

MINUTES OF HOUSTON COUNTY COMMISSION
JULY 28, 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 Bill 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. Michael Grimes, Pastor, Grandview Baptist Church, gave the invocation. Commissioner Cook 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

There were none.

Awards and Presentations

1. Envision Update – Dr. Thomas Harrison.

Mr. Charles Coggins, Chairman, Envision Effective Regionalism Task Force, gave the Third Quarter Envision Update. He filled in for Dr. Thomas Harrison, Executive Director of Envision, who was unable to attend due to a broken ankle. Mr. Coggins reported that the Envision initiative for April 2008 – May 2008 has been filled with several different activities. He pointed out since Dr. Harrison's move to the Wiregrass Foundation, the Grow the Economy Task Force has been assigned back to the Dothan Area Chamber of Commerce to be handled by Dothan by Design. Mr. Coggins then gave an update on the following four task forces: P-16+ Education, Grow the Economy, Effective Regionalism, and Quality of Life. Chairman Culver thanked Mr. Coggins for the update. (Please see attached in Minute Book)

Regular Agenda

1. Appointments to Wiregrass RC&D Council.

Commissioner Cook made a motion to re-appoint Chairman Mark Culver and Commissioner Bobby Snellgrove to the Wiregrass RC&D Council. Commissioner Forrester seconded the motion. Chairman Culver reported the board meets all over the region and it takes time to serve on the council. He then called for the question; and the motion carried unanimously.

2. Request from Sheriff to transfer \$27,900 to the Pharmacy Supplies Account for the remainder of the 2008 fiscal year, and the appropriate budget amendment.

Commissioner Cook made a motion to approve the request from the Sheriff to transfer \$27,900 to the Pharmacy Supplies Account for the remainder of the 2008 fiscal year, and the appropriate budget

amendment. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

3. Request from Houston County Water Authority for assistance with 50% matching funds not to exceed \$250,000 to install 9.26 miles of water lines to be paid from bond issue funds.

Commissioner Cook made a motion to approve the request from the Houston County Water Authority for assistance with 50% matching funds not to exceed \$250,000 to install 9.26 miles of water lines to be paid from bond issue funds. Commissioner Snellgrove seconded the motion.

Chairman Culver reported the reason it stated bond issue funds is due to the county having funds being set aside to do the Smithville Road project in the bond issue. He stated it appears the project will not take place until after October 1st, and he reported the commission is basically swapping funds. The chairman reported they had talked about waiting until after the new budget on this particular request, but in the water installing business, time is money right now. He stated rather than tie up the other money they are going to use the bond funds to do this project and budget the replacement for Smithville Road. Chairman Culver then called for the question; and the motion carried unanimously.

4. Request to approve Cooperative Agreement with Amateur Radio Equipment grant and appropriate budget amendment.

Commissioner Harvey made a motion to approve the Cooperative Agreement with Amateur Radio Equipment grant and the appropriate budget amendment. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

5. Request to approve South Alabama Mutual Assistance Agreement.

Commissioner Harvey made a motion to grant the request to approve the South Alabama Mutual Assistance Agreement. Commissioner Cook seconded the motion. Chairman Culver reported the agreement is between the southern one-third of Alabama for all the agencies to provide mutual assistance to each other, and the guidelines in which to do it. Chairman Culver called for the question; and the motion carried unanimously.

6. Request to approve Homeland Security 7MAL Grant in the amount of \$34,500 and appropriate budget amendment.

Commissioner Cook made a motion to approve the Homeland Security 7MAL Grant in the amount of \$34,500 and the appropriate budget amendment. Commissioner Harvey seconded the motion. Chairman Culver reported this is a flow-through for the county and will be going to the Dothan Fire Department. Chairman Culver called for the question; and the motion carried unanimously.

7. Request from Houston County Community Corrections Director to adjust salary as per State Retirement System - \$21,000 effective next pay period and the appropriate budget amendment.

Commissioner Harvey made a motion to approve the request from the Houston County Community Corrections Director to adjust his salary as per State Retirement System to \$21,000 effective the next pay period along with the appropriate budget amendment. Commissioner Snellgrove seconded the motion.

Chairman Culver reported the State Retirement system allows someone who is already retired to only earn a certain amount each year or they lose their retirement benefit. He stated the Community Corrections Director is one of those employees, and he stated in essence he will be paid \$21,000 for that job. Chairman Culver reported it is a bargain. He then called for the question; and the motion carried unanimously.

