

MINUTES OF THE HOUSTON COUNTY COMMISSION  
REGULAR SESSION  
May 23, 2022

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Doug Siquefield, Commissioner Ricky Herring, Commissioner Brandon Shoupe, County Engineer Barkley Kirkland, Chief Administrative Officer Peter Covert and County Attorney Pres Register.

Chairman Culver called the 10:00 a.m. meeting to order and welcomed everyone to the May 23, 2022, Houston County Commission Regular Session. He declared a quorum as all of the commissioners were in attendance.

Pastor CJ Harvey, of Harvest Church, gave the invocation and Commissioner Herring led in the pledge of allegiance.

The minutes of the previous meeting were approved on a motion by Commissioner Harvey and seconded by Commissioner Siquefield. The motion passed unanimously.

ANNOUNCEMENTS AND COMMENTS FROM THE CHAIRMAN AND COMMISSIONERS

Chairman Culver began by reminding everyone that next Monday is Memorial Day holiday. He asked everyone to pause and remember those that gave the ultimate sacrifice and lost their lives for us so we can have the freedoms that we do and that we take for granted. Chairman Culver added that he is in hopes that everyone will take part tomorrow in their freedom to vote as the primary election will take place and he encourages everyone to get out early as the polls open at 7 a.m. and close at 7 p.m. He stated that the probate office has assured them that everything is in place in hopes to have a nice and smooth election. If anyone has any questions, they can call the probate office as they will have staff on standby. He encouraged everyone to take the opportunity to get out and vote as it is our right and so many people around the world do not have that right and we should not take it for granted.

REGULAR AGENDA

1. Request to re-appoint Mr. Robert Ferguson and Mr. Marc Nelson to the SpectraCare Health Systems Board

Commissioner Herring made a motion to approve the re-appointments of Robert Ferguson and Marc Nelson to the SpectraCare Health Systems Board. Commissioner Shoupe seconded the motion and it passed unanimously.

2. Request to approve acceptance of transfer of property by deed from Industrial Development Board and temporary easement for the off-site improvements at Sam Houston Industrial Park – Matt Parker, Industrial Development Board

Commissioner Siquefield made a motion to approve the request from the Industrial Development Board and Commissioner Harvey seconded. Chairman Culver reminded everyone that it was discussed at the Administrative Meeting and that this is part of a tri-governmental transfer of property that will ultimately end up being the responsibility of the City of Dothan once all the work is completed. When called for the vote, the motion carried unanimously.

3. Request to award joint bid with the City of Dothan for portable toilet rentals and service – Peter Covert, Chief Administrative Officer

Commissioner Herring made a motion to approve the request to award the joint bid and Commissioner Siquefield seconded. Chairman Culver stated that this is just another joint bid that is done with the City of Dothan and it has saved both entities a significant amount of money over the years. The motion carried unanimously.

4. Request to adopt resolution to authorize the allocation of American Rescue Plan Act Funds for eligible water and sewer infrastructure project

Commissioner Siquefield made a motion to approve the request to adopt the resolution and Commissioner Harvey seconded. Chairman Culver reported that on Thursday, this was discussed and that this is to begin the process for the allocation to the Town of Taylor for assistance with their sewage treatment facility and this was item that was voted to address in a previous meeting. He commended the Town of Taylor for stepping up and being willing to invest their funds along with the funds provided by the county. Chairman Culver said this will served the western side of the county in Taylor and there are other municipalities that will be doing the same thing. The motion carried unanimously.

5. Request from the Town of Gordon to assist with audit – Mayor Charles Dismuke

Commissioner Harvey made a motion to approve the request from the Town of Gordon to assist with the audit and Commissioner Siquefield seconded. Chairman Culver stated that the amount of the assistance is \$16,500.00 and it is to cover the audit expenses. He added that they had several questions on Thursday that he wanted to follow up on and he asked Mr. Covert if he received any feedback from the auditors on whether the county could pay the auditor directly and Mr. Covert responded that he had not. Chairman Culver added that there was some discussion about putting money into the Town of Gordon's account due to some of the liens they have. He asked if the motion could be amended to say "approve this request to assist with audit pending being able to pay the auditors directly".

