

MINUTES OF THE HOUSTON COUNTY COMMISSION
NOVEMBER 22, 2010

APRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Sinquefield, Commissioner Jackie Battles, Gary Sherrer, Attorney, Barkley Kirkland, Acting Engineer, and William J. Dempsey, Chief Administrative Officer

ABSENT: Commissioner Phillip L. Forrester, Mark Pool, Engineer

Chairman Mark Culver called the 10:00 A.M. meeting to order, established that a quorum was present, and welcomed everyone. Rev. Stan Cook, Pastor, New Beginning Baptist Church, gave the invocation. Commissioner Sinquefield led in the Pledge of Allegiance.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver wished everyone a Safe and Enjoyable Thanksgiving! He asked everyone to pause and reflect on their many blessings. He reported the county offices would be closed Thursday, November 25th for Thanksgiving, and the day after Thanksgiving.

Awards and Presentations

1. Presentation – “Santa for Seniors” – Mrs. Sherry Douglas, Director, In-Home Services

Chairman Culver asked Mrs. Sherry Douglas, Director, In-Home Services, to come forward. The chairman stated the commission really appreciated the job she does and her involvement with the seniors. He encouraged Commissioners Battles and Sinquefield to set up a time to meet with Mrs. Douglas after the first of the year, and go out with her on one of her daily visits in order to see all the good her program does. Mrs. Douglas thanked Chairman Culver.

Mrs. Douglas reported the “Santa for Seniors” Program started in 2006 when Mr. Jim Hicks, a contractor at Fort Rucker, was doing some training in another state and he learned that state had a program for seniors for Christmas. She stated when he returned, he contacted Robert Crowder, Executive Director of SARCOA, to see if this area had one, and he learned this area did not have such a program. She reported at that time the “Santa for Seniors” Program was born. She stated her first season with Houston County was in 2008 and that year, 38 clients were served with this program in Houston County, and there was an area total of 374. Mrs. Douglas reported they had 6 vehicles loaded for Dothan/Houston County seniors and she stated it was overwhelming to see their faces light up. She stated most of these seniors do not make very much money and she reported they only ask for things for everyday living. Mrs. Douglas reported last year, there were 55 names submitted with a total of 478 seniors in the program. She stated In-Home Service delivered \$1,405.00 in gift cards to the seniors to WalMart and grocery stores for anything they felt they would like to get. Mrs. Douglas reported a lot of county employees took part in the program. She reported this year, 34 names have been submitted by her agency. Mrs. Douglas stated they have dropped in numbers because there are guidelines they have to follow. She reported she felt the seniors with the most needs were selected this year, and there were seniors who may not have families to enjoy this time. Mrs. Douglas invited everyone to participate in

the program and she asked the commissioners to schedule one visit with her, and she felt it would mean a lot to the seniors if they would like to go. She stated if she did not have a senior in the commissioner's district, it would be fine to visit another district. Mrs. Douglas reported there were approximately a dozen seniors from Houston County that had not been adopted and she stated she would leave the list on the table at the door, along with instructions on how to adopt a senior.

Chairman Culver thanked Mrs. Douglas. He reported he served as Chairman of SARCOA and the "Santa for Seniors" Program is one of the most exciting things that have come out of the organization. He thanked Mrs. Douglas for her efforts and making it such a successful program. Mrs. Douglas thanked the commission for the opportunity.

Regular Agenda

1. Request from Dothan-Houston County Airport Authority to adopt Resolution approving the first amendment of the Annual Appropriation Agreement – Charles Nailen, Chairman, Dothan-Houston County Airport Authority.

