

MINUTES OF THE HOUSTON COUNTY COMMISSION  
DECEMBER 14, 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, Acting Engineer, and William J. Dempsey, Chief Administrative Officer

ABSENT: None

Chairman Mark S. Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. The invocation was given by Commissioner Curtis Harvey. Commissioner Bobby Snellgrove 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 there was not an Administrative meeting last week and the Commission meeting would be operating under the revised rules which allows for a little more discussion on issues than is normally allowed in the regular meeting.

He pointed out typically, in the Commission meeting there must be a motion to move forward on an issue, but because of no administrative meeting, discussion in advance will be allowed. The chairman also reported usually three comments are allowed from the public on each side of an issue, and should there be more, the commission would show some leniency.

Chairman Culver wished everyone a Merry Christmas and a Safe Holiday Season. He urged everyone to remember the reason for the season.

The chairman reported the county offices would be closed on Christmas Eve, December 24<sup>th</sup>. He reported the county offices would be open on New Years Eve, December 31<sup>st</sup>, but the court system will be closed on December 31<sup>st</sup>. He stated the county offices would be closed on Monday, January 4<sup>th</sup>, for the observance of New Years. Chairman Culver reported the county tries to coordinate with the State on their holidays but it does not always work out way.

The chairman thanked the community for their participation and support of the "Santa for Seniors" Program which is run by SARCOA. He reported citizens are allowed to adopt the seniors and get them some things for Christmas that they might otherwise not have. Chairman Culver reported all of the seniors have been taken care of. He urged the media to go by the old Air National Guard Armory on Westgate Parkway and see all of the gifts that have been purchased for the seniors. Chairman Culver reported it is a blessing to live in our community because of all of the giving and goodwill.

Chairman Culver reported he had received a call from Mrs. Judy Jay commending Mr. Athan Fleming, Rabies Control Department, on going above and beyond the call of duty in working on an issue she had.

He stated the commission always wants the public to know when county employees receive these type calls. He asked Mr. Dempsey to pass it on to Mr. Fleming's department head.

Chairman Culver then read a statement relating to the Salvation Army Kettle Drive. He pointed out the county was in competition with the city commission on December 3<sup>rd</sup> with the Salvation Army Kettle Drive. The chairman reported the county won the last two years and the city won several years before that. The chairman stated there might be some improprieties and he then read the statement. He stated there was some concern that there might have been some questionable donations made and kettle stuffing on behalf of the City of Dothan. He stated it was his understanding that Mayor Schmitz used a check to make a donation. The chairman then questioned if a check was an electronic form of a donation and should it be counted the same as coins and cash, the traditional method of contributions? He stated he had asked for some legal opinions and looked back through the rules and he stated it is not clear if electronic donations are allowed in this competition or if only the traditional coins and cash are allowed in this competition. He stated he felt the will of the people was that the benefit far outweighed any legal question, and the good of the community should be allowed to stand. He then congratulated the city on potentially winning this year's Kettle Drive even if it was with electronic contributions, and he thanked everyone who helped to make this year's Christmas a little merrier for those in need in our community.

The chairman reported there was a late liquor license request to be added to the agenda if there is no opposition because there is not another meeting this year. There being no opposition, the chairman stated the request would be added as Item #5.

#### Consent Agenda

1. Request to award bids for eight (8) new vehicles for Sheriff's Department.
2. Request to award bids on signs, concrete, hot plant mix 2010, herbicides, sign faces, and sign making materials.

Commissioner Harvey made a motion to approve the consent agenda to award the bids for eight (8) new vehicles to the low bidders meeting specs: Bondy's Ford, Inc. for 7 Crown Ford Victoria vehicles @ \$22,554.06 each, and Solomon Motor Co., Inc. for 1 Chevrolet Tahoe – 1500 Police in the amount of \$25,571.50, and to award bids on signs, concrete, hot plant mix 2010, herbicides, sign faces, and sign making materials to the low bidder meeting specs in each category. Commissioner Snellgrove seconded the motion. Chairman Culver reported these were all budgeted items and within budget. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached bid summary sheets in Minute Book)

#### Regular Agenda

1. Request to appoint Advisory Board members for the Houston County Foundation.

Chairman Culver reported three of the four appointments would be made today, and the last one would be made at a later time.

