

**BOARD OF COMMISSIONERS  
CITY OF DOTHAN, ALABAMA  
REGULAR MEETING  
APRIL 8, 2008**

The Board of Commissioners of the City of Dothan, Alabama, met in regular session in the Commission Chambers of the Roy Driggers Municipal Building at 5:30 P.M., Tuesday, April 8, 2008 with the following members present: Mayor Pat Thomas, Associate Commissioners Larry Matthews, Paul Lee, John E. Craig, Jr., Taylor Barbaree and Keith Seagle. Commissioner Amos M. Newsome, Jr. was absent. Also present were City Manager Michael West, City Clerk Pam McCoy, Secretary Tammy Danner, who recorded the Minutes of the Meeting, and the local news media representatives.

Mayor Thomas called the meeting to order. Pastor Bill Bastien, Heritage Baptist Church, then led in prayer, afterwhich Commissioner Seagle led in the Pledge of Allegiance to the Flag.

On behalf of the Commission, Mayor Thomas extended condolences to Commissioner Newsome in the loss of a family member.

Commissioner Barbaree moved that the Minutes of the Meeting of March 25, 2008, be approved, motion seconded by Commissioner Matthews and unanimously approved.

At this time, Commissioner Paul Lee, who has chaired the School Funding Committee and Dr. Sam Nichols, Dothan City Schools Superintendent presented the Commission with a proposal for use of the \$1 million appropriation from the City of Dothan. Dr. Steve Stokes, Dothan City School Board Chairman, Board members Margaret Johnson and Brenda Guilford were also present. Commissioner Craig asked if there was something included in the \$160,000.00 that would involve getting the parents of the students involved in school. Dr. Nichols said yes. We are working to create a program that would involve more parents. Commissioner Seagle said that from all the studies he has read more money is not the answer; the answer is parent involvement, children coming from homes where their parents have a high school diploma and understand the value of education. Dr. Nichols said that community involvement is important also, because it is difficult to get some parents involved.

Commissioner Seagle said this \$1 million is not the total that the City gives to the Dothan City schools. He said in the past when our property tax was at 8 mills, the City would step forward with approximately \$2.8 million to make up the difference. Since this last year, by State law, we are up to 10 mills. Commissioner Seagle said we are proposing to continue to give the \$2.8 million also, plus this other; so we are talking about \$3.8 million from the City. Commissioner Barbaree said there are also in-kind services that are not included in this. Finance Director Angela Palmer stated that it does not include debt service. She said it totals \$3.5 million when you include the debt service. Commissioner Seagle said so we are talking about adding \$1 million from the sales tax to the \$3.5 million. He said the check that the City writes will be about \$4.5 million if we approve this. City Manager West said no; we pay the debt service. They send us a check for half of the debt service. Commissioner Seagle said so we are back to about \$3.8 million. Mr. West said that is correct.

Commissioner Matthews asked if the ninth grade coordinators were counselors. Dr. Nichols said that would be a function, but it would not be their total responsibility.

Commissioner Barbaree said we challenged the School Board to come to us with a plan. He said they have done that and he looks forward to putting this on the agenda and moving forward with it. Commissioner Craig concurred. There being no further discussion, Mayor Thomas stated that this would be put on the next City Commission agenda in two weeks.

Commissioner Seagle presented and read a proclamation, proclaiming the month of April, 2008 as “Autism Awareness Month” in the City of Dothan. Fran C. Heisner, Families with Autism Support and Encouragement Group Coordinator, and others were present for the proclamation.

Commissioner Seagle presented and read a proclamation, proclaiming the month of April, 2008 as “Parkinson’s Disease Awareness Month” in the City of Dothan. Ann Wessel, President, Wiregrass Parkinson’s Support Group was present for the proclamation. Ms. Wessel presented Mayor Thomas with a painting done by Lori Sessions, a computer graphic artist.

Commissioner Barbaree expressed appreciation to everyone who attended the District 5 meeting held last night for the Murphy Mill/Bethlehem/Brannon Stand Road area. There will be another District 5 meeting scheduled for Monday, April 14<sup>th</sup> at Harvest Church. Chairman Mark Culver of the Houston County Commission will be the key speaker.

Commissioner Matthews emphasized how great the recent Special Olympics and Miracle Field events were. He said they are all winners; there were no losers, no one came in last. Commissioner Craig concurred.

