

The DeKalb County Commission met in regular session on Tuesday, November 12, 2013 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, President, Shane Wootten, Derek Caldwell, Chris Kuykendall and Dewitt Jackson. Those absent were none.

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The meeting was called to order by President Harcrow with Mr. Charles Bass delivering the invocation and Commissioner Kuykendall leading the Pledge.

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It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to dispense with the reading of the minutes and to accept them as presented in written format.

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Ms. Janice Luther addressed the Commission regarding Retired Teacher Week and requested that November 18-22 be declared Retired Teacher Appreciation Week.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to declare November 18-22, 2013 as Retired Teacher Appreciation Week in DeKalb County.

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Road Superintendent Tom Broyles made a brief update to the Commission regarding road maintenance, including the CDBG Grant Projects. He noted that these projects had been a priority the past couple of months and the Road Crews were going to concentrate on other projects over the next month.

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Mr. Sharp addressed an insurance claim from a resident on CR 363 regarding damage to a waterline.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to forward the claim on CR 363 to Meadowbrook ASI for final disposition.

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**PUBLIC HEARING (VACATION OF RECORDED EASEMENT):**

Mr. Luther addressed the Commission regarding a public hearing that had been advertised and scheduled during the Commission meeting for the vacation of a recorded easement through the property of Christy Hardin.

Ms. Hardin was present, but was present to speak against the easement vacation. Mr. Luther recommended the Commission adopt a resolution vacating the easement.

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to adopt the following resolution to vacate the described recorded easement.

**RESOLUTION NO. 13-1112-01**  
**VACATION OF A PORTION OF DEKALB COUNTY**  
**BROW PARK ATOP LOOKOUT MOUNTAIN**

WHEREAS, Code Section 23-4-2, State of Alabama, 1975, authorized the governing bodies of the counties of Alabama to, upon petition and by resolution, vacate a street, or a portion thereof; and

WHEREAS, this Commission set down for public hearing on November 12, 2013, and caused notice of such hearing to be published in the *The Times Journal* for four consecutive weeks, beginning September 19 and running through October 17, 24 & 31, and November 7, 2013; and

WHEREAS, this Commission has received no written objection and heard no verbal objection at the hearing hereon to the vacation of the platted ROW at Brow Park Atop Lookout Mountain; and

WHEREAS, Commissioner Wootten of District 1, made a motion before this Commission to approve the vacation of this road;

THEREFORE BE IT RESOLVED, by the DeKalb County Commission that that portion of Brow Park Atop Lookout Mountain platted ROW, more particularly described below, be, and hereby is, vacated;

**All of that portion of a 40 foot right-of-way located between Lot #10 of Block #1 and Lot #1 of Block #2 as shown on the plat of Brow Park Atop Lookout Mountain, revised January 5, 1937, recorded in Plat Book #2, Page #21, Slide #46 in the Office of the Judge of Probate, DeKalb County, Alabama. Said property lying in Section 7, Township 6 South, Range 10 East, located along County Road #89 just north of the current entrance to the Camp Comer Boy Scout Reservation.**

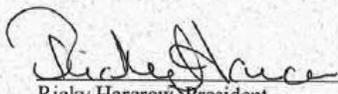
BE IT FURTHER RESOLVED, by the DeKalb County Commission that the names of the owners of the abutting lots are Christy Hardin and the Comer Boy Scout Camp, and there are no other lots or parcels of land which will be cut off from access by the vacation sought; and

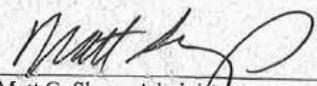
IT IS FURTHER RESOLVED, by the DeKalb County Commission that it is in the interest of the public that the above-described portion of the public street be vacated; and

IT IS FURTHER RESOLVED, by the DeKalb County Commission that this resolution shall be filed in the Probate Court of DeKalb County as provided by statute and that notice of this action shall be published once in a newspaper in DeKalb County no later than fourteen (14) days after the date of its adoption.

