were by having these beds already the county could save some money by sending people here rather than other places that are already expensive including Mobile, which is \$110.00 per day. Chairman Culver reported that Judge Holloway has agreed to try to keep the county's census down at the Diversion Center. He stated after the first of the year they are going to put together a meeting to have all of the players involved in juvenile incarceration as well as some prevention to discuss this issue. The chairman reported there will be someone from the Sheriff's Office, Dothan Police Department, the two Boards of Education, and the commission. He stated they will let the providers come in and inform everyone of what they do and the commission can make some long range determination on juvenile incarceration. Commissioner Cook made a motion to approve the request from Judge Holloway for additional beds for Big Brothers Home, and the appropriate funding. Commissioner Harvey seconded the motion. Commissioner Cook stated that it was her understanding if the beds were not in use; then the county did not pay. Chairman Culver stated that was correct; the county only pays for the beds if they are occupied. The chairman called for the question; and the motion carried unanimously.

4. Request to offer to renew lease on Distribution Park land for one year.

Chairman Culver reported the county would be making it known to the gentleman who leases the land that it would be the county's intent to offer to lease the land to him again. He reported that the lease states whatever property he uses is what is leased. The chairman reported there was some discussion on Thursday that the county may be going to use part of the land he was farming but the bottom line is that the reason this is on the agenda is the county wants to make him aware that it would be the county's intent to continue forward with that. He pointed out the current lease runs out on December 31st. Commissioner Snellgrove made a motion to approve the request to offer to renew the lease on the Distribution Park land for one year. Commissioner Forrester seconded the motion. Commissioner Cook asked if someone was going to get with the gentleman to let him know that the county may be going to use some of the property? Mr. Pool stated that he had not gotten up with him yet but that was his job. Commissioner Snellgrove stated the gentleman would pay according to the

acreage he cultivates. Chairman Culver stated that was correct. Chairman Culver called for the question; and the motion carried unanimously.

ITEM #5. Request to adopt legislation amending Firefighters' Service fee.

Chairman Culver reported the only amendment they are making is at the point where the law currently stated it applies to any mobile home or house trailer which is broader than the intent of the legislation was originally. He stated that after the word trailer, the county wants to add:

“used or expected to be used as a dwelling or residence for one or more human beings.”

He stated that the essence of that is to clarify that the fee will be charged on residences and places where people live and not on trailers with small trailers and mobile homes that are used for storage or something like that.

Commissioner Harvey made a motion to approve the request to adopt legislation amending the Firefighters' Service fee as presented. Commissioner Cook seconded the motion.

Commissioner Snellgrove asked attorney Sherrer if he thought the word “expected” might create some problems? He used as an example, if a person was building a home and it took a couple of years, would they start paying the \$30.00 fee before it is occupied? Chairman Culver stated that the word “expected” is the way the law currently reads and will not be changed. He pointed out the only thing the commission is adding is as it relates to mobile homes. Mr. Sherrer stated he borrowed the language from the top and the reason he did is there is some argument that this would have been imputed back. He reported the last sentence states “any such building or structure shall be classified as a dwelling.” Mr. Sherrer reported the county ended up with all of these other ones being qualified and the last one stated any mobile home or house trailer, and he stated any building like that could be classified as a dwelling whether it is used as a dwelling or not. Mr. Sherrer stated by definition, he went back and stated “for the purposes of this act, a dwelling shall be defined as any building, structure, or other improvements to real property used or expected to be used as a dwelling or residence for one or more human beings. He reported he used the exact same wording so the exact application with regard to apartments, Class III properties and everything else would apply to mobile homes and trailers. Mr. Sherrer stated before that it was not the case. Chairman Culver told Commissioner Snellgrove regarding the example he used, that the commission was not having any impact on it because it was already in there. Mr. Sherrer reported Mrs. Matthews, Revenue Commissioner, has reviewed this with her staff, and they are satisfied with it. Mr. Sherrer reported this amendment brings mobile homes and house trailers within the same interpretation as all other buildings in the statute. Mr. Snellgrove stated he thought the definition of a dwelling is something someone lives in. He stated he thought if it could be made clearer than it already is then we would eliminate a problem for next year. He asked if it was possible? Mr. Sherrer stated anything is possible and he had tried to keep it consistent with what they have already been doing with regard to every other building. Chairman Culver stated the discussions and concerns that he has been a part of have been because of the type of facility. He stated he did not know of any problems because of the interpretation of “the expected to be used.” The chairman reported that Mrs. Matthews is making that judgment and evidently they are doing it without having any problems with it. Mr. Sherrer reported he had not received any other complaints from them about that. The chairman stated he would be somewhat hesitant to amend any more of the language. The attorney reported he had not had a conversation with Mrs. Matthews about their standard of enforcing it, but the easiest way would be to have all of these buildings presumed to be or expected to be used as dwellings and have the people who own them to have to demonstrate that they are not being used and they do not intend or expect to use them as a dwelling. Commissioner Snellgrove stated he did not want to have to come back to eliminate a problem next year that could be handled now. Ms. Nancy Bristow, Accounting Manager, stated she thought part of that is determined by the resident coming and claiming

and at the same time it is also got to be livable. Ms. Bristow stated she felt the “expected” comes from vacancies if it is livable. She reported if it is packed full of garbage that has been there for 10 years then it is not livable. Ms. Bristow pointed out they have also had some that were so deteriorated that they were not livable; therefore it cannot be a dwelling. The chairman stated he thought it was to get the discussion or description as it relates to mobile homes in line with what is already there. The chairman stated he did not think the language that is currently in there is a problem and he would expect them to continue to enforce it so that it is not a problem. The chairman called for the question; and the motion carried unanimously. The chairman stated it needed to be drafted and begin advertising it. He reported the Legislative Session will begin in January 10th.