8. Request to approve policy establishing maximum speed for county vehicles.

Commissioner Snellgrove made a motion to set the maximum speed limit at 50 miles per hour on all county vehicles driven in Houston County unless an emergency situation. Commissioner Harvey seconded the motion. Commissioner Harvey stated he would like to amend the motion as stated with the exception on four lane roads. Chairman Culver reported that was a concern that was discussed at the Administrative meeting because if someone traveled 50 miles per hour on an interstate or a four lane they could be killed. Chairman Culver stated he did not think there were any issues with setting a policy. He reported they discussed just establishing a policy that Houston County vehicles would not exceed the speed limit period; across the board, and that way the roads would be taken into consideration. He reported the county did not want any employees driving 50 miles per hour on dirt roads. Chairman Culver asked Mr. Snellgrove if he did state the maximum speed of 50 miles per hour? Commissioner Snellgrove stated yes. Mr. Pool asked Commissioner Snellgrove if he stated a maximum of 50 miles per hour? Commissioner Snellgrove stated yes. Mr. Pool stated the motion is a violation of state law because the maximum speed on dirt roads is 35 miles per hour, and the maximum speed limit on county roads is 45 miles per hour. Commissioner Snellgrove stated the maximum of any speed limit driven in Houston County will be 50 miles per hour, and other than that you follow the speed limit sign. He reported if you are in the City of Dothan, some of those are 30 miles per hour. Mr. Pool stated that was not the way the motion read. Chairman Culver stated he thought Commissioner Snellgrove was taking into consideration the assumption that the county employees would not drive over the speed limit. The chairman stated whether or not that was a correct assumption, and that was why the discussion on Thursday. Chairman Culver reported he had someone ask why the commission needed to pass a policy on the speed limit because that is the law. He reported with the policy, if county employees did not abide by it they would be written up or reprimanded, and therefore it is a little different than saying abiding by the law. Commissioner Snellgrove reported there would be no need to have a policy that would duplicate the state guidelines on speed. He reported the state dictates the maximum speed. Commissioner Cook asked if on four lanes such as Highway #231 that they could not go faster than 50 miles per hour? Chairman Culver stated as the motion is now, but Commissioner Harvey was asking for an amendment to exclude four lanes. Commissioner Forrester asked if other than four lanes 55 miles per hour was the maximum speed limit at this point? Chairman Culver reported state law specifies 45 miles per hour on county roads, and if not posted, they are 45 miles per hour. Mr. Pool stated if they are otherwise posted, it is not 45 miles per hour. It was pointed out the county has

some roads that are otherwise posted. Mr. Pool reported on dirt roads, the speed limit is 35 miles per hour unless otherwise posted. Commissioner Snellgrove reported the motion was that the maximum speed would be 50 miles per hour by all county vehicles driven in Houston County. He reported the motion pertains to travel within Houston County. Chairman Culver stated he understood the motion to mean travel within the boundaries of Houston County. Commissioner Snellgrove stated that was correct. Commissioner Harvey stated he wanted to leave the motion as presented. Commissioner Snellgrove stated the purpose of the motion is to conserve fuel thus saving tax dollars. Chairman Culver stated he agreed with the fuel, and did not have a problem with the 50 miles per hour on county roads, but he stated he did have a problem with someone driving 50 miles per hour on four lanes because he felt it is more dangerous for someone driving 50 on Highway #84 than 65 or 70 miles per hour. He stated he wished Commissioner Harvey had made his amendment. Commissioner Cook asked if the motion did not include four lanes? Chairman Culver stated as the motion read it included all county vehicle traffic within the boundaries of Houston County unless there is an emergency situation. Chairman Culver called for the question on the motion. The vote was: YEAS: Commissioners Snellgrove and Harvey NAYS: Commissioners Cook and Forrester Chairman Culver broke the tie by voting Nay. He asked someone to make the same motion with the amendment Commissioner Harvey originally was going to make? Commissioner Forrester made a motion to establish a policy setting the maximum speed for county employees at 50 miles per hour within the boundaries of Houston County except on four lanes where they are not to exceed the speed limit excluding emergencies. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

9. Request to approve proposal to introduce a pilot program regarding Houston County's credit card collection process.

Commissioner Harvey made a motion to approve the proposal to introduce a pilot program regarding Houston County's credit card collection process. Commissioner Cook seconded the motion.

Chairman Culver asked Mr. Dempsey to give a brief overview of the program? Mr. Dempsey reported when someone pays their tax bill to the county using their credit card the county is responsible for paying the service fees for the credit card, which runs between 1.5% and 2.5%. He stated this motion would eliminate any of those fees paid by the county and the fee would be paid by the taxpayer in this case through a company called Paymentus. Mr. Dempsey reported the payment would be electronic by computer or by phone. Chairman Culver reported the current fees are not enough to cover the cost and the county has been subsidizing credit card payments in certain areas, and this will resolve the problem. Commissioner Cook asked if the money was coming from the General Fund to make up the difference? Mr. Dempsey stated that was correct. Chairman Culver called for the question; and the motion carried unanimously.