Commissioner Harvey moved to amend the motion to read "Request from the Town of Gordon to assist with audit pending being able to pay the auditors directly" and Commissioner Siquefield seconded the amended motion. Chairman Culver stated that if this could not happen that it would come back before the commission. He added that the other question was the Rebuild Alabama Funding and Engineer Kirkland stated that on the state side the Town of Gordon should be receiving \$16,128 this year and over the past three years they have received a little over \$38,000. Chairman Culver asked if they had used any of the funding and Engineer Kirkland stated that he did not think that they had. He added that, like other towns, they could agree that the county use their \$38,000 to cover the cost of the audit and

use the remainder towards work in the town limits of Gordon. Engineer Kirkland said that when they pave roads in that area they could use the remainder of the money towards that and they could also bank the funds and roll it over until they get to that project but it needs to be addressed in the plan that is completed each year for Rebuild Alabama. Chairman Culver then said asked if this needs to be discussed and agreed upon and Counsel responded yes and Chairman Culver said that those discussions would need to be done before the next meeting to enter into that agreement. He asked Commissioner Harvey, Engineer Kirkland and County Attorney Pres Register to meet with the mayor of Gordon to get this done. Chairman Culver asked if there were any comments and Commissioner Shoupe said that he thinks that everyone has a good idea of what happened with some of the funds from the Town of Gordon and it is his sincerest hope that someone gets held accountable for what has happened because we cannot, as a society, allow tax payer dollars to be stolen and swindled and not hold someone accountable. This will encourage the same behavior unless people are held accountable and put in jail. Commissioner Shoupe that this was his sincerest hope and that with this audit that would be one of the results. He added that it is a reminder that it is incumbent the citizens to elect good leaders because if you elect bad leaders you will have bad things that happen and we need to remember that.

At this time, Chairman Culver recognized a citizen that came forward and stated their name as Shayna Ray, a citizen of Houston County and she resides in Gordon, AL. She stated that she is the former mayor of Gordon and she saw it on the news that the current Mayor that is in office brought it to the commissions attention that there was not an audit done up under her administration. However, she stated that there was an audit done and she will provide Ms. Jackie, the Administrative Assistant to the Commission, with the people that did the audit. Ms. Ray said that they also had an audit done by Alabama Rural Water, which is the energy audit and they also had to have a rate study done because one had not been done for the state for the last five years and it should be done every three years. Mrs. Ray also said that it was done by a non-profit organization called Unlimited Community and she has that paperwork as well. She stated that she had a copy of the CDG Grant that she obtained that Gov. Ivey had awarded to the Town of Gordon and approximately to her recollection, they had money in the account and it was around \$80,000 to \$100,00 that was left in the account when she left office on November, 2020. She added that as for the gas tax, she has the account number and the confirmation of the date she opened that account up, however when she was there they had received two payments and she had copies of the two checks. She stated that was about \$8,000 in that account and it was never touched but before she left they had received their FEMA money and it was in the account with their first check totaling about \$14,000. Ms. Ray continued by saying that she is coming before the commission as a citizen of the Town of Gordon and she knows that the request is for four years to be audited but if they are going to "scratch the surface" that they need to "go the ro"t. She said that whatever the law allows for them to go back and do the audit, that's what needs to be done because four years was part of her years that she was in office as Mayor, but she noticed that other things were not appropriate and in particular the Community Park Grant that was applied and she could not get any answers when the State of the Dept. of Juvenile Justice reached out to her about the \$65,000 that was misplaced. She added that a deputy of the Houston County Sheriff's Dept. reached out to her and gave her a letter and she had no knowledge that her name was on that contract. Ms. Ray states that she has tried to speak to the current Mayor regarding this, and the council members, but nobody wants to talk so she asked the commission to pray to find it necessary to go back further than four years in the audit.

Chairman Culver asked Ms. Ray to give Mr. Covert the paper that looks like it may have been an audit and let him look at it. Chairman Culver added that they have a request from the Town of Gordon and it is not up to the commission to run the Town of Gordon and they do not want to get into the business of running towns. They have before them a request from the Town of Gordon to either fund their request or not and everything she just said may be germane to this situation and that Ms. Ray needs to take all of that information to a Town of Gordon council meeting and address it with them as they are an established municipality in the state of Alabama and the county does not run the town and the county commission does not intend to run the town as it is not their place nor their authority to do so. He said that there is a request for funds and that is strictly what they have here. Ms. Ray said that she truly understands but he (the Mayor) does not allow anyone to speak from the floor nor be added to the agenda and she has been in contact with the Ethics Commission regarding that issue. At this time, Mr. Covert stated that what he just had the opportunity to look through was a piece of marketing literature from a firm to offer their variety of services that they have in the anticipation of being engaged. There were no financial records included and there was not a quote to do an engagement as it was just a piece of marketing literature. Ms. Ray said that she has the documentation and will get it to the commission office.

