

MINUTES OF HOUSTON COUNTY COMMISSION

August 25, 2008

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

ABSENT: Gary Sherrer, Attorney

Chairman Mark Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Rev. David Baker, Chaplain, Houston County Jail, gave the invocation. Commissioner Curtis Harvey 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 reported the representatives from the Wiregrass United Way Food Bank were unable to attend and the Proclamation for "Hunger Action Month" listed under Awards and Presentations would be done at another time. He stated unless there were any objections, it would be taken off the agenda. There were no objections.

The chairman reminded everyone who live in the municipalities outside of Dothan that August 26th is Election Day. He encouraged everyone to get out and vote. Chairman Culver reported the commission has had a tremendous relationship with the towns in the community, and he encouraged the citizens to elect good leadership for the towns in order for them to move forward along with the commission.

Chairman Culver reported Commissioner Snellgrove accepted an award on behalf of Commissioner Harvey for completing the extended training beyond the required training at the Association of County Commissions of Alabama's annual meeting. He congratulated Commissioner Harvey on the completion of the courses. He pointed out Commissioner Snellgrove had also completed those courses.

The chairman thanked everyone involved and still involved in helping with Tropical Storm Fay that came through. He reported some of the commissioners were out of town last week and unable to attend the Thursday and Friday meetings down at EMA, and that Commissioner Harvey represented the commission well. The chairman reported Mr. Dempsey was there on Saturday representing the commission. He pointed out Mr. Matthews was not present because he was working with all of the tornado watches and warnings that had been issued for our area. Chairman Culver reported all of the volunteers who showed up to take care of the citizens did an outstanding job—Dothan Fire Department, Dothan Police Department, HC Sheriff's Department, Red Cross, Nancy Bristow, Kim Snellgrove, and some other county employees. He commended them for doing a great job.

Chairman Culver reported Mr. Sherman Rose passed away and he extended the commission's condolences to the family and to The Tuskegee Airmen. He reported he was a great community person, and asked that his family be kept in everyone's thoughts and prayers.

Awards and Presentations

1. Resolution – "Yes We Can! Dothan" – Tom Ziegenfelder – President, Education Foundation, Morris Slingluff, Spokesperson – "Yes, We Can! Dothan."

Chairman Culver asked Mr. Tom Ziegenfelder, President, Education Foundation, and Mr. Morris Slingluff, Spokesperson, "Yes, We Can! Dothan," to come forward. Commissioner Forrester made a motion to present the "Yes We Can! Dothan Resolution. Commissioner Cook seconded; and the motion carried unanimously. Chairman Culver then read the Resolution, and presented it to Mr. Ziegenfelder. The chairman stated the commission appreciated them coming together, and particularly Dr. Nichols, to try to improve the school system. Chairman Culver reported he was a student of the school system and he has his third child enrolled in the school system.

Mr. Slingluff reported they were excited about the program and the response from the community had been overwhelming. He stated they know that Mobile children are not smarter than Dothan/Houston County children. Mr. Slingluff pointed out they know they will be successful and prove the public schools will give them a better city and county. He stated they hope that after some success with this program that the county school system will also adopt a similar initiative. Mr. Slingluff thanked the commission, and he stated this was not a quick fix, he asked them to stand by for some good results.

Mr. Ziegenfelder presented "Yes We Can! Dothan" t-shirts to the commission as a token of their appreciation. He thanked the commission for their support. (Please see in Resolution Book)

Consent Agenda

1. Request to award bids for hot mix, thermoplastic, crushed limestone, and fiber mesh concrete.
2. Request to take bids on motorgrader blades and oil and grease.

