

MINUTES OF THE HOUSTON COUNTY COMMISSION
NOVEMBER 9, 2009

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Bobby R. Snellgrove, Commissioner Frances M. Cook, Commissioner Phillip L. Forrester, Gary Sherrer, Attorney, Barkley Kirkland, Assistant County Engineer, and William J. Dempsey, Chief Administrative Officer

ABSENT: Mark Pool, Engineer

Chairman Mark S. Culver called the 10:00 A.M. meeting to order, established that a quorum was present and welcomed everyone. Pastor Rodney Smith, Cherry Street A.M.E. Church, gave the invocation. Commissioner Phil 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 Comments by Chairman and Commissioners

Chairman Culver reported Mr. Clark Matthews, EMA Director, was in a Webinar concerning Hurricane IDA, and he hoped to be able to give a report before the commission meeting was over.

The chairman extended congratulations to everyone who was involved in the National Peanut Festival Fair and Parade. He stated they were great. He also congratulated Mr. George Jeffcoat who served as the President and the NPF Board, who had all worked very hard on this year's event.

Chairman Culver reported Wednesday, November 11th was Veterans Day and he stated a program would be held at the VFW at 11:00 A.M. He urged everyone to go out and participate in the activities. The chairman also pointed out the county offices would be closed in observance of the Holiday.

Awards and Presentations

1. Proclamation – “National Farm City Week” – Willie Durr, Chairman, Farm City Week Committee

Chairman Culver asked Mr. Willie Durr, Chairman, Farm City Week Committee, to come forward. Commissioner Forrester made a motion to approve the Proclamation. Commissioner Harvey seconded; and the motion carried unanimously. Chairman Culver then read the Proclamation declaring November 21st-26th as “National Farm City Week”, and presented it to Mr. Durr.

Mr. Durr thanked Chairman Culver and stated he appreciated the opportunity to recognize this community effort that is a great activity as well as an appreciation for relationships. He stated the farming and city relationship in the wiregrass is wonderful. Mr. Durr reported the National Peanut Festival is over and they had a great time there, and he stated that the committee appreciated the efforts of other commissioners who worked at that as well because it is a great activity. Mr. Durr reported the commissioners were invited to the Farm City Kickoff Breakfast at the Chamber of Commerce on November 13th, and then the Farm City Banquet would be November 19th at the Farm

Center. He pointed out the county is in charge this year and Chairman Culver would be presiding. Mr. Durr thanked the commission for presenting the Proclamation. Chairman Culver thanked Mr. Durr.

2. Proclamation – “The Salvation Army” – Lt. Jonathan Howell and Morris Bates

Chairman Culver asked Lt. Anita Howell and Morris Bates to come forward. He stated Lt. Jonathan Howell had planned to be here and he had had a death in the family and was unable to attend. He extended the commission’s thoughts and prayers to him. Commissioner Cook made a motion to approve “The Salvation Army” Proclamation. Commissioner Harvey seconded the motion; and it carried unanimously. Chairman Culver then read the Proclamation and presented it to Lt. Anita Howell.

Lt. Anita Howell thanked the commission for the proclamation and stated without the commission’s support as well as the community’s they could not do all they do. She reported last year, they served 1,879 families and they anticipate that many this year as well. Lt. Howell asked for the support of the community again this year.

Morris Bates reported he had been to the City Commission last week and issued a challenge to them from the Chairman of the Houston County Commission for ringing the bell for the Salvation Army’s Red Kettle. He said Mayor Schmitz stated they would be there. Chairman Culver reported the county won two years ago and it was not done last year. He stated two years ago, they went out to WalMart to ring with the City Commission and they had department heads with them and not just the commissioners. He stated this is not what this challenge is about. He reported it is supposed to be 7 city commissioners against the 5 county commissioners and the Sheriff, the Revenue Commissioner and the Probate Judge will be ringing. He pointed out one of the commissioners will be out of town. Chairman Culver reported they will be ringing on December 3rd at Southside WalMart. Chairman Culver reported this is all in fun and it goes for a good cause, and he appreciated what the Salvation Army does for our community.

3. Proclamation – “American Indian History Month” – Ms. Sonya Smith, Executive Director, Center for Community Advancement

Chairman Culver asked Ms. Sonya Smith, Executive Director, Center for Community Advancement, to come forward. Commissioner Harvey made a motion to approve the Proclamation declaring November as “American Indian History Month.” Commissioner Snellgrove seconded; and the motion carried unanimously. Chairman Culver then read the Proclamation, and presented it to Ms. Smith. He reported he thought it was the first time the county had done the proclamation. Chairman Culver thanked Ms. Smith for bringing it to the commission, and giving them a chance to recognize this part of the county’s history. He reported the county operates Omussee Park and there are Indian mounds over there, and he stated they were very aware of this county’s Indian culture and history.