Commissioner Siquefield made a motion to approve the request from the Dothan-Houston County Airport Authority to adopt the Resolution approving the first amendment of the Annual Appropriation Agreement. Commissioner Battles seconded the motion. Chairman Culver reported Mr. Charles Nailen, Mr. Jimbo Loftin, and Mr. Art Morris were present to answer any questions. Chairman Culver reported there was lengthy discussion on Thursday and this request would not include any real changes other than they are lowering their payment and not extending any time which means the county would be lowering its exposure. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

2. Request to assign Recovery Zone Allocation for Westwood and Cottonwood Corners to the Commercial Development Authority – Matt Parker, President, Dothan Area Chamber of Commerce.

Commissioner Harvey made a motion to approve the request to adopt the Resolution assigning the Recovery Zone Allocation for Westwood and Cottonwood Corners to the Commercial Development Authority. Commissioner Battles seconded the motion. The chairman reported Mr. Matt Parker was present to answer any questions. Chairman Culver reported this has to do with the county's Recovery Zone Bond Allocation that was provided to the county, but they have been able to go out and procure additional funds from other counties to help these two and other projects in the county. Chairman Culver pointed out Houston County was the first county in the state to declare the county as a Recovery Zone. The chairman called for the question; and the motion carried unanimously. (Please see in Resolution Book)

3. Request from Probate Judge to change Voting Precinct in Ashford from Senior Center to the Ashford Depot.

Commissioner Siquefield made a motion to approve the request from the Probate Judge to change the Voting Precinct in Ashford from the Senior Center to the Ashford Depot. Commissioner Battles

seconded the motion. Chairman Culver reported he had brought information he did not have on Thursday for anyone to see that might not be familiar with the Depot. He called for the question; and the motion carried unanimously. Chairman Culver reported Attorney Gary Sherrer would submit this to the Department of Justice.

4. Request to award bid for Electronic forms and Check Solution Software for Revenue Department.

Commissioner Harvey made a motion to award the bid for Electronic forms and Check Solution Software for the Revenue Department to the low bidder meeting specs, Quadrant Software, in the amount of \$17,000.00. Commissioner Battles seconded the motion. Chairman Culver reported this is an upgrade to the software that has been in place for a long time. The chairman called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

5. Request from Revenue Commissioner and Probate Judge to approve five (5) year contract with Brinks for daily courier service for bank deposits, and the proper budget amendment.

Commissioner Siquefield made a motion to approve the Revenue Commissioner and Probate Judge's request to approve a five (5) year contract with Brinks for daily courier service for bank deposits, and the proper budget amendment. Commissioner Battles seconded the motion. Chairman Culver called for questions or comments. Attorney Sherrer reported there was still some issue with regard to negotiation. He reported he re-drafted the agreement for a one (1) year contract. He recommended to the commission that a motion be made authorizing Mrs. Starla Matthews as Revenue Commissioner on behalf of the Commission to enter into the agreement with Brinks, USA, and any changes in the terms and conditions that may arise during any additional negotiations related to the agreement provided that the contract price for Brinks services shall not exceed \$228.00 per month, which is the contract amount in there. He stated the commission would be authorizing the amount and leaving the Revenue Commissioner and Probate Judge an opportunity in conjunction with himself. Chairman Culver asked both the Revenue Commissioner and Probate Judge if they were okay with doing what the attorney was suggesting? Judge Cooley asked if Mrs. Matthews was going to be authorized to sign for the commission for both of them and if it would be doubled that amount? Mr. Sherrer stated either way would work and the Probate Judge could be authorized through a separate motion. Chairman Culver stated there was a motion on the floor to approve the request as written. Mr. Sherrer stated he had given them a revised one earlier in the day and there was a revised one in front of them. He pointed out the revised contains seven (7) pages instead of the small type on the front and back. Chairman Culver asked why this is being done now? He reported this was discussed on Thursday and he asked why this was coming up before the commission when they were ready to approve something? Mr. Sherrer reported he had received it from Mrs. Matthews and he did not get any changes made until Thursday. Mr. Sherrer reported he would take the credit or whatever for it. He stated there was a front and back page contract that was in such small print that he could not read it and he did not think the Revenue Commissioner and the Probate Judge had read it. He stated he converted it into a nine (9) page contract. The chairman stated he did not like these type surprises coming before the commission at a meeting and asking for a vote when it should have been talked about on Thursday regardless of who takes the blame. Mr. Sherrer reported the money would stay the same. Chairman Culver stated Mrs.