6. Request from Maintenance to approve budget amendment transferring funds for office equipment.

Chairman Culver reported this is a minor transfer. He stated Mr. Curtis had the money budgeted for a computer and he is not going to use it and would like to transfer the funds for the purchase of a desk. The chairman stated he felt this is something that should be done internally but it involves capital. Commissioner Snellgrove made a motion to approve the request from Maintenance for a budget amendment transferring funds for office equipment. Commissioner Harvey seconded; and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

7. Request to approve design concept on Courthouse bell.

Chairman Culver reported they reviewed that on Thursday. He thanked the Emfinger family for allowing the county to use the bell. He stated he felt the display that has been presented will be a visible sign of the history of the previous Courthouse. The chairman stated as soon as the location is determined, he will advise the commission before a final decision is made in order to get their input. Commissioner Cook made a motion to approve the design concept on the Courthouse bell. Commissioner Forrester seconded; and the motion carried unanimously.

8. Request to approve salary change for Refuse Truck Drivers in Sanitation.

Chairman Culver reported this was discussed extensively on Thursday and he raised some questions about a salary study that has just been budgeted and implemented, and now possibly coming back with this along with one other incidence, and possibly making some changes. He reported the commission asked Personnel to talk to the individual that did the study and see if she had all the information on this particular job that she needed when she made the evaluation. The chairman stated they also wanted to ask her to give some background on why this specific job with dispatchers was not changed. He stated he knew Personnel had been in touch with the lady that did the study and we did not have the information yet. Chairman Culver asked Mrs. Howard if she knew when the specific information would be ready? He stated he was going to recommend that it be postponed until a specific time. The chairman stated the proper motion would be to table it and at some point down the road take it off the table. Commissioner Cook made a motion to table this item. Commissioner Harvey seconded; and the motion carried unanimously.

9. Request to approve condemnation of two off right of way ditches – Hodgesville Road and Providence Road in District 3.

Mr. Pool stated the ditches need to be cleaned out. Chairman Culver stated he went down and looked at one of the roads this morning and the water is standing. He reported it is a very small job to get the water moving. Mr. Pool presented a picture of the ditch that had been looked at earlier on Hodgesville Road. Chairman Culver reported there was some discussion about digging a ditch down the road and in order to do that it would require several other property owners’

yards being disturbed. Chairman Culver stated he was not trying to speak for Mr. Pool but he thought it was his intent for the water to continue to go where it has been going. Commissioner Cook made a motion to approve the request for condemnation proceedings of two off right of way ditches on Hodgesville Road and Providence Road in District 3. Commissioner Forrester seconded; and the motion carried unanimously.

Reports from Staff:

County Administrator – no report.

County Engineer -

Mr. Pool reported he had a pre-construction conference with Murphy Bridge Company and they plan to start on the bridge on Prevatt Road the second week in January. He pointed out they will have 40 calendar days to complete the project. Chairman Culver reported federal monies are being used on this project and the state is handing this and the county has to go by their guidelines.

County Attorney –

Mr. Sherrer reported the moisture control warranty language has been prepared and forwarded to Great American Insurance Company, who will serve as the guarantor as well as taking the place of the contractor for purposes of that agreement. He stated he did not know how long it will take to get their approval. He reported they have indicated they want to move swiftly and if they do not waffle he would hope by the first meeting in January to have an agreement, and hope to be able to close this down in a very financially advantageous way for the county. Chairman Culver asked Mr. Sherrer if he has sent the warranty to Great American? Mr. Sherrer stated he sent it to the architect? He asked Mr. Sherrer to call them every other day until they sign it? Mr. Sherrer stated he hopes they will sign it this week even though the county will not approve it until the first meeting in January. Chairman Culver asked if there needed to be a special meeting called to get this done? Mr. Sherrer stated he did not think the agreement would fall apart but the chairman could recess this meeting to reconvene this meeting to a date certain. Mr. Sherrer stated it would be a push for them on a certain date and if it was not ready, then the commission would convene and adjourn. Chairman Culver reported the commission has to give 5 days notice, and if the attorney felt it would be okay until the first meeting in January then that would probably be the better thing to do. Mr. Sherrer stated he would like to get their signatures on all the agreements before January. He pointed out as long as the agreement is signed by the entity against who the county wants to enforce it then the county will be okay.

Chairman Culver again wished everyone a Merry Christmas and stated he hoped everyone enjoyed the Holiday Season and looked forward to a good year in Houston County in the coming year.

Adjourn

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