Ms. Smith reported it was a pleasure for her to be in attendance and she thanked Chairman Culver and the commission for the generous Proclamation. She reported during 2008, a team was put together of American Indian artists from Alabama’s 9 recognized Indian tribes, and together they invited friends and family to the Dothan Civic Center and the event drew 300 spectators and 84 American Indian artists. She stated from the event they have developed a year long project and it culminates with the American

Indian Month Festival to be held this year on November 21st at 4:30 P.M. at the Dothan Civic Center, and will include Grand Entry in traditional dress, all types of dances, historical tribal exhibits and story telling. She stated it will be an annual event to be held the Saturday before Thanksgiving each year. Ms. Smith invited everyone to attend. She reported people would be coming from as far away as Oklahoma and Mississippi. She then passed out tickets to the commission. Chairman Culver thanked Ms. Smith.

Regular Agenda

1. Request from Probate Judge to fill a full-time Probate Clerk vacancy due to the resignation of a current clerk.

Commissioner Snellgrove made a motion to deny the request from the Probate Judge to fill a full-time Probate Clerk vacancy due to the resignation of a current clerk. Commissioner Cook seconded the motion. Chairman Culver stated in the discussion they talked about it being a part-time position that was moved up. He asked if it was the commission's desire to keep the part-time request or did they want to talk about the potential for making it effective January 1st as discussed on Thursday? Commissioner Snellgrove asked the chairman to call for the question to vote on what is on the agenda. He stated that would be to deny the full-time Probate Clerk at this time. Commissioner Harvey asked about the motion. Chairman Culver stated the motion was to deny the request. The chairman called for the question; and the motion passed unanimously.

2. Request from Sheriff to fill two (2) Deputy positions and two (2) Dispatcher positions.

Commissioner Snellgrove made a motion to approve the hiring of two dispatchers out of the request. Commissioner Harvey seconded the motion.

Sheriff Hughes asked about the rationale behind not hiring the two deputies? Commissioner Snellgrove stated it was based on the discussion on Thursday that the commission had made a commitment that they would not fill any vacancies unless they were an emergency type. He stated he considered the dispatchers being an emergency. Sheriff Hughes asked Commissioner Snellgrove if you have a dispatcher to answer the call and then there is not a deputy to answer the call and go to someone's house to help them then how did he consider that not being an emergency service? Chairman Culver stated the Sheriff's budget is the Sheriff's budget and he can hire his positions. He reported he asked the Sheriff to put the request on the agenda and he thought the commission should re-consider not hiring the two (2) deputy positions. Commissioner Harvey stated he thought the motion was to hire the two (2) dispatchers because he thought they were needed in an emergency position because they would not have anyone to answer the phone calls. Chairman Culver stated the motion was to hire the two (2) dispatchers but not the two (2) deputies. Commissioner Snellgrove requested the chairman to call for the question. Sheriff Hughes reported he would like to make another statement. He stated Commissioner Snellgrove and any of the other commissioners who vote against it will be doing a great disservice to the citizens of Houston County. He stated they were neglecting public safety by not providing the deputy positions and he stated he had 55 sworn positions and it not enough people to keep up with the calls for service they receive. Chairman Culver called for the question; and the motion carried unanimously.

3. Request from Sheriff to fill a vacated Licensed Practical Nurse position for the Jail Clinic.

Commissioner Harvey made a motion to approve the Sheriff's request to fill a vacated Licensed Practical Nurse position for the Jail Clinic. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

4. Request from Revenue Commissioner to fill vacated Reappraisal Clerk position.

Commissioner Snellgrove made a motion to deny the request from the Revenue Commissioner to fill a vacated Reappraisal Clerk position. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

5. Request to approve departmental budget overruns per County Modernization Act – Bill Dempsey, Chief Administrative Officer.

Commissioner Harvey made a motion to grant the request to approve the departmental budget overruns per the County Modernization Act. Commissioner Cook seconded the motion. Chairman Culver reported this is required by the County Modernization Act to approve any over expenditures. Mr. Dempsey reported it is as presented last Thursday. (Please see attached in Minute Book)

6. Request for 020 – Restaurant Retail Liquor License – Resorts and Entertainment Group II, LLC d/b/a Country Crossing Celebrity Restaurants – 300 Country Crossing Parkway, Suites #1, 2, 3, & 4 - Cottonwood, AL 36320

Commissioner Cook made a motion to approve the request for 020 – Restaurant Retail Liquor License for the Resort and Entertainment Group II, LLC d/b/a Country Crossing Celebrity Restaurants – 300 Country Crossing Parkway, Suites #1, 2, 3, & 4 – Cottonwood, AL 36320. Commissioner Snellgrove seconded the motion. Chairman Culver asked for comments or questions, or if anyone in attendance was in opposition to the request? Their being none, he called for the question; and the motion carried unanimously.

