

MINUTES OF HOUSTON COUNTY COMMISSION
JUNE 26, 2006

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Frances M. Cook, Commissioner Phillip L. Forrester, Gary Sherrer, Attorney, Mark Pool, Engineer, and Roy Roberts, Administrator

ABSENT: Bobby R. Snellgrove

Chairman Mark Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Rev. Bradley Hardy, Executive Director, Dothan Rescue Mission, 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 Cook seconded; and the motion carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver asked Representative Joe Carothers to come forward, and recognized him for his assistance in getting state funding in the amount of \$232,069.39 to be used on bridges in Houston County. It was pointed out the funds came from the Alabama Department of Transportation from monies that they received back from other counties that did not use their funding. Mr. Pool reported this would be enough money to finish the bridge program in the next three years. Rep. Carothers asked Mr. Pool how many bridges had been completed to date? Mr. Pool reported 40 bridges have been replaced and he had two more let, and then there are 6 more which will bring the total to 48. He pointed out there will not be a timber piling in Houston County; they will all be steel and concrete. Rep. Carothers stated he thought that not only the county engineer and his staff, but also the commissioners should be commended for this. He reported when they first started on the bridge project it was a long way out into the future, but now they could see the light at the end of the tunnel. Rep. Carothers stated without the consideration of Governor Bob Riley, Joe McInnes, Director of AL Department of Transportation, and Frank Courson, who shepards the funds that come in periodically, this would not be possible. Rep. Carothers then presented Chairman Culver with the letter, and received a round of applause. Chairman Culver reported this would get the county really close to completing the bridges with the timber pilings that will allow the school buses to cross. He pointed out the one big bridge on Brannon Stand Road is not included. He reported the county has received a \$500,000 commitment from the House of Representatives for that project and it will pay for almost one-third of it. The chairman reported it has to go to the Senate and then the commission has to find some more money to get that bridge put in place. Chairman Culver reported this has been a great program and there were over 40 bridges that the school buses

could not cross and we are down to just a few. He stated that this money will help solve that problem. He thanked Representative Carothers for his help and he asked him to thank Senator HarriAnne Smith for her involvement and the rest of the local delegation for pursuing this money. He reported one county sent their money back and four counties got the funding, and Houston County got a large amount of that money. Representative Carothers thanked Mr. Pool and the commission for their help and support.

Regular Agenda

1. Request to cancel contract with HRDC for Gordon Senior Center and appoint Town of Gordon as contractor and transfer all fund balances and assets.

Commissioner Harvey made a motion to approve the request to cancel the contract with HRDC for the Gordon Senior Center and to appoint the Town of Gordon as the contract and transfer all fund balances and assets. Commissioner Cook seconded the motion. Chairman Culver reported the bottom line on this is that the county has senior centers all around the county. He stated that all of the funds flow through SARCOA from the tobacco tax that is paid. The chairman reported the tobacco funds are shared with the volunteer fire departments. He pointed out some of the facilities are with SARCOA and some are under the leadership of Ms. Peggi James of HRDC. Chairman Culver stated for whatever reasons the commission had received a letter from HRDC stating they wanted to terminate the agreement as of June 30th. He reported the Town of Gordon has agreed to be the sponsoring agency. The chairman reported the funds would still flow as they have been through the county through SARCOA and would be audited just like they have always been. He stated the request would be that those funds start going to Gordon and the assets that include a van and he did not know what else would be transferred to the Town of Gordon, and the balance as of June 16th, \$22,353.16 be transferred to the Town of Gordon's account, not to the Town of Gordon. He reported this money is strictly to be used at the senior center. Chairman Culver stated the Mayor of Gordon and Ms. Peggi James, HRDC, are present and the commission would be glad to let them make comments. He stated there are people in the Gordon area that need to be served. He reported there will be some cost to the Town of Gordon and the commission is going to work with the mayor and SARCOA to keep those down. He reported the amount of funds the center will get through the tobacco tax is not enough to cover all of the expenses. Chairman Culver reported there were several towns in the county that are the sponsoring agencies for the senior centers.