Commissioner Lee requested an update on the right-of-way acquisitions for the widening of the Ross Clark Circle also, the resurfacing of Cottonwood Road/ Ross Clark Circle Intersection and Highway 84 East. He said all those intersections are in dire need of attention and this project should not delay this resurfacing. City Manager West said he would have someone contact ALDOT to see where they are on these.

Commissioner Craig said we also need to look at getting sewage to some areas in town like Halls Mill Road. He said those people are having all types of problems because of the rain. Commissioner Craig then asked for an update on the recycling program. Jerry Corbin, Public Works Director said the delivery date for the truck that has been ordered has been pushed back a month. He said we look to start the program the first Monday after the Fourth of July. Mr. West asked when the letters would be sent out to those chosen to participate in the pilot program. Mr. Corbin said they will go out the first week of May.

Mayor Thomas stated that on the next administrative meeting, he would like to revisit the City Commission meeting time. He said after three months of meeting at 5:30 p.m. he has not seen any difference in attendance. Mayor Thomas said in his 10½ years on the Commission, it comes down to if you have business in front of the Commission, you will be here, if you don’t, you won’t. He said we have a lot of City employees that are here right now who are on the payroll and away from their families. Mayor Thomas said he did not see any reason for that to continue if the number of people at the meeting is not going to substantially change.

Kim Meeker, Leisure Services and Angela Turner, Movie Gallery announced the Movie Gallery USTA Pro Tennis Classic Tournament to be held April 20-27, 2008 at the Westgate Tennis Center.

Ms. Tracie Melvin of Elite Professionals announced the 4<sup>th</sup> Annual Heritage Trail to be held April 13<sup>th</sup> in the Bamadale and Rocky Branch neighborhoods. She introduced several queens who will reign over the Heritage Trail. The purpose of the event is to celebrate African American culture and achievement in the local community. Ribbon cutting ceremonies will begin at 1:30 p.m. Ms. Melvin invited everyone to attend.

City Manager West announced that the Doug Tew Little League grand opening will be this Saturday, April 12<sup>th</sup> at 9:30 a.m. Administrative Professionals Day is April 23<sup>rd</sup>. Lunch will be served in the Civic Center for \$5.00 per person. The Fire Department will be holding graduation for the rookie candidates April 11<sup>th</sup> at 1:30 p.m. The roof at Doug Tew is presently being replaced. We are also in the process of redoing the work on Central Fire Station. Mr. West reminded everyone of the public hearing regarding the Beaver Creek Wastewater Treatment Plant on April 15<sup>th</sup> at the Opera House at 6:00 pm. The annual city track meet kicks off at Dothan

High School this Saturday at 9:00 a.m. Mr. West announced that Plum Road will open tomorrow.

Mr. West said it appears we will be spending, because of the increase in fuel cost this year, about \$670,000.00 more than we spent last year. Mayor Thomas asked if that is what is projected or to date? Mr. West said that is what is projected for the year. Larry Muench, General Services Director said it is about \$675,000.00 to date. We are projecting about \$600,000.00 over budget. Mr. West said the City uses thousands of gallons a day, but we continue to monitor the cost of fuel.

Mayor Thomas introduced Ordinance No. 2008-86 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), rezoning property of Dothan Exchange, LLC from O-2 and R-65-A Districts to B-3 and B-4 Districts, said property located from the end of existing Murphy Mill Road to Flynn Road. Commissioner Barbaree moved for immediate consideration, motion seconded by Commissioner Lee and upon the motion being put to vote, those voting “yea,” were Thomas, Matthews, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of six “yeas” to no “nays.”

Commissioner Lee then moved for adoption of Ordinance No. 2008-86, motion seconded by Commissioner Barbaree and upon the motion being put to vote, those voting “yea,” were Thomas, Matthews, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of six “yeas” to no “nays.”

Mayor Thomas expressed appreciation to Mr. Roarke for his investment in our city.

Mayor Thomas introduced Resolution No. 2008-87 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), appropriating \$400,000.00 to the Dothan Downtown Redevelopment Authority for the renovation of properties on North Foster Street. Commissioner Barbaree moved for adoption, motion seconded by Commissioner Matthews. Commissioner Craig said he would vote for this, but he wanted to see some profit making come out of this.

