

The DeKalb County Commission met in regular session on Tuesday, May 13, 2014 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.

The meeting was called to order by President Harcrow with Derek Caldwell delivering the invocation and Chris Kuykendall leading the Pledge.

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

Road Department - Tom Broyles:

Maintenance Update:

Mr. Broyles stated that six roads are still closed due to flooding during the previous storms. All other roads are at least passable. The patch truck has a problem with the turbo charger and will need to be repaired before it can be used. Also, crews are should finish with herbicide spraying this week.

Personnel:

It was moved by Mr. Caldwell, seconded by Mr. Kuykendall, all members voting affirmatively, motion passing to accept the resignation of Charlie Ogle and Vince Kilgore.

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to post these two positions, plus two other positions vacated by the death of Buddy Smalley and the position vacated by Tim Young when he was promoted to Supervisor over the Unit Crew.

Storm Cleanup:

Crews are picking up storm debris on CR 221 and SR 227.

County Engineer – Ben Luther:

ATRIP Award Concurrences (CR 27):

Three projects involving CR27 combined under one contract, 13 miles total paving with a total cost of \$1.895 million. Construction, engineer inspection (District 4) is added to that giving a total local match of \$398,078.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to approve the bid by Jackson Paving for the CR 27 Project(s) and to pay the local match of \$398,078.

ATRIP Award Concurrences (CR 479 – 2 projects):

CR 479 Etowah to Aroney (CR 26) bid is \$322,200.20. With the ENI charges the local match is \$67,662.00.

It was moved by Mr. Caldwell, second by Mr. Wootten, all members voting affirmatively, motion carrying to approve the bid by Jackson Paving and to pay the local match of \$67,662 for this portion of the CR 479 ATRIP Project.

CR 479 from CR 26 to SR 168 was bid at \$677,119.55. With the ENI charges the local match is \$142,196.00.

It was moved by Mr. Caldwell, second by Mr. Wootten, all members voting affirmatively, motion carrying to approve the bid by Jackson Paving and to pay the local match of \$142,196 for this portion of the CR 479 ATRIP Project.

Disposal Agreement - C&D Storm Cleanup:

Mr. Luther asked the Commission to approve an agreement with the landfill for the disposal of construction & debris (C&D) from the latest storm damage. This is non-burnable debris. The costs (which are partially reimbursable is approximately \$31/ton. The reimbursement is 85% (FEMA) for the first 30 days; 80% reimbursement the next 60 days; and 75% after 90th day to the 180th day.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to approve a disposal agreement with the Sand Valley Landfill at a rate of \$31/ton.

EMA—Anthony Clifton:

Storm Report

Mr. Clifton notified the Commission that the new emergency plan worked well. The President has declared DeKalb County a Disaster Area for purposes of Individual and public assistance. The Storm will be referred to as Storm 4176 for grant purposes. Seven (7) tornados hit DeKalb County on April 28 as follows: (1) Etowah/DeKalb EF-3; (2) Aroney EF-0; (3) Dawson EF-2; (4) Pine Ridge EF-2; (5) Pumpkin Center EF-1; (6) Mentone EF-1; and (7) Shiloh/Higdon EF-1.

Mr. Clifton requested the Commission to ratify the Resolution for Declaration of Emergency and grant Mr. Harcrow authority to sign.

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to adopt the following Declaration of Emergency Declaration:

<p>COMMISSION MEMBERS SHANE WOOTTEN DISTRICT I</p> <p>DEREK CALDWELL DISTRICT II</p>	<p>THE DeKALB COUNTY COMMISSION</p> <p>RICKY HARCROW, PRESIDENT MATT G. SHARP, ADMINISTRATOR SUITE 200 111 GRAND AVE. S.W. FORT PAYNE, AL. 35967 256-845-8500 PHONE 256-845-8502 FAX</p>	<p>COMMISSION MEMBERS CHRIS KUYKENDALL DISTRICT III</p> <p>DEWITT JACKSON DISTRICT IV</p>
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**EXECUTIVE ORDER FOR
DECLARATION OF A LOCAL STATE OF EMERGENCY
RESOLUTION NO. 14-0501-01**

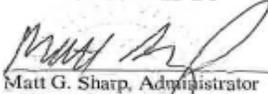
WHEREAS, on April 28-29, 2014, a Tornado and other damaging storms occurred in DeKalb County, Alabama;

WHEREAS, estimated losses to public and private property were incurred and pose adverse impact to public safety creating a considerable hardship for the citizens of DeKalb County, Alabama, and;

WHEREAS, local government a responsibility to protect the public health, safety and welfare of the County, and to mitigate the effects of such events.

NOW, THEREFORE I RICKY HARCROW, COMMISSION PRESIDENT, by the authority vested in me, do hereby declare that a local State of Emergency exists in DeKalb County, Alabama, as of April 28, 2014, and that:

- 1) The local Emergency Operations Plan shall be fully executed to direct all local disaster and emergency response forces and operations in DeKalb County, Alabama;
- 2) The Emergency Management Agency (EMA) Director under authorities provided in the local EOP, and local orders or resolutions, shall take immediate actions to protect public safety and direct the provision of such assistance as can be delivered from available local resources and shall coordinate the response of all local agencies that provide assistance in DeKalb County, Alabama.
- 3) All agencies in DeKalb County, Alabama shall cooperate to the fullest extent with the EMA Director, and shall provide such assistance as may be requested or required for response to this emergency.
- 4) Under this State of Emergency, the County Commission President can waive procedures and formalities otherwise required by the law pertaining to:
(a) Performance of public work; (b) Entering into contracts; (c) Incurring obligations; (d) Employment of temporary workers and utilizing volunteers
(e) Rental of equipment; (f) Purchase and distribution of supplies, materials and facilities;
(g) Appropriation and expenditure of public funds; and (h) Demolition and removal of damaged public and private structures.