At this time, another citizen approached the podium and stated his name as George Trotter and he resides at 4218 County Road 203, Dothan, AL 36301. He began by stating that they are making a motion as a commission and they are going to get involved in this. He added that everybody wants Gordon to get straightened out and they are looking at about \$15,000 and he is a little confused on how and whether the commission can legally pay this. His question to legal counsel is if the commission setting a precedent for all the other municipalities if they default? Chairman Culver questioned "default" and Mr. Trotter responded that while they are bailing out and Chairman Culver stated that they are not bailing out anybody and they have a request to assist with an audit and the audit will include funds that this commission provides to the Town of Gordon so they have, by association, an interest in the audit. He added that they are providing only funds for the audit and per the amended motion they are paying the funds directly to the auditing firm and not to the Town of Gordon. Mr. Trotter said that his question is at a legal stand point is the commission putting themselves, the taxpayers in Houston County, in jeopardy relative to setting a precedent to where they would be obligating to do this in the future. Chairman Culver said that that was not a legal question but a precedent made by a motion by the commission to appropriate funds, which they do regularly, and they are making a choice to either appropriate funds, or not, to the Town of Gordon just like they make a choice to appropriate a half million dollars to the Town of Taylor. He said it is not really any different and the precedent to appropriate funds to municipalities is already out there and this just happens to be for a specific item just like the money to Taylor is for a specific item. Mr. Trotter said this is not about infrastructure and this is totally different and that is his question, is the commission setting themselves up with a precedent being set for making payments to something other than infrastructure. Chairman Culver responded that they also fund town Senior Citizen centers and various other things that are not infrastructure so they are already doing that kind of thing. When called for the vote, the motion passed unanimously.

6. Request to adopt resolution, per state law, to approve a one-time lump sum payment for county retirees.

Commissioner Sinquefield made a motion to approve the request to adopt the resolution and Commissioner Shoupe seconded. Chairman Culver said this was discussed on Thursday and this is something that was passed by the Alabama Legislature that they will periodically do, to assist retirees. The county has always gone along with the state when they do this and this will cost next year's budget \$90,000+ dollars. This will be a onetime payment to existing retirees as of March, 2022. When called for the question and vote, the motion carried unanimously.

7. Request to approve reimbursement from the City of Dothan Police Dept., related to employee contract buyout – Sheriff's Dept.

Commissioner Herring made a motion to approve the request for the reimbursement and Commissioner Shoupe seconded. Chairman Culver reported that, by law, the county can recover their cost during a certain period of time for employees (law enforcement) that leave and go to work elsewhere and we have paid for their training. The motion carried unanimously.

8. Request for 010 Lounge Retail Liquor License – Class 1 for Two High Saloon, 3042 W. AL State Hwy 92, Daleville, AL 36322 – Sheriff's Dept.

Commissioner Shoupe made a motion to approve the request for the license and Commissioner Sinquefield seconded. Chairman Culver asked if anyone was present in opposition to this request and no one was present. The motion carried unanimously.

#### STAFF REPORTS

Chief Administrative Officer – No Report

County Engineer – 1 closed road; Providence Road

County Attorney – No report

9. Request to recess into Executive Session on Thursday, May 26, 2022, at 1:00 p.m. at the Dothan Area Chamber of Commerce to discuss preliminary negotiation involving matters of trade or commerce in which the commission is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations.

Commissioner Shoupe made a motion to recess into Executive Session on Thursday May 26, 2022, at 1:00 p.m. at the Dothan Area Chamber of Commerce. Commissioner Sinquefield seconded the motion and the motion carried unanimously.

At 1:00 p.m. on May 26, 2022, Chairman Culver reconvened the commission meeting that was recessed from Monday, May 26, 2022, and found a quorum present as all commission members were in attendance.

A motion was made by Commissioner Harvey to enter into Executive Session pursuant to Ala. Code 36-25-7 for the purpose of discussing preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations. The motion was seconded by Commissioner Herring. Matt Parker, as President of the Dothan Area Chamber of Commerce advised in writing that the discussion would have a detrimental effect upon the competitive position of Houston County, Alabama, in regards to the negotiations or upon the location, retention, expansion, or upgrading of a public employee or business entity in the area served by Houston County, Alabama if the discussions were disclosed outside of an executive session. A copy of that writing is attached and entered into the original minutes. The motion carried unanimously. The vote of each member was as follows:

Commissioner Curtis Harvey:	Yea
Commissioner Doug Siquefield:	Yea
Commissioner Ricky Herring:	Yea
Commissioner Brandon Shoupe:	Yea

Prior to calling the executive session, Chairman Culver stated that the only purpose for reconvening after the executive session was to adjourn the meeting.

The commission went into executive session at approximately 1:05 p.m.

At approximately 2:15 p.m., Commissioner Shoupe made a motion for the commission to come out of executive session. Commissioner Siquefield seconded the motion. The motion carried unanimously.

Commissioner Herring made a motion to adjourn, which was seconded by Commissioner Shoupe. The motion carried unanimously.

Meeting adjourned.