Commissioner Seagle said the toughest decisions that leaders make are not about right and wrong. He said it is the dilemmas we have to choose from two undesirable options. Commissioner Seagle said he looks at this dilemma and he sees on one hand not funding the DDRA is going to slow the progress and downtown will probably continue to look like it did 20 years ago. On the other hand, we are forcing taxpayers, working families, minimum wage workers, and single mothers to pay for something that every real estate developer says is a losing proposition. Commissioner Seagle said he agonizes over such decisions and the advice he always gets is to stick with your principles and people will appreciate that even if they disagree. He said he finds himself in the midst of a tax and spend program here that he cannot support. Commissioner Seagle said he thinks government should stick to the basics of people’s property, freedom and providing essential services and we should leave business to the business people. Commissioner Seagle said he had nothing against downtown development, museums, libraries, ball parks, etc. He said we should be able to build all we want and all we can afford, but taxpayers’ monies and therefore his priorities are more along the lines of clean water, efficient sewage, landfills, lower electric rates, potholes, traffic flow, police and fire services, etc. Commissioner Seagle said his goal is to cut spending to the point that we can reduce taxes. He said you can love him or hate him for it, but that is in his heart of hearts and that is who he is and he has to be true to that. Commissioner Seagle said that puts him at odds with some good people here at this table, some friends at this table and they honestly think that what is best is to spend. Commissioner Seagle said he thinks this Commission plans on spending as much as possible in the next 18 months. He said he will look at each proposal independently and will judge them according. Commissioner Seagle said he would respect their views and hopes his will be respected also, but you will have to move forward on this one without him. There being no further discussion and upon the motion being put to vote, those voting “yea,” were Thomas, Matthews, Lee, Craig and Barbaree; “nay:” Seagle. The motion was carried by the majority of five “yeas” to one “nay.”

Mayor Thomas introduced Resolution No. 2008-88 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), appropriating \$57,000.00 to the Wiregrass Transit Authority to purchase replacement vehicles. Commissioner Barbaree moved for adoption, motion seconded by Commissioner Matthews. Commissioner Seagle said this fits the example of one of the essential public services that is necessary because we do not have a private business alternative to this. He referred back to the minutes of the December 4, 2007 meeting where we appropriated \$40,000.00 for the Wiregrass Transit Authority for operating expenses with the understanding that they would come back later for some money for capital. Commissioner Seagle said, at the time, he mentioned that we should have some type of systematic process in place to decide how we allocate funds to non-profits. He said Mayor Thomas's response was that it was an excellent idea and that's why it is in the works; that's why there is a committee already in place that was committed to looking at this and making recommendations. Commissioner Seagle then asked for an update on that committee. Mayor Thomas said he would have one at the next meeting. He said this is not a non-profit organization; it is an arm of City and County government that was created years ago. Commissioner Seagle said we have about \$2.5 million in the budget that we give to non-profits not including what we give to schools. He said he feels the way we do it is by piecemeal and we need to be able to look at the whole picture and decide how to divide up the pie equitably. Commissioner Craig agreed. He said they both thought sometime ago that we would see some screening of this and have some advice on it. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-89 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), entering into a permit agreement with the Alabama Department of Transportation for the installation of 67 interstate flood lights to light Highway 84 West at an approximate cost of \$21,000.00. Commissioner Barbaree moved for adoption, motion seconded by Commissioner Craig and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-90 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), agreeing to settle all claims of Mary Beth Brackin against the City of Dothan and its employees in the amount of \$30,000.00. Commissioner Craig moved for adoption, motion seconded by Commissioner Matthews. Commissioner Seagle asked City Attorney Len White if he had any additional comment on this. Mr. White said no. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-91 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), rescinding Resolution Number 2007-410 and entering into an agreement with David Jones to serve as Public Defender for the City of Dothan at an annual salary of \$18,500.00. Commissioner Lee moved for adoption, motion seconded by Commissioner Barbaree and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-92 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), filing an application with the State of Alabama Department of Education for participation in a Summer Food Service Program for Children, entering into an agreement with the United States Department of Agriculture for administration of the program, and entering into an agreement with the Dothan City Board of Education for providing the food services. Commissioner Barbaree moved for adoption, motion seconded by Commissioner Craig and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-93 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), authorizing the Mayor to file, on behalf of the City of Dothan, an application for a loan to be made by the Alabama Water Pollution Control Authority to aid in financing the cost of construction of necessary wastewater treatment and transport works. Commissioner Lee moved for adoption, motion seconded by Commissioner Barbaree. Commissioner Seagle said when this came up before we were doing the pre-application. That is when we discovered that the State required us to have a public hearing first. Commissioner Lee said many of us knew that. City Manager West said we knew that all along; it is requirement of ADEM. Commissioner Seagle said he mentioned having it and the idea was rejected. Mayor Thomas disagreed. He said Commissioner Seagle