Matthews and Judge Cooley were shaking their heads no. At that point, the chairman asked Mr. Sherrer, Mrs. Matthews, and Judge Cooley to step outside and work it out? He stated the commission would put this on temporary hold. He asked Mr. Sherrer not to do this again? The chairman reported things need to be as they were on Thursday; not on Monday. Mr. Sherrer stated he understood. Chairman Culver asked if there was a time constraint? Mr. Sherrer stated he understood that there was because the agreement is back to November 1st, and the bank would be reimbursing the total amount each month. Chairman Culver asked Commissioner Sinquefield to withdraw his motion? He then withdrew his motion.

Chairman Culver reported the commission would move on to Item #6 and come back to Item #5.

Chairman Culver stated there needed to be a motion on the floor to discuss the item. Commissioner Harvey made a motion to approve as presented. Commissioner Sinquefield seconded the motion.

Attorney Sherrer reported there are apparently two contracts and he only knew of one. He stated the Revenue Commissioner sent him a form contract that she had received from Brinks. Mr. Sherrer reported the only thing that had changed since last Friday was the five years to one year. He stated Brinks had told Mrs. Matthews verbally that she was locking in the rates for five years. Mr. Sherrer pointed out there were several provisions in small print that said Brinks could raise the rates every year, they could raise their rates on fluctuation of gas, they could raise the rates for just about anything, and he took out all of the provisions that lets them raise the rates, and this was all taken out and not being put back in. Chairman Culver stated he felt sure the bank appreciated Mr. Sherrer doing that but the bank was going to be paying for it, not the county. Mr. Sherrer reported the bank was paying a set \$228.00. Mr. Culver stated he thought the bank was paying the fee based on the conversation they had last Thursday. Mr. Sherrer reported they are paying \$228.00 according to the letter dated November 8th, from Leslie Weber on behalf of MidSouth Bank where they had agreed for daily courier service on an amount up to \$228.00 per month. Mr. Sherrer reported when he saw that and got the agreement; that is the major change. He stated while he was in there it contained information about insurance. Mr. Sherrer reported the county is part of a self-insured fund, and he had to be sure it addressed being part of a self-insured fund, not one that was rated commercially and nationally. He pointed out the contract contained a provision that stated if Brinks did not want to provide the service, then they could get a third party to provide the service, and he took the third party out of it. Mr. Sherrer reported the service would be provided by Brinks or their employees; they would not be able to contract with some other courier to come and do their job. He stated there was a provision in the contract that could have been easily left that dealt with bankruptcy. He reported the county is not in that position in that they are not an entity that you would file bankruptcy. Mr. Sherrer reported the above mentioned are the changes made in the agreement and the amount the commission authorizes in terms of the price would stay the same. Chairman Culver stated that he appreciated Mr. Sherrer clarifying that because he thought the commission's understanding was the fee would be covered whatever it was. Mr. Sherrer reported that is why the commission needed to see the letter from the bank, because that was what the people were saying verbally, but when the writings came in, they did not match up. Chairman Culver reported the commission needed to amend the motion to approve the contract as presented by Attorney Sherrer on behalf of the Revenue Commissioner. Mr. Sherrer pointed out there is another contract that is exactly