Commissioner Cook made a motion to approve the consent agenda. Commissioner Harvey seconded the motion; and it carried unanimously. (Please see Bid Summary Sheets in Minute Book)

Regular Agenda

1. Request to discontinue Long Term Care Insurance.

Chairman Culver stated he had hoped there would be more department heads in attendance to assist in the discussion if there were any concerns. He reported the commission has been working through the budget process diligently and looking for ways to meet the expectations the citizens have of the county, while at the same time trying to make sure the commission takes care of its employees from both a pay and benefit perspective. He reported based on some feedback, this benefit that was put on last year is a costly benefit. He stated while it is a good thing for our employees to have, in talking with some of the

employees and the department heads, he thought the belief is that they would rather the commission to try and do everything they possibly can in the way of COLA as opposed to this benefit. He reported the request is to discontinue the long term benefit program. Chairman Culver reported the reason it is on the agenda is because they have 30 days and it could be discontinued by October 1st if the commission approves the request. The chairman reported because it is taking off a benefit the commission provided he wanted department heads to be present to inform the commission of any concerns, and if not, it would help the commission to reach some reasonable COLA at the end of the budget process.

Mr. Sean Curtis, Maintenance Manager, asked if the employee would pay the portion the county does not pay? Chairman Culver stated Mr. Dempsey has been in communication with the company, and he asked Mr. Dempsey to explain it. Mr. Dempsey reported he confirmed last week or week before last that any portion an employee would like to continue; can be continued at the same rate, and there would be no penalty. Chairman Culver reported the county has a special big group rate they had negotiated on. He pointed out the benefit the county provides is a set amount based on age, and employees can purchase above and beyond that. He reported the employees can still maintain the policy at the reduced rate and continue to pay for it, but the employees will be asked to pay for the portion the county has been paying for. He stated it is different on every person. Chairman Culver reported the cost to the county is around \$180,000 annually.

Commissioner Snellgrove asked if all of the employees were aware the county planned to do this? He asked if they had been notified in any way? Chairman Culver stated all of the employees were not aware that the commission was looking at discontinuing long term care insurance. Chairman Culver stated that was why he had hoped more department heads would be in attendance, and if their employees had concerns they could convey those concerns to the commission.

Ms. Sherri Stephenson, Personnel Director, reported that most of the calls and concerns that have come through their office have been because the benefit was not what it appeared to be. She stated there have been a couple of employees who actually needed that benefit and for some reason or another were not eligible to take advantage of it. She reported a lot of money is being spent and the county is not necessarily getting the benefit that they thought they would be getting to begin with. She stated she felt it came down to employees getting a cost of living benefit instead of the long term care insurance benefit, that money in their pocket each week would be much more meaningful than a long term care benefit they might never be able to use. She reported they have received a lot of calls in their office about deductions, billing, benefits, etc. Chairman Culver stated what Ms. Stephenson just expressed is the feeling he had gotten talking to employees and department heads. He reported there were concerns on the first floor because some believe it is a good benefit. The chairman stated it is a good benefit but the commission has to look to see if (1) the commission can afford it, (2) do instead of adding another one-half percent to the COLA they provide. Ms. Stephenson stated from a benefit standpoint, having been in that arena for the last 20 years, there are very few companies that offer any long term care benefit like that. She pointed out some companies offer some long term disability options but generally it is at an employee's cost. Commissioner Snellgrove asked Ms. Stephenson about sending out a survey to each employee making them aware that the commission is doing this to

get their input? Commissioner Snellgrove stated he had not received any phone calls pro or con on the insurance. Ms. Stephenson stated she felt it would be more meaningful to the employees to have the extra money in their paychecks because they are worried about gas prices and being able to provide for their families. She stated if a survey was sent out they would not get all of the people for it all the time. She stated she felt if the commission was looking out for the greater good of the majority as a whole that is probably the way to go. Chairman Culver stated Road & Bridge is the largest department in the county, and he asked Mr. Pool if he had heard any discussion one way or the other on the benefit? Mr. Pool stated he had not heard anything from the employees. Chairman Culver stated if the employees are asked about losing the benefit then they would probably say no. He pointed out the commission is charged with figuring out where the dollars go and this is a piece of the puzzle. He stated in talking to Ms. Stephenson and employees he felt they would have additional COLA.