DONE this the 12<sup>th</sup> day of November, 2013

ATTEST:

  
Ricky Harcrow, President

  
Matt G. Sharp, Administrator

Mr. Luther requested the Commission to authorize the President and Administrator to sign an Agreement with ALDOT for the CR 50 ATRIP Project (resurfacing from CR 56 to Hwy 75). This 1.66 mile resurfacing project is estimated to cost \$287,380 (\$229,904 from ATRIP Funds and \$57,476 coming from local sources).

It was moved by Mr. Jackson, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to adopt the following resolution authorizing an agreement with ALDOT for the CR 56 Project:

RESOLUTION NUMBER 13-1112-02

**BE IT RESOLVED**, by the County Commission of DeKalb County, Alabama, that the County enters into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

The resurfacing and traffic stripe on CR-50 from CR-56 to SR-75. Length – 1.66 miles.  
Project# ACNU59771-ATRP (001), DCP# 25-11-12, ATRIP# 25-03-12

which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

Passed, adopted, and approved this 12<sup>th</sup> day of December, 2013.

**ATTESTED:**

  
County Clerk

  
Chairman, DeKalb County Commission

I, the undersigned qualified and acting clerk of DeKalb County, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the County Commission of the County named therein, at a regular meeting of such Commission held on the

12<sup>th</sup> day of November, 2013, and that such resolution is of record in the Minute Book of the County.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the County on this

12<sup>th</sup> day of November, 2013.

  
County Clerk

SEAL

Mr. Luther notified the Commission that CR 318 in District 2 needed to have a posted speed limit and he recommended that the Commission adopt a resolution posting this road at 35mph.

It was moved by Mr. Caldwell, seconded by Mr. Wootten, all members voting affirmatively, motion carrying to adopt the Speed Limit Resolution on CR 318 at 35mph as follows:

State of Alabama  
DeKalb County

RESOLUTION NO. 13-1112-03

**WHEREAS**, the DeKalb County Commission on the basis of an engineering and traffic investigation determines that the maximum speed permitted under Article 8, Title 32, Chapter 5A, Code of Alabama, 1975 for County Road 318 is greater than is reasonable and safe under the conditions found to exist on said paved road;

**NOW THEREFORE IT IS RESOLVED**, that the proper maximum speed for County Road 318 is set at 35 miles per hour at all times and no person shall operate a motor vehicle in excess of 35 miles per hour on said County Road 318;

**IT IS FURTHER RESOLVED**, that any violations of this Resolution shall be unlawful and Punished pursuant to Title 32, Chapter 5A, Code of Alabama, 1975.

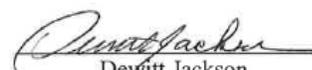
**ADOPTED** this the 12<sup>th</sup> day of November, 2013.

  
Shane Wooten  
District 1 Commissioner

  
Ricky Harcrow, President

  
Derek Caldwell  
District 2 Commissioner

  
Chris Kuykendall  
District 3 Commissioner

  
Dewitt Jackson  
District 4 Commissioner

ATTEST:

Wade Hill addressed the Commission and requested the Commission to accept the resignation of Brian Etherton and hire Joshua Wilson to replace him as a Correctional Officer.

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to accept the resignation of Correction Officer, Brian Etherton and to fill the position with Joshua Wilson (G5/1).

EMA Director Anthony Clifton requested the Commission to review a 2014 Training Calendar and to authorize travel/training for the AAEM Legislative in December and April and the AEMA Winter Weather Workshop in Cullman.

It was moved by Mr. Jackson, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to authorize travel and training for the EMA Department. The Commissioners agreed to review the entire 2014 Travel/Training Calendar and take action at the next Commission Meeting.

Mr. Clifton requested the Commission to authorize a bid for the Public Warning System (Code Red). This was originally bid in April 2009 and by law can only be renewed up to 5 years.