the same except for the Judge of Probate. Mr. Sherrer stated he did not realize there was a separate contract until a few minutes ago. The chairman stated on the floor is a motion to approve the request from the Revenue Commissioner and Probate Judge to approve a five year contract with Brinks for daily courier service. He stated the commission needed to amend that motion to approve the submitted agreement for the Revenue Commissioner and Probate Judge. Attorney Sherrer stated there were two different agreements and there needed to be a motion to approve the submitted agreement for the Probate Judge. Chairman Culver stated the commission knew there were two different agreements but the commission was going to approve them with one motion. Chairman Culver reported there needed to be a motion made to amend the prior motion to make both contracts with Brinks coincide with what has been presented at today's meeting. Mr. Sherrer stated that was correct. The question was asked if the two agreements were exactly the same? Mr. Sherrer stated that was what he had been told but for their right to designate different pickup times and points. Commissioner Battles made a motion to amend the prior motion to approve the request from the Revenue Commissioner and Probate Judge to approve a five year contract with Brinks for daily courier service to make both contracts with Brinks coincide with what has been presented at the meeting. Commissioner Siquefield seconded the motion. Chairman Culver stated what the commission was doing was amending the prior motion that would have approved the initial agreements to approve this agreement as presented for both parties. Mr. Dempsey asked if the agreement was for the bank to pay \$228.00 twice? Mr. Sherrer stated that was what he had been told. Chairman Culver called for the question for the amendment to the initial motion; and it carried unanimously. Chairman Culver called for the question on the amended motion; and it carried unanimously.

Chairman Culver stated he appreciated Mr. Sherrer noting all of this but he would like it to be done by the Administrative meeting, and not in a Commission meeting.

6. Request from Landmark Park for 60 yards of clay base for new pole barn and to spread, level, and pack the dirt – William Holman, Executive Director, Landmark Park.

Commissioner Battles made a motion to approve the request from Landmark Park for 60 yards of clay base for the new pole barn and to spread, level, and pack the dirt. Commissioner Siquefield seconded the motion. Chairman Culver asked Mr. Kirkland if anyone had looked at the project to determine how long it would take? Mr. Kirkland reported it was approximately one day's work. He reported the only problem is that when they went out there they wanted the work done within the next week. Mr. Kirkland reported the county crews already have 300 days of work in the towns and it depends on whether the commission wants it to be bumped up ahead of the other projects or not. The chairman reported if the request is approved, he was not going to ask Mr. Kirkland to pull anyone off of the Ardilla intersection project or other projects that the county has purposefully put at the top of the list in order to try to do this. He stated the county would be happy to do it and in the county's timeframe, whatever it may be, he would think they could get to it in some short measure but this week is probably not doable. He reported if the commission approves the motion as it is, to do the work, and if the timeframe gets too long, he asked Mr. Holman if he just wanted the dirt, for him to let them know and they would deliver the dirt, and not do the work. Mr. Kirkland reported the dirt was not a problem; it was just breaking a crew free to spread it. The chairman stated the commission would give Mr. Holman

the opportunity to thank the commission for the dirt, but he would do the work himself. The chairman reported the county tries to do everything in the timeframe they can as best they can without creating any undue burden on other projects, but if it gets to the point that Mr. Holman needs it before the county crews can do it they will just deliver the dirt. Chairman Culver called for the question; and the motion carried unanimously.

7. Request to award bids for ACCA Joint Bid Program.

Commissioner Harvey made a motion to approve the request to award the bids for the ACCA Joint Bid Program to the low bidders meeting specs in the various categories. Commissioner Siquefield seconded the motion. Chairman Culver reported this is the annual bid for all counties to use all over the state and affiliates to purchase equipment. He stated he had received a call from the ACCA earlier in the morning and he asked for an amendment to the motion to remove the following item under Tractors: an 80PTO Tractor. Commissioner Harvey then amended his motion to approve all bids meeting specs with the exception of the 80 PTO Tractor. Commissioner Siquefield seconded the motion. The chairman called for the question on the amendment; and it carried unanimously. Chairman Culver for the question on the motion on the table to approve the awarding of the bids for the ACCA Joint Bid Program less the 80 PTO Tractor. He called for the question; and the motion carried unanimously. (Please see in Minute Book)

8. Request to appoint Mr. Robert Flatt and Mrs. Rosalind James to the Houston County Department of Human Resources.

Commissioner Harvey made a motion to re-appoint Mr. Robert Flatt and Mrs. Rosalind James to the Houston County Department of Human Resources. Commissioner Battles seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