Ms. Peggi James, HRDC, reported her organization was concerned because they have had an excellent working relationship with the commission for the 32 years they have been in existence. She stated HRDC did not arbitrarily make this decision and it was not a Peggi James' decision but it was that of the board.

She reported HRDC was concerned because up until last year they had received no complaints, and all of a sudden her agency began to receive complaints. She stated they met and tried to get the kind of services in Gordon that have done so well in Wicksburg. Ms. James reported the purchase of the van was to increase the accessibility of the folks to come in and be served. She stated there seems to be some concern and misrepresentations. Ms. James pointed out her agency's concern was that the van not be used for just a small group of the same people; that the van be used to go out and bring other people in. She reported to transport the same people and feed them three days a week is not what the program is about. She stated as the attendance increased, then they would increase the number of days. Ms. James reported one of the conflicts was about the Senior Aide. She stated they were told they did not want the director who had been there all of these years; but that the Senior Aide could handle it. She pointed out the Senior Aide is assigned to the Town of Gordon and that position usually carries a different job responsibility, than a Senior Aide working for an organization. She reported in addition, their concern was that they found out the Senior Aide was the mother of one of the councilmen. She reported in their agency, they cannot do that. Ms. James reported this was a board decision that given the situation and the atmosphere they could not have that, and it was not in line with their mission. She stated they do not transport the same people, and she stated she knew there were more than 18 seniors that need the service in Gordon. Ms. James stated her agency is still working, they are still accountable, their audits are still clean, and they have not spent one penny of money for Gordon, and every penny had been spent in Gordon. She stated in 2004, they were looking to do a prescription service for the seniors in Houston County and they were told a program was coming and that those funds would not be necessary. Ms. James reported they had looked for houses and structures in Gordon so that they could renovate and do a senior center but they were not able to find any. She stated they were told that the town was looking to go through a federal program. Ms. James stated she and her agency had not just been sitting on money.

Chairman Culver reported for the record that he had contacted Mrs. Sue Mathis in Wicksburg, and they are very happy with HRDC's oversight and the way it is being handled. Mrs. Mathis was present and nodded in the affirmative. Chairman Culver stated he thought this situation is a matter of a difference of opinion and HRDC has made its determination and the commission is here to make their determination. The chairman stated the bottom line is making sure those seniors have access to the center and the services they deserve.

Chairman Culver called on Mayor Charles Dismuke for any comments. Mayor Dismuke stated the Town of Gordon will accept the program and he stated they have one request. He asked that the funds that were spent for the van be transferred back to the balance? Mayor Dismuke reported he noticed before the van was purchased, the balance was above \$40,000.00. Chairman Culver stated he did not know that the commission would be able to do that. He stated

the van was bought through the commission through a program through the state and that van belongs to the center. The Chairman reported if the center wants to sell the van and get another van he felt sure that would be something they could talk about. Chairman Culver stated he was not going to go back to HRDC and ask them to take the van in lieu of the money. The chairman asked that everything as it is now be transferred on July 1st and move forward from there. Chairman Culver reported he and Mayor Dismukes were going to sit down with Robert Crowder, SARCOA, and talk about responsibilities and where monies go and see what is available to keep their cost down. The chairman called for the question; and the motion carried unanimously.

2. Request to accept Right of Way Deeds for New Hope Road, Folmar Road, and Barbara Lee Road.

Commissioner Cook made a motion to accept the Right of Way Deeds for New Hope Road, Folmar Road, and Barbara Lee Road. Commissioner Forrester seconded the motion, and it carried unanimously. (Please see attached in Minute Book)

3. Request to appoint Myer Holloway Deputy License Inspector.

Commissioner Harvey made a motion to appoint Myer Holloway Deputy License Inspector. Commissioner Forrester seconded the motion. Mr. Pool reported this is implementing the new Alabama Subdivision Law. Mr. Pool showed a map of the subdivisions, and stated under the new law, the Road and Bridge Department can implement the Subdivision Rules and Regulations and the new fines. He reported the new law will be implemented in all of the towns except Dothan and Madrid. Chairman Culver reported the Deputy License Inspector will have the added duty of issuing the permits and citing people for not having them. The chairman pointed out this is strictly the subdivision permit that has to be purchased and does not pertain to any type of home inspection. The chairman reported the reason for the permit is to make sure the developers are meeting the subdivision specs. Chairman Culver called for the question; and the motion carried unanimously.