Mr. Curtis reported he has had two employees; one who does not want the long term care insurance, and one that could not get the benefit of it, and he is out at this time. He stated he could see where two people in his department do not want the benefit. He stated his concern is that it is sad to lose that benefit when you have invested something in it. Commissioner Harvey asked Mr. Curtis to explain about his employee not getting the benefit from it? Mr. Curtis reported his employee is out with cancer and there was nothing for his care. He stated he is still out on medical leave and everyone from within the different departments have been donating and giving time and their support from that. The long term health care insurance did not do anything for him because it did not fit his scenario. Mr. Curtis pointed out there are two people in his department who are not happy with it. Chairman Culver stated there are also those that like the benefit and if the employees can afford to do it; it is a good benefit. He stated it is on the agenda because it will impact the budget and the commission can make a determination one way or the other in order to get it done by October 1st. Commissioner Cook stated she had not had any employees to approach her, but she did contact several and their concerns were that they had rather have the COLA rather than the long term care. Commissioner Cook then made a motion to discontinue long term care insurance by the target date of October 1, 2008. Commissioner Snellgrove seconded the motion. Chairman Culver stated obviously the commission is committed to trying to do a COLA for the county employees. He reported he had asked some of the other counties about COLA's and many of them are struggling just to keep their employees and their road and bridge equipment. He stated these are tough times for everyone. The chairman stated Montgomery and Pike counties are not giving their employees COLA's, Etowah & Lee counties are giving 2.5%. Chairman Culver stated they hope to do better than 2.5%, and discontinuing the long term care insurance is part of the piece in order to do better than that. Mr. Dempsey reported as previously stated the long term care insurance is an unusual benefit and he thought it would be rare for an organization or company to offer this. He stated in response to Commissioner Cook's motion, there have been some employees who have tried to cancel this insurance and there has been some paperwork confusion between the company and them and if the confirmation is given today to cancel, they will do everything they can to cancel by October 1st. Chairman Culver stated there is going to have to be some clerical work done on this because every employee will have to be touched in some manner to determine if they want to continue paying for the coverage they have and if they want to continue paying for the additional coverage they have. Mr. Dempsey stated his first concern is to determine if each employee has to

physically sign to say okay he or she no longer wants the core coverage which is what the county is doing now. Mr. Dempsey stated they will do whatever they need to do to handle it by October 1st. Chairman Culver called for the question; and the motion carried unanimously.

2. Request to enter into Memo of Understanding for Disaster Debris Removal with Municipalities.

Chairman Culver reported this was discussed two weeks ago. He stated the Memo of Understanding is in the package along with communication from 8 municipalities who have stated they want to participate. He stated they will work on the other 3 as time goes along, and if they choose to they will be able to do so. The chairman reported that he met with Clark Matthews and Mark Pool earlier and he stated there was one change that they wanted to ask the commission to do in Paragraph 1 of the second page, and he then read Paragraph 1.

The County of Houston hereby agrees to provide debris removal services through its Debris Removal Contractor in the event of a natural or manmade disaster as defined by State of Alabama law to the undersigned Municipalities. Said services shall begin only after the undersigned Municipality gives a written "Notice to Proceed" to the County Engineer.

He stated the Debris Removal Contract is there if they need it. He said it does not mean any time there is a storm that it will be needed. The chairman stated the way it read to them was that if the county chose not to need it the Mayor could require that it was needed. Chairman Culver reported that he would like to suggest the following be inserted in the middle of the paragraph after manmade disaster:

"requiring use of Debris Removal Contract"

Chairman Culver reported it would only be in effect if the county implemented the contract; in other words, if they called the contractor in to do work would be the only time the Mayor would then require that the county do work.

Chairman Culver asked in the motion that the approval of the Memorandum of Understanding be contingent upon agreement with each individual municipality stating that they will pay their portion of the cost within 30 days. He stated FEMA will pay 75% of the cost and the municipality will pay the other 25%. Commissioner Snellgrove made a motion to enter into a Memo of Understanding for Disaster Debris Removal with Municipalities to include the amended wording, "requiring use of Debris Removal Contract", to be inserted in Paragraph #1, and an agreement with each individual municipality stating they will pay their portion of the cost within 30 days. Commissioner Cook seconded the motion. Commissioner Snellgrove asked if he understood that the chairman had previously stated there were 3 municipalities that had not requested to enter into the Memorandum of Understanding? Chairman Culver stated yes. He asked if it would be left open for the municipalities to join in or when would it be closed out as far as the contractor is concerned? Mr. Pool stated he had it in the contract that they may have to go to cities, and it does not say specific cities. Chairman Culver called for the question; and the motion carried unanimously. Chairman Culver stated when Attorney Sherrer looks at the insertion, and if it moves over a couple of words they will do that but the intent will not change.