The chairman called on Mr. Matt Parker, President, Dothan Area Chamber of Commerce, to come forward and make some comments about the foundation. Mr. Parker thanked the chairman for the opportunity to come before the commission and talk about the foundation. He stated the commission had a request before them to appoint four members to the Advisory Board of the Houston County Foundation. Mr. Parker stated term wise they will have the same as the appointing commissioner for the Houston County Foundation. He reported this is an advisory committee that will basically review the applications and make recommendations to the Houston County Foundation Board, composed of the following members: Matt Parker, President, Bob Hendrix, Vice-President, Doug Sinquefield, Gloria Jeffcoat, and Pat Thomas. He reported the four appointees on the Advisory Board will play a critical role in the allocation of the net revenues from the Houston Economic Development Association, operator of the charitable bingo operation. He stated they will have an important role in helping make recommendations on behalf of the entities applying for the money and helping the community. Mr. Parker reported they are going to run their first grant application cycle on May 1, 2010. He stated they would accept applications, and the website would be launched at the end of February with the grant application information on the website provided for the entities that are interested in applying for the funds. Mr. Parker reported the foundation will have to be run in accordance to the IRS rules that govern such foundations. He stated they would be looking at eligible entities to apply—501© organizations, government entities, and school systems. Mr. Parker pointed out there were two school superintendents in the audience who are facing some challenges of pro-ration that he felt the purpose of this whole foundation is set up to do. He reported when they looked at the Country Crossing development, it was like building a three legged stool—the first, to create jobs which is being done – second, create an entertainment destination center which is happening. He stated the community is already seeing the results from the big concert over the weekend that raised a lot of food for the Wiregrass Area Food Bank that supports so many families. He reported the third one, the Houston County Foundation, will be able to help the charitable organizations and many that need financial resources, and education. Mr. Parker stated they are very excited about the opportunity to make a big impact on the community and solve a lot of challenges out there.

Chairman Culver reported the commission has one appointment on the Houston County Foundation Board and that is Mr. Parker. He stated this board is like many others in that they appoint their other members. Mr. Culver reported they wanted a broad spectrum of appointees on that board and he stated he felt the board had done a good job in that the members represent all areas of the county and different things in the county. The chairman stated he thought the Advisory Board would operate similar to the Wiregrass Area United Way's Allocations Committee in that they take requests and make recommendations to their board that they can decide to go by or not go by. Chairman Culver reported the Advisory Board can be up to seven members, and they are initially going to start with five and four of them will come from the county commission with each district commissioner having an appointment. Commissioner Snellgrove asked if the Advisory Board would have four or five members? Mr. Parker stated the Advisory Board appoints a board member. Chairman Culver reported he did not have an appointment. Mr. Parker reported the foundation that was created for this purpose is different from some of the other similar foundations that have been created in that they were able to sell something and have a windfall of money where they had to disburse so much of that large amount of money. He

stated they would be building up their money over time. Mr. Parker reported as soon as they get money in they would have an application cycle and get the money out. He stated they were probably going to be looking at two grant cycles per year to do that. Mr. Parker reported as this project develops and grows, they are hopeful it will go beyond \$2 million a year and get the contributions out in the community and it will make a difference.

Chairman Culver reported the following names were submitted for the appointments: Mr. Terry Davis, James Harvey Sr., and Dr. Barbara Alford. Commissioner Forrester made a motion to appoint Mr. Terry Davis, Mr. James Harvey, Sr., and Dr. Barbara Alford to the Advisory Board of the Houston County Foundation. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

2. Request to publish 2008-09 Annual Financial Statement prior to December 31, 2009.

Chairman Culver reported this is normal and customary. He pointed out the county is required by law to do it. Commissioner Cook made a motion to approve the request to publish the 2008-09 Annual Financial Statement prior to December 31, 2009. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

3. Request to award banking services bid for three years.

Mr. Bill Dempsey gave a presentation reviewing the proposal for banking services for January 1, 2010 through December 31, 2012. He reviewed the specs for the banking services bid and he stated no bank met every specification. Mr. Dempsey reported they mailed bid packages out to 14 banks. He stated two or three banks responded that did not belong to the SAFE Program as required in the bid specs. He stated five banks submitted quotes. Mr. Dempsey reported the quote is based on the T-Bill rate plus x number of basis points. He then presented a history on the T-Bills for the end of the last quarter over the past seven years. Mr. Dempsey reported in 2007, the T-Bill rate was 5.04% at the end of March and at the end of November of this year it was 0.06%, an all time low. He stated the county is getting basically nothing for their deposits. He reported in fairness to the banks because the county requires the SAFE Program, the county cannot get as much money as when the normal deposits are made because they are having to put their collateral in place to make sure the county's deposits are safe. Mr. Dempsey reported the county currently uses Ameris Bank, and they did not submit a quote. He reported current terms of interest are the 90 Day Treasury Bill Rate which he had shown earlier. He reported today's rate is basically 0.06%, and six basis points. Mr. Dempsey pointed out one basis point is one 1/100<sup>th</sup> of a percentage. He reported the current banking proposal if the county locked in on that date would be the Treasury Bill rate plus six 1/100<sup>th</sup> of a percentage, which is basically nothing. Mr. Dempsey stated in years past, the county received a considerable amount of revenue, and it has dried up. He then covered the spread sheet with the proposed bank, Regions Bank. He called attention to the quote regarding the T-Bill rate. He stated it is a 90 Day Treasury Bill plus 48 basis points compared to the current 6 basis points. He reported if the T-Bill rate were to come back to 2% for example, the county would be getting roughly 2 1/2% on the money. He reported a service fee of approximately \$375.00 per month will be deducted from any interest or earnings credit prior to the county receiving