10. Request to approve amended Policy Manual.

Chairman Culver reported this includes all the policies presented at the Administrative meeting excluding Policy #27 and Policy #31. Commissioner Cook made a motion to approve the amended Policy Manual. Commissioner Harvey seconded the motion. Chairman Culver stated as Mr. Dempsey

was about to report that Policy #31 was taken out at the Administrative meeting but they have since recognized the fact that the policy was correct and the attachment should not have been included because it created confusion. Commissioner Cook made a motion to amend the prior motion to add Policy #31. Commissioner Snellgrove seconded the motion. Chairman Culver reported the commission had before them the complete set of policies minus #27, and the commission was not ready to discuss it until they have a work session.

Commissioner Snellgrove reported they had discussed Policy #36, The Use of County Logos, and he asked about putting identification numbers on the vehicles? Chairman Culver stated it would be a separate policy and it would be discussed at the same work session on Policy #27.

Mr. Pool asked about the effective date? Chairman Culver stated in about 5 minutes. Mr. Pool stated it changes Policy #24 on appraising property. He stated they had been using some private appraisers and there is nothing in there about using private appraisers anymore. Commissioner Harvey asked if it would affect any work in progress? Chairman Culver stated he thought any policies that the commission just adopted would impact the beginning of any new processes from this point on. He stated he thought everything that is ongoing is as it was. Mr. Dempsey stated the only thing that changed on the policy was Item #2 and #5 requested that either the county engineer or administrator take action on a couple of points, and he eliminated the county administrator from that. Chairman Culver stated there was no change. Chairman Culver called for the question; and the motion carried unanimously.

11. Request to approve the authorization of a \$500 per day fine, 200 square foot construction threshold, and to adopt the International Building Code for Permit Program.

Commissioner Harvey made a motion to approve the authorization of a \$500 per day fine, 200 square foot construction threshold, and to adopt the International Building Code for Permit Program. Commissioner Cook seconded the motion. Chairman Culver reported this is a preliminary step. He stated the commission needed to give Justin Barfield the definitions so he would know how to prepare and what the program would be. He pointed out a resolution implementing the program will be presented at the next meeting. The chairman reported the motion is more or less for guidance. Chairman Culver reported at the next meeting there will need to be discussion to make people aware that if they plan to do any kind of construction in the county they need to go to Road & Bridge and get a permit. He also pointed out they need to check to see if they are in a floodplain, and if they have a licensed contractor, etc.

Commissioner Snellgrove requested that Mr. Barfield give a general explanation. Mr. Barfield reported this sets up the ground rules to get a resolution for the commission to pass. He stated as of right now, they have no backing. He reported they know they want a permit policy and a permit program. Mr. Barfield stated with the preliminary guidelines he would get with the attorney and they will develop a resolution for the commission to pass. Chairman Culver stated that would be at the August 7th Administrative meeting.

Commissioner Snellgrove stated at this time they have no inspection program, and he asked Mr. Barfield if he was asking the commission to adopt the building code for the permit program? Mr. Barfield stated

that was correct. Commissioner Snellgrove asked if the only permit they had to get at the present time is the flood zone through Road & Bridge Department? Mr. Barfield stated that is if the person is located in a flood zone. He stated they ask citizens to come check first, and if they are in a flood zone and want to build in a flood zone, then there are certain criteria they have to build towards. Commissioner Snellgrove stated this is the purpose of starting off to make sure the county is covered in order to issue permits. Mr. Barfield stated yes. Mr. Snellgrove stated it has nothing to do with building and permit inspection. Mr. Barfield stated they go hand in hand. He stated they do not do any on-site inspections for the building program but if someone is building in a flood zone, the county does go out and make sure the finished floor heights are built to a certain elevation. Commissioner Snellgrove asked if what was being passed in the motion was if someone did not get the authorization, it would be a \$500 fine per day? Mr. Barfield stated if someone is building a house without a permit it is a \$500 a day fine. He pointed out it is the same fine if you were building in a flood zone. Commissioner Snellgrove asked if the county had a way to notify all of the homebuilders in the area? Mr. Barfield stated once the resolution is adopted, he could make a presentation at one of the Homebuilders Association meeting, or send them a packet with the resolution and let them distribute it to their members. Commissioner Snellgrove stated it gets back to a consumer protection program and trying to protect the citizens from building in a flood zone. Mr. Barfield stated yes. Commissioner Harvey asked if there is a warning before the first offense? Mr. Barfield stated he thought it would be a max at \$500 per day. He stated he thought if there is quick compliance, they would be kind of soft. Mr. Barfield stated he had talked with other counties, and when they find someone building, they tell them to cease construction and charge them with a \$500 fine. He stated then the person building comes back to the permitting office and obtains a permit. Chairman Culver stated the part they have been doing is the flood zone and the other aspect is that state law requires if you are doing construction over \$10,000 in value you have to have a licensed contractor. The chairman stated the only way the county has to check on it is to see if they have a license. He reported all the contractor has to do is come in and show their license and they get a permit. Chairman Culver stated it is not restricted. Mr. Barfield reported they check through the licensing revenue, the Alabama Homebuilders Association, and the general contractors to see if they are licensed. Chairman Culver stated the commission is giving Mr. Barfield the guidelines that will be part of the resolution the commission adopts in two weeks. He stated this will not be put into play until August 11th.