7. Request for 160 – Special Retail – More than 30 Days Liquor License – Houston Economic Development Association d/b/a Country Crossing Bingo – 300 Country Crossing Parkway, Suite #5 – Cottonwood, AL 36320

Commissioner Snellgrove made a motion to approve the request for a 160 Special Retail – More than 30 Days Liquor License for the Houston Economic Development Association d/b/a Country Crossing Bingo – 300 Country Crossing Parkway, Suite #5 – Cottonwood, AL 36320. Commissioner Forrester seconded the motion. Chairman Culver asked for comments or questions, or if anyone in attendance was in opposition to the request? There being none, he called for the question; and the motion carried unanimously.

8. Request for 160 – Special Retail – More than 30 Days Liquor License – Celebrity Station, LLC d/b/a Country Crossing Celebrity Station – 307 Country Crossing Parkway – Cottonwood, AL 36320.

Commissioner Cook made a motion to approve the request for a 160 Special Retail – More than 30 Days Liquor License – Celebrity Station – 307 Country Crossing Parkway – Cottonwood, AL 36320. Commissioner Snellgrove seconded the motion. Chairman Culver asked for comments or questions, or if anyone in attendance was in opposition to the request? There being none, he called for the question; and the motion carried unanimously.

9. Request for 050 – Retail Beer License (off Premises Only) and 070 – Retail Table Wine License (Off Premises Only) – Exprezit Convenient Stores 2009, LLC d/b/a Exprezit 222 – 14341 South U. S. Highway #231 – Cottonwood, AL 36320.

Commissioner Cook made a motion to approve the Request for a 050 – Retail Beer License (Off Premises Only) and 070 – Retail Table Wine License (Off Premises Only) – Exprezit Convenient Stores 2009, LLC d/b/a Exprezit 222 – 14341 South U.S. Highway #231 – Cottonwood, AL 36320. Commissioner Forrester seconded the motion. Chairman Culver asked for comments or questions, or if anyone in attendance was in opposition to the request? There being none, he called for the question; and the motion carried unanimously.

10. Request to approve 2010 recommended Holiday Schedule to be presented to the Personnel Board for approval.

Commissioner Cook made a motion to approve the 2010 recommended Holiday Schedule to be presented to the Personnel Board for approval. Commissioner Harvey seconded the motion. The chairman reported this is based on the number of hours to make sure every employee receives the same number of holiday hours annually. He stated in the next commission meeting there will be a schedule for the commission meetings based on the Holiday Schedule. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Holiday Schedule in Minute Book)

11. Request to approve items to be sold on Govdeals.

Commissioner Harvey made a motion to approve the list of items to be sold on Govdeals. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached list in Minute Book)

12. Request to approve “Area of Military” Certification for Houston County’s subdivision regulations and “Area of Military Impact” Disclosure Form.

Commissioner Forrester made a motion to approve the “Area of Military” Certification for Houston County’s subdivision regulations and “Area of Military Impact” Disclosure Form. Commissioner Harvey seconded the motion. Chairman Culver reported this was part of the JLUS Program that was discussed on Thursday. He stated Mr. Scott Farmer, SE Alabama Regional Planning & Development Commission, was out of town on Thursday and he was present. Chairman Culver reported Mr. Farmer had worked very hard with all the communities and towns in putting the program together. He stated if the commission wanted him to give an update on the program, he thought it would be appropriate.

Mr. Farmer then gave a brief overview. He stated this process has been ongoing for a couple of years and they have been looking at some issues regarding the impacts that Fort Rucker creates on the outside areas but also on the civilian growth and development input on Fort Rucker as well. He stated they were not only looking inside the post itself but there are also 23 different military airfields that are utilized within a five (5) county area with two (2) being in the panhandle of Houston County. Mr. Farmer reported they are trying to let people know the scope of Fort Rucker does impact large areas and also Fort Rucker has to have the areas to utilize their training. He pointed out the study is not looking at restricting growth necessarily but looking at areas where the growth is better than others. They are trying to educate people not to put a large development at the end of a runway because they could impact safety or noise factors. Mr. Farmer reported Fort Rucker is a billion dollar industry and provides a huge economic impact on the area. He reported in the next few weeks he would be going to the different communities to get the word out and get the plan published. Mr. Farmer reported this is just the beginning; it is a process involving the joint land use issues, and people all across the country are having to look into the land use issues. He thanked the commission for taking this step. Chairman Culver thanked Mr. Farmer and stated it is the first small step and they will have to see what comes out of it. He reported the two (2) stage fields are in Commissioner Forrester's district and he stated he appreciated Mr. Forrester overseeing them. Chairman Culver reported he had provided Mr. Barkley Kirkland the information from the JLUS related to the stage fields and the fly zones. Mr. Farmer reported they did have the GIS files they could transfer over to Road & Bridge as well as the Revenue Department.