The Commissioners informally agreed to rebid the Public Warning System.

Mr. Clifton asked the Commission to adopt a Cell Phone and Modified Back to Work Policy as required by the County's Liability/Worker's Compensation Insurer.

It was moved by Mr. Caldwell, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to adopt the following cell phone and back to work policies:

## **DeKalb County Commission Resolution No. 13-1112-04**

### **Use of Wireless Communication Devices While Driving Policy**

Employees of the DeKalb County Commission are prohibited from using any cellphone, PDA (personal digital assistant) or any wireless communication system (whether or not it is owned by the County) to write, send, or read text or data through manual input while operating any County-owned vehicle at any time, to include both working and non-working hours.

This includes using a wireless telecommunication device to manually communicate with any person using text-based communication, including but not limited to, communication referred to as a text message, instant message, or electronic email.

Employees who must utilize cellphones, PDAs or any other wireless communication system shall do so only after safely exiting traffic and parking the vehicle safely off the road. The vehicle shall remain parked off the roadway until all communication has been completed.

If the DeKalb County Commission determines the use of such communication and devices is a vital necessity of performing the employee's job duties, the employee may be authorized to utilize the devices with a hands-free option.

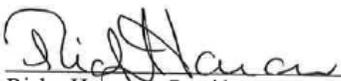
Employees who violate this policy and are involved in accidents or charged with traffic violations caused by or resulting from the use of a cellphone, PDA or wireless communication system while driving, are solely responsible for liabilities that result from actions and are acting outside the line and scope of their duties.

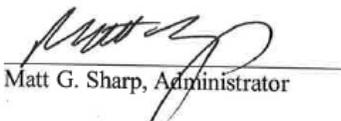
In addition to compliance with this policy, all employees are expected to follow applicable state, federal and local laws or regulations regarding the use of cellphones and PDAs at all times

Public Agencies including the Sheriff, Ambulance Service, EMA and others involved in an emergency situation may promulgate supplemental policies which will supersede the application of this section to licensed employees. During emergencies, employees will exercise due regard to safety when talking on cellphones.

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Done this 12<sup>th</sup> day of November 2013.

  
Ricky Harrow, President

  
Matt G. Sharp, Administrator

**DeKalb County Commission  
Resolution No. 13-1112-05**

**Modified Duty and Return to Work Policy**

An employee who is on leave as a result of a work-related injury or illness may be released to work on modified or light duty subject to conditions specified by his or her physician.

The DeKalb County Commission will make reasonable efforts to provide the employee with a position meeting the requirements imposed by the physician for the duration of a reasonable recovery period.

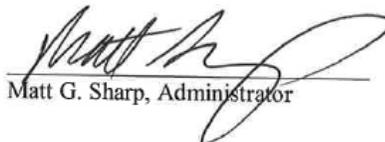
Such a position is temporary and does not constitute a contract of employment for property interest in the modified or light duty position. An employee working in such a position is still subject to the same policies and procedures applicable to all employees, including the Drug and Alcohol Policy.

Any employee is offered a physician-approved, modified duty job will be required to accept the offer; otherwise, such a refusal will be considered job abandonment.

When the injured employee reaches Maximum Medical Improvement, the DeKalb County Commission will make reasonable efforts to place the employee in a permanent position with as similar terms and conditions of employment as possible as the employee's original position.

Done this 12<sup>th</sup> day of November 2013.

  
Ricky Harcrow, President

  
Matt G. Sharp, Administrator

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Mr. Harcrow announced the next meeting will be November 26, 2013 at 10:00 a.m.

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It was moved by Mr. Wootten, without objection, so ordered to adjourn.

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Ricky Harcrow, President

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Shane Wootten, Commissioner District I

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Derek Caldwell, Commissioner District II

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Chris Kuykendall, Commissioner District III

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Dewitt Jackson, Commissioner District IV