4. Request to issue subdivision permits for \$25.00 each.

Commissioner Harvey made a motion to approve the request to issue subdivision permits for \$25.00 each. Commissioner Cook seconded the motion. Mr. Pool reported this permit is not for individuals but for a \$25.00 one time permit for the subdivision developer. Chairman Culver reported the \$25.00 fee is the same if they have 10 lot or 100 lots. The chairman asked what would happen if someone does not buy the permit? Mr. Pool stated that the person would be in violation, and the deputy will go out and write a ticket for a \$1,000 per lot. The chairman asked if there is any reason to think that the county might work with some of the other empowering agencies so that they would have to have the permit in hand

to have power, have the health department issue septic tanks, etc.? Chairman Culver stated it might give the county a little more backing. The chairman called for the question; and the motion carried unanimously.

5. Request to authorize Myer Holloway to enforce County Subdivision Regulations according to state law.

Commissioner Cook made a motion to authorize Myer Holloway as a deputy license inspector to enforce the Subdivision Regulations of Houston County according to state law. Commissioner Harvey seconded the motion. Chairman Culver stated the commission had appointed Myer Holloway as Deputy License Inspector, and had established the permits, and this request would give him the authority to enforce the laws of the new act. He asked if the commission was not being repetitive? Mr. Pool stated the county attorney had requested this be on the agenda. Mr. Sherrer stated he would have put two of them in the same motion. Mr. Sherrer stated he was recommending the commission adopt a motion giving the license inspector the authority in addition to the county engineer so that it would be very clear that this license inspector was the one that the commission expected to enforce the subdivision regulations not another license inspector. Chairman Culver asked Commissioner Cook if that was the motion she made? She stated yes. Commissioner Harvey asked Mr. Pool to elaborate on the fines for the record? Mr. Pool reported the fines are as follows:

First fine is \$1,000 per lot

The next month they can fine them \$2,000 per lot

The next month they can fine them \$4,000 per lot

Mr. Pool asked Mr. Sherrer if that is where it ends or would it keep going? Mr. Sherrer stated they had not gotten that far yet. Chairman Culver asked if the newly appointed Deputy License Inspector goes out and finds a subdivision that does not meet the county's requirements, and does not have a permit, will they be given time to purchase the permit or will it be an immediate \$1,000 per lot fine? Mr. Pool stated it would be an immediate \$1,000 per lot fine. The chairman asked if the developer will be told he needs to purchase the permit and if he purchases the permit that will be the end of it? Mr. Pool stated that was correct. Chairman Culver asked if the developer does not purchase the permit and the deputy inspector goes back a month later then he will be charged \$2,000 per lot? Mr. Pool stated yes. Mr. Pool stated the \$25.00 permit is nice, and the county is after making sure the subdivisions are being built correctly. He reported if the developers are violating the county's rules and regulations then they will be fined. Chairman Culver stated if the developer does not buy the permit, then more than likely they are not building the subdivision per the county's rules and regulations. Mr. Pool stated he hoped the word would get out that the developers needed to come to the engineering department and buy the permit. He reported at the time the permit is purchased, they will hand out the regulations and go over everything to make sure they are doing things right.