any interest revenue, which amounts to approximately 5 basis points for service charges. He stated interest would be calculated on the average ledger balance. The amount of deposit that goes into this account ranges typically at any time an average balance from \$5 million up to \$10-\$11 million. He stated one of the questions was if there had to be a minimum balance? Mr. Dempsey reported many banks said no, and some said yes. He pointed out Regions has requested a \$750,000 balance and when the balance is not sufficient to cover the service charges, then the fees would be waived in the event the county fell below that amount.

Mr. Dempsey reported his recommendation to the commission based on the five banks that submitted bids was Regions Bank, and he also recommended the agreement be structured in such a way if there is a significant change that either Regions or the county could have some option to get out. He stated normally, that would be a 90 day notice. He also emphasized the way it was structured that it is tied to the T-Bill rate plus 48 basis points. Mr. Dempsey reported if the economy improves and the T-Bill rate goes up, then the county gains also. Commissioner Harvey made a motion to award the banking services bid to Regions Bank for the next three years, and authorize the Chairman to execute the necessary documents. Commissioner Cook seconded the motion. Mr. Dempsey stated they had expected to resolve this a couple of weeks ago, and the target date is January 1<sup>st</sup>, but if he does not feel comfortable and we have all of the electronic transfers in place, then it might be that the target date will be into February. Chairman Culver reported the county needs to be sure the first payroll in January goes through like it should. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

4. Request from Houston –Love Memorial Library to participate in land purchase.

Chairman Culver stated he thought the request was coming from the Library Committee, the Library, the City of Dothan and most of the community. He asked Mr. Taylor Barbaree, Chairman of the Library Committee, to come forward. Chairman Culver also reported Commissioner Forrester serves on that committee.

Mr. Barbaree stated on behalf of the Library Committee, which is comprised of Commissioner Forrester, City Commissioner James Reading, City Commissioner Paul Lee, and several members of the community. Commissioner Barbaree stated about a year ago, he asked then Mayor Pat Thomas if he would form a committee to begin looking at options for land purchase and private donations for a new library. He stated everyone present was aware of everything that happened and how it was played out in the media. Mr. Barbaree reported when it was all said and done the committee actually chose a location close to the existing library that contains three parcels of property that face North Oates Street. He stated he was there on behalf of the Friends of the Library, Houston-Love Library Board, City Commission and the Library Committee to get this project moving forward with the purchase of the property. He pointed out this would be the first step of many phases to have a library that the citizens of this county can be proud of. Mr. Barbaree reported he was looking forward to working with the county on behalf of the city commission and the other entities to build a state of the art library that will serve our residents.

Mr. Barbaree stated the location was chosen by the Library Committee for several reasons: 1. Due to the foot traffic that utilizes the library everyday—about 300-500 people. 2. Location says a lot about the downtown area, and about our city and county. He reported sometimes the Mayor and Chairman along with the commissioners are asked to assist in the recruitment of industries and positions and when they ask to see the library, he cringes. He stated the committee felt the location says a lot about investing in an existing structure that has a lot of history in the downtown area. Commissioner Barbaree reported this request would be on the city's agenda on December 15<sup>th</sup>, for the land purchase in the amount of \$1 million. He pointed out the total purchase is \$1.4 million. Mr. Barbaree stated on behalf of all the entities that had been previously mentioned, he requested the county to participate in the land purchase for a new library. Commissioner Barbaree stated he appreciated everyone involved; not just the committee. He reported Forrest Register and his dad, Larry Register, played a large part in it because they truly love the library. A drawing of the proposed location with the three properties that face North Oates Street was shown. He reported this would create a campus effect, and the idea would allow an additional 30,000 square feet to the current location. He then showed an overview of the current three properties. Mr. Barbaree reported there were three businesses located at the proposed site. He reported the county did an unofficial assessment of what the property would be valued at \$800,000. Mr. Barbaree pointed out that did not include the existing businesses.

Mrs. Sharman Ramsey spoke on behalf of the Friends of the Library and in favor of a new library. She stated every socio-economic group uses the library, people come in to use the computers to look for jobs, and people have meetings at the library. She stated everyone is proud of our community, and she asked that the necessary steps be taken to get the new facility built. Mrs. Ramsey stated it would serve every citizen of the community.

Mr. Buddy Wax also spoke in favor a new library. He stated a library is a cornerstone of a healthy community, like hospitals and schools. He pointed out during tough economic times, citizens turn to and depend on the library. He asked that the community leaders make a commitment to move forward with the new library.