Mr. Pool asked Mr. Barfield to explain how they would check people in a flood zone as far as the elevation? Mr. Barfield stated they have to obtain a certified elevation certificate from a licensed surveyor or an engineer. Mr. Pool stated that was not the county. Mr. Barfield reported there is a standard FEMA form that shows the elevation of the topo of the lot compared to the 100 Year Flood Zone and compared to the finished floor heights of the house. Mr. Pool asked Mr. Barfield how he would check it? Mr. Barfield stated he would go off the form or if they put a benchmark on site they can check benchmark to floor height. Mr. Barfield stated they would go off elevation certificate because it is approved by a certified professional engineer or surveyor.

Chairman Culver thanked Mr. Barfield and stated he thought it would be a good program. He stated Mr. Barfield had a good person who was assisting him. The chairman called for the question; and the motion carried unanimously.

12. Request to grant Houston County Board of Education's request for assistance with cleaning out and filling in a ditch and the pipe and materials needed (approximately 700 feet) at Rehobeth High School at a cost of \$34,497.32 to the county.

Commissioner Cook made a motion to grant the Houston County Board of Education's request for assistance with cleaning out and filling in a ditch and the pipe and materials needed (approximately 700 feet) at Rehobeth High School at a cost of \$34,497.32 to the county as per the policy. Commissioner Harvey seconded the motion. Chairman Culver stated he knew it was per policy, but he asked if they were paying for the pipe and materials? Mr. Pool stated yes. Chairman Culver stated the county's cost, \$34,497.32 does not include the pipe and materials. Chairman Culver called for the question; and the motion carried unanimously.

Reports from Staff:

- a. Chief Administrative Officer – there was none
- b. County Engineer – there was none
- c. County Attorney – there was none

Chairman Culver asked Mr. Pool for an update on Brannon Stand Bridge in light of the fact that school will be starting August 6th? Mr. Pool stated the contractor is working 7 days a week. Chairman Culver stated the commission wanted to remind everyone and encourage everyone to leave a few minutes early taking their children to school. The chairman also requested the media's assistance in helping to get the word out. He stated most people who go and come through there are aware of the situation since the project has been ongoing for about six weeks. He stated it is going to be a difficult situation at best and he encouraged everyone to be aware of it.

Commissioner Forrester asked Mr. Pool when they sign off when the bridge is completed, if they had factored in additional time to do the paving, shoulder work, etc. before people can actually use the bridge? Mr. Pool stated yes. Commissioner Forrester asked if he knew how long it would be? Mr. Pool stated no because he did not know about the weather and hurricanes. He pointed out the contractor may finish one side and the county crews will be able to knock out one side. Mr. Pool stated the problem is where the traffic signal is. He stated if they can get in on the other side ahead of it; it will go away and open up quicker.

Chairman Culver asked for an estimate on the project at the intersection of Murphy Mill Road and Brannon Stand Road. He reported it is located out near Providence School and a lot of people go that way taking their kids to school. Mr. Pool reported they started the project on July 21st. Chairman Culver reported the state and contractor have control of this project and the county does not really have any control over it. Mr. Pool stated the only thing the county does on the Brannon Stand Road Bridge

project or the Murphy Mill Road project is to inspect the work to make sure it is right. Chairman Culver reported he had contacted the state to let them know that school is starting. Mr. Pool stated they would try to find out when there would be a real bottleneck out there when they are actually putting the asphalt down and try to let everyone know.

Commissioner Snellgrove asked Chairman Culver to mention the Sales Tax Holiday? The chairman reported the Sales Tax Holiday will be coming up Friday, August 1st through Sunday, August 3rd. He stated there will be certain school supplies that could be bought tax free. Chairman Culver reported the commission did not have to adopt a resolution for it because last year they adopted a resolution that stated as long as the State of Alabama does it Houston County will do it.

Adjourn.

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