9. Request to appoint Commissioner Jackie Battles to the E-911 District Board.

Commissioner Siquefield made a motion to appoint Commissioner Jackie Battles to the E-911 District Board. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

10. Request to appoint Commissioner Jackie Battles to the Metropolitan Planning Organization.

Commissioner Harvey made a motion to appoint Commissioner Jackie Battles to the Metropolitan Planning Organization. Commissioner Siquefield seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

11. Request to appoint Commissioner Doug Siquefield to the National Peanut Festival Board effective January 1, 2011.

Commissioner Harvey made a motion to appoint Commissioner Doug Siquefield to the National Peanut Festival effective January 1, 2011. Commissioner Battles seconded the motion. The chairman called for the question; and the motion carried unanimously.

12. Request to appoint Commissioner Doug Siquefield to the Wiregrass Rehab Center Advisory Council.

Commissioner Harvey made a motion to appoint Commissioner Doug Siquefield to the Wiregrass Rehab Center Advisory Council. Commissioner Battles seconded the motion; and it carried unanimously.

13. Request to appoint Commissioner Doug Siquefield to the Wiregrass Rural Conservation & Development Council.

Commissioner Battles made a motion to appoint Commissioner Doug Siquefield to the Wiregrass Rural Conservation & Development Council. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

14. Request to appoint Commissioner Curtis Harvey to the Murals of the Wiregrass Committee.

Commissioner Siquefield made a motion to appoint Commissioner Curtis Harvey to the Murals of the Wiregrass Committee. Commissioner Battles seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

15. Request to approve Actual vs. Budget overspending for '09-'10 FY in accordance with the County Modernization Act.

Commissioner Harvey made a motion to approve the actual vs. budget overspending for the 09-'10 FY in accordance with the County Modernization Act. Commissioner Siquefield seconded the motion. Chairman Culver reported this is required by law. He asked Mr. Dempsey for any comments he might want to make? Mr. Dempsey reported the county has 49 departments and they have very little overspending. He stated the only major overspending was in the area agencies, which was tobacco tax, and the more the county collects the more they can give. Chairman Culver stated the other major area was write offs for bad debts. The chairman reported the commission appreciates the department heads for the tremendous job they do with their budgets. The chairman called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

16. Request to cancel Administrative Meeting on December 23rd and the Commission Meeting on December 27th due to Christmas Holidays.

Commissioner Battles made a motion to approve the request to cancel the Administrative Meeting on December 23rd and the Commission Meeting on December 27th due to Christmas Holidays. Commissioner Siquefield seconded the motion; and it carried unanimously.

At that time, Chairman Culver stated the commission would return to Item #5.

Staff Reports:

Chief Administrative Officer – there was no report.

County Engineer –

Acting Engineer Barkley reported they had a project that went through the Alabama Department of Transportation on November 5th, County Road #81, for reclaiming and repaving a three mile section that went for \$912,500.00. Mr. Kirkland stated they needed to get the matching 20% approved. He stated they had received the letter on Thursday since the Administrative meeting and they have to get the check to Montgomery by December 1st. Chairman Culver asked Mr. Kirkland if he was requesting the commission to consider approving the matching funds for the portion of the project on County Road #81? Mr. Kirkland stated that was correct. He reported this was budgeted money and the amount is \$182,500.00, which is actually under the \$200,000.00 they had budgeted. Chairman Culver reported it would take unanimous consent to address the request. He asked if anyone had any objections to approving the funds for the match on the County Road #81 road project? Chairman Culver stated there were no objections, and he asked for a motion approving the request? Commissioner Sinquefield made a motion to approve the request to approve the 20% matching funds in the amount of \$182,500.00 for the County Road #81 project. Commissioner Battles seconded the motion. The chairman called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

County Attorney – there was no report.

Adjourn.

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