Chairman Culver stated the motion that was made did not have an effective date, and he asked when it would be? Mr. Pool stated the law is already in effect and he felt it should be immediately. Chairman Culver stated he thought the commission needed to be fair to the developers, and let them know this is required. Mr. Pool reported the old state law is in effect that charges \$250-\$1,000 per lot. Chairman Culver requested that a letter be sent to those developers that the county currently works with notifying them of the new law and making the effective date July 1st. He asked Commissioner Cook if she would be willing to amend her motion? Commissioner Cook amended her motion to appoint Myer Holloway as a deputy license inspector and authorize him (in addition to the county engineer) to enforce the Subdivision Regulations of Houston County according to Alabama Law effective July 1, 2006. Commissioner Harvey seconded the amended motion.

Mr. Tom Steely, Houston County resident, stated with the five mile regulation there is going to be confusion with the developer and contractor. He asked who would do the inspection within that five mile boundary? Mr. Steely stated there needed to be a grace period in implementing the new law. He stated that he did not feel it was right to charge an out of town developer or contractor who was not familiar with the law. He stated he felt this law had too many open ends, and he felt there were things that needed to be cleared up. Chairman Culver stated he thought the county's history and some of the things the county has done has shown the commission has some issues with the five mile area outside the city limits. Mr. Pool reported in the five mile area if someone starts to develop a subdivision they have to go before the Planning Commission, and at that time they will be given a letter stating the person will have to go through the county as far as the county's regulations. He reported the City of Dothan has to implement the most stringent points of both subdivision regulations. Mr. Pool reported that when construction actually begins on the subdivision the county will have inspectors out there too. He stated if there is a glitch in the process and the county does not get called, he will not sign the plat. Mr. Pool reported the only reason his department is so concerned is that the county has to maintain the road for eternity. He reported the county has to inspect everything to make sure it is correct and they cannot be depending on someone else. Mr. Pool pointed out this law makes it a little easier for them to implement problems. He reported now if there is a problem with a subdivision the county attorney files a lawsuit. Mr. Pool stated the law eliminates having to go through the attorney and it makes for an easier flow. He stated the subdivision law they are working on was passed in 1972 and it is old. Commissioner Cook stated Mr. Steely mentioned about an out of town developer or contractor, and she stated she would think that they would have the initiative to contact the proper authority to comply with all of the new rules and regulations. Mr. Pool reported in the past they have found tracts of land for sale in the paper and they go and find it is developers from other states and counties and once they realize what the county's rules and regulations they complete that tract they

are on but they do not come back. Chairman Culver called for the question; and the motion carried unanimously.

Reports from Staff:

a. County Administrator

Mr. Roberts reported the end of June is the end of the first phase of the budget process where the letters are sent out to the agencies, and they make requests. He stated in mid-July they will submit to the department heads for their budget preparation. Mr. Roberts reported it might be a good idea to go ahead and try to be thinking about a date to review the agency requests. He pointed out they have some new ones, and some change, and at least one that has requested a meeting with the commission. Chairman Culver asked for a list of all the current commitments as soon as the deadline passes. Mr. Roberts stated they are working on it.

b. County Engineer

Mr. Pool showed a map of the 40 bridges in Houston County that have been rebuilt at a cost of \$8,792,000. He reported federal funds made up the majority of the monies on the bridges with an 80/20 match and then they charged 15% for E&I resulting in the county only having 5% funding. Mr. Pool reported there are two bridges let at this time— Omussee Road and Paul Lamp Road. He stated next year they will probably do three bridges, and the \$232,000 the county just received will be enough with the federal match to complete them with a little bit left over. Mr. Pool reported the three bridges are on Baxter Road, East Cook Road, and Hopkins Road. He stated empty school buses cannot cross these. He reported in 2008, the county will complete the bridge project. He pointed out the bridges left are on Windmill Road, Pilgrim Church Road, and Wallace Buie Road. Mr. Pool reported the school buses will be able to drive anywhere in Houston County to load or unload. Chairman Culver reported there will be a considerable amount of money saved on fuel costs due to having to detour. Mr. Pool reported not only the school buses have to detour, but the volunteer fire trucks, asphalt trucks, concrete trucks, and heavy farm equipment do also.

c. County Attorney – there was no report.

Adjourn.

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