3. Request to approve Emergency Watershed Protection Grant in the amount of \$117,600 (100% Funded)

Commissioner Harvey made a motion to approve the Emergency Watershed Protection Grant in the amount of \$117,600 which is 100% funded along with the appropriate budget amendment for the revenue and expense. Commissioner Snellgrove seconded the motion. Mr. Pool stated this grant involved fixing some washed out places in the county along with some other places they are working on. He pointed out it will be funded 100%. Mr. Pool reported the county has received a lot of money from them in the past and he hopes to have more in the future. Chairman Culver reported the last several years the county has worked well with Natural Resources Conservation Service, and he stated the commission appreciated the support over the years. The chairman called for the question; and the motion carried unanimously. (Please see attached budget amendment in Minute Book)

4. Request to authorize Chairman to execute Agreement with ALDOT for project BRZ-3500(219) HCP 35-148-95 Construction of a Bridge Culvert on Windmill Road at Thomley Mill Creek.

Commissioner Forrester made a motion to authorize the Chairman to execute Agreement with ALDOT for project BRZ-3500(219) HCP 35-148-95 construction of a bridge culvert on Windmill Road at Thomley Mill Creek. Commissioner Cook seconded the motion. Chairman Culver asked Mr. Pool to explain this project along with the next two agenda items regarding bridge work. Mr. Pool stated all three are together under one bridge project and the contract will be let Friday, August 28th. He reported the state is off on the numbers, and they will send another agreement with the actual numbers and then they will receive the low bidder paperwork. Mr. Pool reported the commission will get to vote two more times on the project. Chairman Culver reported the Windmill Road project is one that has been closed for quite a while. Mr. Pool reported the contractor will work on it first. Mr. Pool reported there are 4 that the school bus cannot cross and this is 3 of them. He state there is one left, and it is scheduled for later in the year. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

5. Request to authorize Chairman to execute Agreement with ALDOT for project BRZ-3500(218) HCP 35-141-95 Construction of a Precast Bridge on Wallace Buie Road at Hurricane Creek.

Commissioner Harvey made a motion to authorize the Chairman to execute Agreement with ALDOT for project BRZ-3500(218) HCP 35-141-95 for construction of precast bridge on Wallace Buie Road at Hurricane Creek. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

6. Request to authorize Chairman to execute Agreement with ALDOT for project BRZ-3500(217) HCP 35-139-95 for construction of a precast bridge on Pilgrim Church Road at Bryan's Creek.

Commissioner Snellgrove made a motion to authorize the Chairman to execute Agreement with ALDOT for project BRZ-3500(217) HCP 35-139-95 for construction of precast bridge on Pilgrim Church Road at Bryan's Creek. Commissioner Harvey seconded the motion. Commissioner Snellgrove asked how many bridges it will leave after the three that were just approved.? Mr. Pool stated one bridge was left.

Chairman Culver asked how many they started with? Mr. Pool stated 46 when he came to work with the county and then there were some more added on to that number bringing it to over 50 bridges. He pointed out they have built new bridges, and none of them have been patched. Mr. Pool reported the county will be in good shape in the future. Commissioner Snellgrove asked about the last bridge? Mr. Pool stated it was East Cook Road and it would be done later in the year. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

7. Request for Lounge Retail Liquor – Class I License – Jeffrey Gilmore, LLC d/b/a MYBAR & GRILL, 14805 Highway #84 West, Wicksburg, Houston County, AL.

Commissioner Forrester made a motion to approve the Lounge Retail Liquor – Class I License for Jeffrey Gilmore LLC d/b/a MYBAR & GRILL, 14805 Highway #84 West, Wicksburg, Houston County, AL. Commissioner Snellgrove seconded the motion. The chairman asked if there was anyone present who was in opposition? There being none, he called for the question; and the motion carried unanimously.