13. Request from the Town of Kinsey for 500 cubic yards of sand clay base dirt for the purpose of preparing a recreational trail.

Commissioner Harvey made a motion to approve the request from the Town of Kinsey for 500 cubic yards of sand clay base dirt for the purpose of preparing a recreational trail. Commissioner Snellgrove seconded the motion. Chairman Culver stated the dirt was just to be delivered and would not be spread. Chairman Culver called for the question; and the motion carried unanimously.

Staff Reports:

Chief Administrative Officer – there was no report

County Engineer – there was no report

County Attorney – there was no report

Chairman Culver asked Mr. Sherrer to come forward to ask him his legal position of the county and then asked the commission to reconsider the two (2) Sheriff's deputy positions. Chairman Culver reported it was his understanding that the Sheriff could hire the deputies with or without the commission's vote, and he asked Mr. Sherrer if that was correct? Mr. Sherrer asked the commission to keep in mind that he was only stating the law without a particular position, but yes in the Sheriff's overall budget he has been given he could hire the deputies with or without the approval of the county commission. Chairman Culver reported in his discussions with Sheriff Hughes knowing that, that the

Sheriff had agreed to go through the process and he stated he thought that the commission denying those two (2) deputies was strictly a step in the public but it would not keep the deputies from being hired. He stated knowing that and knowing that he has the authority to spend his budget the way he does he would hope the commission would reconsider that and approve the hiring of the two (2) deputies if for no other reason than to show that the commission does in fact support law enforcement knowing those deputies are going to be hired anyway. Mr. Sherrer stated what he understood was happening was that out of courtesy to the commission for purposes of budgetary planning reasons, he was bringing them to the commission because otherwise, it was not necessary. Mr. Sherrer encouraged both the commission and the Sheriff to work together and communicate well with regard to each other's thoughts. Chairman Culver reported the Sheriff brought these to the commission at his request, and his guess would be in the future the commission would not see any requests because the Sheriff will hire who he wants to. He stated he hated for the commission to be in that position because he would rather them work with him and support law enforcement. The chairman reported the Sheriff is a state officer; not a county officer and he can spend his budget how he wants. Commissioner Snellgrove stated he did not think the motion was made with the thoughts that the Sheriff did not need the people. He reported every department in the county needs people. He asked Mr. Kirkland how many work orders they were behind on? Mr. Kirkland stated as of last Thursday, they were behind 334. He asked about the employee shortage at the Road and Bridge Department? Mr. Kirkland stated they were short 17 or 18 employees. Chairman Culver reported as a state officer, the Sheriff can hire these positions. He pointed out the engineer is not a state officer. Commissioner Forrester asked if this was new budgetary money? Chairman Culver stated no. Commissioner Snellgrove stated the commission made a decision and if the Sheriff can hire the deputies; then no action needed to be taken. Chairman Culver stated that was what will happen. Chairman Culver stated his thought was that he would rather the commission show a sense of cooperation for something that is going to happen anyway with law enforcement. Chairman Culver stated he could not make a motion or he would. Commissioner Snellgrove stated the thought behind the commission was the decision that was made at budget hearings was that the commission would be as conservative as they possibly could be because money was short and the commission gave no step increases or cost of living raises. He stated it was pretty much understood there was a hiring freeze except in an emergency situation. Commissioner Snellgrove stated he thought in discussion during Thursday's meeting they had unanimously agreed that the two (2) dispatchers and the nurse was something that had to happen. Commissioner Snellgrove stated he did not think the Sheriff had enough deputies but he did not think they could hire enough deputies. Commissioner Harvey stated if it was not going to make any difference monetarily, and they want to keep a good repoire between the commission and the Sheriff why not give him that. Commissioner Harvey made a motion to approve the request to hire the (2) two deputies. Commissioner Cook seconded the motion. Chairman Culver called for the question. The vote was: YEAS: Commissioners Harvey and Cook NAYS: Commissioner Snellgrove Commissioner Forrester abstained from voting. The motion carried.

Chairman Culver reported Hurricane IDA was going to be a wet event and not a wind event. He pointed out there could be 4-5 inches of rain. He stated Mr. Matthews would get with the media and give some more information.

Adjourn.

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