mentioned having a public forum, which is a completely different thing than a question and answer session that is required by the State to borrow the money. Commissioner Seagle asked if a public forum is completely different from a question and answer session. Mayor Thomas said a public forum to determine whether or not we want to move forward with this project as opposed to a public question and answer session to get the required financing is two different things. Commissioner Seagle said we find out from the State that we have to have one and we are having one on April 15<sup>th</sup>. He said at this point we are authorizing the Mayor to file this application for a loan on our behalf. Commissioner Seagle asked if this has to be filed after the 15<sup>th</sup> or can we file this now? Mr. West said we have to file it now because they have “x” amount of dollars and if we do not get on the list then if we need money this year we will end up going to the bond market and paying a percent and a half more for it, which will cost the City hundreds of thousands of dollars in additional interest rates. Commissioner Seagle said for clarification purposes, we can go ahead and make this application now, but we still have to have our public meeting. Mr. West said that is correct. Commissioner Lee said one other clarification; we did not find out, we already knew that this meeting was necessary. Commissioner Seagle said he would refer back to the minutes because he recalled saying we should have this meeting and the idea was rejected. Commissioner Lee said, “totally different meeting”. Mayor Thomas said a meeting to determine whether this was needed or not was flatly rejected because the Commission had already determined the course of action, determined what we were going to do, had the process already into the ADEM files. He said that is the wrong time to have a forum to see if you are going to proceed. Commissioner Seagle said he recalled saying that perhaps it could be in the form of a briefing to help explain the need. He said anyone who cares can refer to the minutes. Commissioner Matthews asked if this would be a public meeting. Mr. West said yes. ADEM will have a representative there along with representatives from Polyengineering and Barge, Waggoner, Sumner and Cannon. He said the public will be allowed to speak. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-94 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), entering into an agreement with Gehl’s Guernsey Farms, Inc. for the lease of one Hot Top 2 Dispenser to be utilized at Miracle Field concessions at a cost of \$200.00. Commissioner Barbaree moved for adoption, motion seconded by Commissioner Matthews and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-95 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), entering into a permit agreement with the Alabama Department of Transportation to install poles and conduits for new electric service at 4771 Montgomery Highway. Commissioner Lee moved for adoption, motion seconded by Commissioner Matthews and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-96 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), entering into a permit agreement with the Alabama Department of Transportation to lower the existing water main at U.S. Highway 84 East and Middlewind Court at no cost to the City. Commissioner Lee moved for adoption, motion seconded by Commissioner Matthews and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-97 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), awarding the bid and entering into a contract with H&L Construction, Inc. for the installation of the Morris Street Drainage Improvements, CDBG Project No. B-06-MC-01-0010, in the amount of \$171,330.90. Commissioner Matthews moved for adoption, motion seconded by Commissioner Lee. Commissioner Barbaree asked if a construction company from Dothan bid on this project? Mr. Corbin said it was advertised and there was no one from Dothan to bid. He said H & L Construction built our last two bridges. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-98 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), approving the payment of invoices for the month of March, 2008 in the amount of \$14,854,869.90. Commissioner Craig moved for adoption, motion seconded by Commissioner Matthews and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-99 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), appointing Larry Matthews as a member of the National Peanut Festival Association, Inc. Board of Directors. Commissioner Lee moved for adoption, motion seconded by Commissioner Barbaree. Commissioner Seagle said he noticed Commissioner Lee’s name was on the administrative agenda for this last week. Mayor Thomas explained that Commissioner Matthews expressed an interest in serving on this Board and we agreed. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-100 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), approving purchases over \$7,500.00 by the City. Commissioner Barbaree read each item in the meeting.