Reports from Staff:

Chief Administrative Officer

Mr. Dempsey reported they are continuing to work on the budget, and they only have one department not complete. He stated he had spoken with them earlier, and he expected to receive the information later in the day, and that will be everything except the COLA. He reported they are continuing to work on sanitation collections, and he felt by the next meeting he would have the proposal ready on the long term sanitation collection. Mr. Dempsey pointed out Mr. Pool is working with him also on sanitation. Mr. Dempsey reported in the next 1-2 weeks all of the Policies will be posted on the internet. He stated Ms. Linda McGhee and Mr. Paul Clark are working on those with him. Mr. Dempsey reported once the policies are posted, he will notify all of the department heads.

County Engineer – there was no report

County Attorney – there was no report

Chairman Culver asked for an update on the Brannon Stand Road Bridge? Mr. Pool reported all of the sub-structure is complete. He stated they are going to pour the deck very soon, and it will be done at night. He stated they will have 7 days after they get all the deck poured to pour the barrier rail and they will be complete. Chairman Culver stated he assumed they were not doing any work while the storm passed through. Mr. Pool stated no, but they had to move the crane out of the way before it got flooded. Mr. Pool asked Mr. Barfield if they were working at that time? Mr. Barfield stated they were cleaning the water off the deck pans where the water is holding on it. He reported they were going to begin pouring the deck Wednesday at 1:00 A.M. Chairman Culver stated it appeared to him that it was going to rain all week, and he wondered if it would delay the project. Mr. Pool stated the county crews had begun the approach work and it will take several days of sunshine to dry everything out. He stated it has slowed things down. Commissioner Snellgrove asked if all of the rain had affected the temporary bridge at all? Mr. Pool stated it held up fine, but it backed up some water.

Commissioner Snellgrove reported the commission had discussed the four day work week off and on and no decision had been made at the current time. He stated he had received some phone calls over the last few days from employees concerned about the four ten hour work week. Commissioner Snellgrove asked if a survey could not be sent out to the employees in the administrative building and let them respond back in a private manner? He pointed out some of the employees' concerns were that they felt intimidated to some point to make their decision with their co-workers and they did not want to be placed in that position. Chairman Culver stated that would be fine and the plan was to have it on the agenda today but because there was no administrative meeting he asked to wait and put it on the next meeting. He stated it will require some discussion. The chairman reported he did a walk through the administrative building and it was pretty overwhelming that the employees wanted it. Chairman Culver asked Ms. Stephenson if she could send out a survey to the employees in the administrative building in order to get an unbiased opinion on it.? Commissioner Snellgrove stated he would like to see the employees be able to also include any comments they might have about it. He stated he thought it would be wise to let the employees be involved in the decision making process because it would affect them more than anyone else. Commissioner Snellgrove asked if any savings to the county had been determined at this point? Chairman Culver stated he had been running some numbers and he had been working with them and there would be savings to the county. The chairman stated that issue was not brought up as a cost saving factor to the county. He reported it was brought up as helping the employees not to have to drive to work but 4 days a week. Chairman Culver reported there were several employees who have concerns about day care and getting home late. He stated he thought when the commission gets the numbers it will help them. Chairman Culver reported he had also talked with those department heads who are willing to work with them. The chairman stated he wanted to meet again with Judge Cooley, Revenue Commissioner Matthews, Ms. Stephenson, and Mr. Dempsey to make sure there are not things they are not aware of. He reported the proposal will be for a two month trial period so that if it does not work, then everyone will know there will be an out. Chairman Culver stated it depends on whether the commission approves it. Commissioner Cook stated she would like to know the employees have the assurance that their vote and comments would be confidential, and she suggested a secret ballot. Chairman Culver stated a secret ballot is never a bad thing and the commission will receive honest feelings and see where it is. Chairman Culver reported the tally he took was 70-15. He reported if the tally is 50-50 or 60-40 then the commission may want to think really hard about it. The chairman stated if the commission has 80% of the employees who want to do it, then it will be hard for the commission not to look at it.

Adjourn.

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