Chairman Culver asked if anyone present wanted to make any comments on the other side of the issue? There were none.

Commissioner Forrester made a motion that the county commission participate in the land purchase of the three parcels for the library with the details to be worked out with the City of Dothan. Commissioner Cook seconded the motion.

Chairman Culver reported he felt it was obvious that all of the members of the commission support the project. He stated the library is near and dear to the commission for a lot of reasons. He reported a lot of people think it belongs to the county, it is accessible, and it is a voting place. The chairman reported the county funds the library well over \$200,000 each year and through difficult times the county has continued to do that. He stated there have never been any significant cuts because the commission does realize the importance of the library. Chairman Culver reported he appreciated the city moving forward on the project. He pointed out there have been two public hearings held on the project, and

everyone there was in favor. The chairman stated he gathered there is no one in the community that is opposed to the project because the opportunity has been there to express any opposition.

Chairman Culver reported this is a long term project and the first step is to participate up to \$400,000 in the purchase of the land with the details to be worked out. He reported the letter in the package talks about site work and he stated that is something to consider when the time is appropriate. The chairman stated the commission could not commit to that at the present time because the site work may be ready to be done and there may be a hurricane or a flood.

The chairman reported they would also have to address funding of the library. He stated in his opinion, the community needed to step up and help because government cannot answer everything. Chairman Culver stated the county does not have the funds to answer everything. Mr. Culver stated he did not ever recall a large community fund raising effort for the Houston-Love Memorial Library. He stated there have been fundraisers for everything else and our community always steps up and supports the cause. He stated he felt it was time to do that for the library. Chairman Culver stated the commission would participate in that both from a helping raise funds and from a contributing factor. He reported they would have to talk about the contributing factor at a later time when they start to do the building because times are tough, and when it is tough on our citizens it is tough on the commission also. Mr. Culver reported the commission is going to be faced with building a new pod at the jail in the next few years in the \$9 million range. The chairman stated the county has some issues but they would be on board with the project. He reported he felt between the county commission, the city commission, and the community they could make this happen and move forward with it. Chairman Culver stated if for whatever reason this does not happen, the county would expect that the property that is being purchased would be turned back over to the city and county at some point. He stated he thought the taxpayers whose money that would be spent would expect the asset to be turned back over to the two governmental entities. Chairman Culver reported at some point in the future, or the commission will ask for an upgrade to the library in Ashford. He stated he would like to see everyone that is present at that meeting because that library is just as much a part of the library as the main library. The chairman reported it serves the folks out in the county and it is also in need of an upgrade.

Mrs. Ramsey stated she was shocked to find out that the city and county do not own the library. She asked how in the world it could have happened and why they cannot take it back? She stated she was wondering why private individuals have to get out and raise money for a library. Mrs. Ramsey reported this would be a shovel ready project that would employ people and put money back into the community because they would be earning wages.

Chairman Culver stated he agreed with that. He stated there are funds out there that could be obtained. He stated they have to work at it and they have time to do it. Chairman Culver reported he hoped they were in for the long haul. He then stated there was a motion on the floor, and he called for the question; and the motion carried unanimously. The chairman thanked everyone for their attendance. The chairman stated assuming the city commission approved the request at their meeting, they would get together to work out the details to get the property closed, move forward, plan down

the road on the demolition and construction and be proud of our neighbor to the west. Commissioner Forrester stated he hoped that everyone would be in attendance at the city commission meeting.

5. Request for 160 Special Retail – More than 30 Days Liquor License for 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.

Chairman Culver reported this license would allow a New Year's Eve event at Country Crossing. Commissioner Cook made a motion to approve the request for a 160 Special Retail – More than 30 Days Liquor License for 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 Snellgrove seconded the motion. The chairman asked if anyone was in opposition? There being none, the chairman called for the motion; and it carried unanimously.

Chairman Culver reported Mr. Mark Pool had an accident and broke his leg in two places, and will be out for probably six weeks or more. He asked everyone to please keep him in their thoughts and prayers.

Staff Reports:

Chief Administrative Officer

Bill Dempsey reported the lawn care service bids had been received and they were evaluating the bids as compared to in-house services. He pointed out even the lowest successful bidder may not be awarded a contract. He stated this is an evaluation process.

Mr. Dempsey reported they would begin looking at shredder service in the next two to three weeks.

County Engineer

Mr. Barkley Kirkland, Acting Engineer state that was no report.

County – there was no report

Chairman Culver read the following plaque that he keeps in front of him "The pessimist seeks difficulty in every opportunity." "The optimist seeks opportunity in every difficulty." He thanked everyone present for being an optimist.

The chairman wished everyone a Very Merry Christmas and a Happy New Year!

Adjourn.

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