<u>ITEM</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<b><u>Other Purchases:</u></b>		
IMSA Certification Training in Traffic Signs, Signals, and Marketing	IMSA Southeastern Section Trussville, AL	\$10,775.00
Traffic Signal Maintenance Equipment	Quality Traffic Systems Nashville, TN	\$11,720.00
Wiregrass Festival of Murals Appropriation	Wiregrass Festival of Murals Dothan, AL	\$10,000.00
Asbestos Abatement for Demolitions of Old Police/City Jail Building to include labor, equipment, and Materials	Alabama Environmental, Inc. Cottondale, AL	\$16,100.00
Installation of nine (9) 14’x16’ gray Raynor Dura Coil Rolling Steel Service Doors	Southern Door Company Dothan, AL	\$34,750.00

Commissioner Barbaree then moved for adoption of Resolution No. 2008-100, motion seconded by Commissioner Lee. Commissioner Craig asked why we are buying a mural for \$10,000.00. Mr. West said this is money that was allocated in the budget for mural maintenance. This will help clean and put a UV coating on the murals. Mr. West said this was something that was agreed to in the last budget and Mrs. Palmer is getting your approval now to cut a check and send to them. Commissioner Seagle asked if the Wiregrass Festival of Murals is a non-profit organization. Mr. West said yes. Commissioner Seagle said he was sure they are worthy as well as the other 30 organizations we give money to. He said we are doing this as a piecemeal. This is another \$10,000.00 going out that we are not able to see in relation to all of the other \$2.5 million that is going out to charitable organizations. Commissioner Seagle said he looked forward to the Mayor’s report on that committee and maybe we can get a handle on a better way to do this. Mr. West said the other option you have here is that they would be glad to turn over the maintenance of the murals to the City. Commissioner Seagle said if it is ours, it is ours, but if they are asking us to give to a non-profit, we need to look at how we do that. Commissioner Lee reiterated that this was approved in the budget. Mr. West confirmed. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-101 (recorded in Ordinance Book No. \_\_\_\_\_ at Page \_\_\_\_\_), approving the following advance travel requests for City employees:

<u>NAME</u>	<u>CONFERENCE</u>	<u>AMOUNT</u>
Richard W. Ash	Electric Cities of Alabama Perdido Beach, AL	\$ 789.37
Jinri Jiang	Blue Water Bay Swim Meet Niceville, FL	\$ 275.00
Jinri Jiang	ARPA District Swim Meet Troy, AL	\$ 25.00

**Minutes of the Board of Commissioners – April 8, 2008, continued.**

Roy Woodham	Site visit to two CALEA Accredited Agencies Huntsville, AL	\$ 298.08
Jinri Jiang	Panama City Swim Meet Panama City, FL	\$ 275.00
Jinri Jiang	Bainbridge Swim Meet Bainbridge, GA	\$ 50.00
Jinri Jiang	Pensacola Navy Swim Meet Pensacola, FL	\$ 25.00
Jinri Jiang	Ft. Walton Swim Meet Ft. Walton, FL	\$ 275.00
Phil Pelham Ted Adams	Power Systems Equipment: Functions & Maintenance Scottsboro, AL	\$2,231.40
Todd McDonald Steve Spry	Alabama Planning Association Conference Birmingham, AL	\$1,288.00

Commissioner Barbaree then moved for adoption of Resolution No. 2008-101, motion seconded by Commissioner Matthews and unanimously carried.

Mayor Thomas announced the appointment of David Jamison as a member of the Housing Authority of the City of Dothan. He also expressed appreciation to Mr. Lamar Horne for his serving on this board for many years.

There being no further business, Commissioner Barbaree moved that the meeting be adjourned, motion seconded by Commissioner Lee and upon the unanimous vote of "yea," the meeting was duly adjourned.

/s/Pam McCoy, City Clerk

**Approved:**

/s/Pat Thomas, Mayor

/s/Larry Matthews, Associate Commissioner

/s/Amos M. Newsome, Jr., Associate Commissioner

/s/Paul Lee, Associate Commissioner

/s/John E. Craig, Jr., Associate Commissioner

/s/Taylor Barbaree, Associate Commissioner

/s/Keith Seagle, Associate Commissioner

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