 Ricky Harcrow, President DeKalb County Commission	<p>ATTESTED BY</p>  Matt G. Sharp, Administrator DeKalb County Commission
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DeKalb County
"The Heartbeat Savoring to Alabama The Beautiful"
Seven Hundred and Eighty-Two Square Miles of Scenic Beauty

FEMA Update – Michael Posey:

Mr. Posey stated there were 51 dwellings affected by the storms with an estimated cost of \$1.2 million. Sixteen (16) of those were destroyed with eight (8) being family dwellings. Estimated public damages are as follows: Debris Removal - \$780,000; Road/Bridge Repair \$2.8 million; Utilities - \$438,700.

The Joint DRC will be at Sardis Town Hall combined with Etowah County. A Public assistance meeting will be at 2:00 p.m. on 5/15/2014 at the Elliot Center in Gadsden. There may be some Mitigation Grant Funds available; however, it is unknown how much or how it will be disbursed.

Sheriff/Jail – Wade Hill:

Personnel

Mr. Hill requested to hire Sandy Goodwin as FT night Shift female Correctional Officer to replace Sierra Wilks and to hire Dean White as a PT position to fill a previously unfilled vacancy.

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to hire Sandy Goodwin as a FT Correctional Officer and Dean White as a PT Correctional Officer (G5/1).

Probate Judge – Ronnie Osborn:

Temporary Employee:

Judge Osborn requested permission to hire Joy Roberts through First Choice Personnel as a temporary employee since he has one employee taking maternity leave soon.

It was moved by Mr. Kuykendall, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to authorize the hire of Joy Roberts through Temporary Service for maternity leave of an employee in the Probate Office.

Revenue Commissioner – Martha Ogle

AATA Conference:

Ms. Ogle requested to attend the Tax Administrator's Conference in June.

It was moved by Mr. Wootten, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the Revenue Commissioner and employee(s) to attend AATA Conference.

Rural Public Transportation Resolutions – 2015FY Budget

Mr. Sharp requested on behalf of the RPT Director to approve the resolutions related to the 2015FY RPT Budget:

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to adopt the following Resolutions related to the Rural Public Transportation Program's 2015FY Budget:

Resolution Authorizing Local Matching Funds

RESOLUTION NO. 14-0513-01

"SECTION 5311 NONURBANIZED AREA PUBLIC TRANSPORTATION"

WHEREAS, the DeKalb County Commission recognizes the need for a public transportation program; and

WHEREAS, the DeKalb County Commission is recognized as a member of the DeKalb County Rural Public Transportation Steering Committee; and

WHEREAS, the DeKalb County Commission recognizes that the requirements to obtain Section 5311 funds from the Alabama Department of Transportation includes a local match of 50% for operating expenses and 20% for administration and capital expenses; and

WHEREAS, the DeKalb County Commission recognizes that the local match will be a shared cost with other participating municipalities being responsible for providing an appropriate allocation of local non-federal funds to secure the operating of the Section 5311 Nonurbanized Area Public Transportation Program.

NOW, THEREFORE, BE IT RESOLVED, that the DeKalb County Commission hereby commits the amount of \$126,122.00 as local non-federal match for capital, administrative and operations expenditures under the Section 5311 Nonurbanized Area Public Transportation Program during Fiscal Year 2015.

Passed and adopted this the 13th day of May, 2014

**DEKALB COUNTY RURAL PUBLIC TRANSPORTATION
RESOLUTION ADOPTING A TITLE VI PLAN**

14-0513-02

WHEREAS, the DeKalb County Rural Public Transportation is a recipient of federal financial assistance from the Alabama Department of Transportation in support of transit services which imposes certain obligations upon the recipient, including complying with the Title VI federal requirements.

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, the DeKalb County Rural Public Transportation commits to assure that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity regardless of the funding source; and

NOW, THEREFORE, be it resolved by the DeKalb County Commission of the DeKalb County Rural Public Transportation as follows:

The DeKalb County Commission approves the proposed Title VI Program in order to comply with the Title VI federal requirements.

The Director in his/her capacity will serve as the Title VI Officer and is authorized to revise and update the plan as necessary.

Adopted this 13th day of May, 2014.

Authorizing Resolution

Resolution No. 14-0513-03

WHEREAS, the Director of the Alabama Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there-under; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY DeKalb County Commission

1. That Ricky Harcrow, President of DeKalb County Commission is authorized to execute and file (an) application(s) on behalf of DeKalb County Commission with the Alabama Department of Transportation to aid in the financing of capital and/or operating assistance projects pursuant to 49 USC Section 5311, the Alabama Public Transportation Grant Program, and the Alabama Elderly and Disabled Transit Fare Assistance Program.

2. The Ricky Harcrow, President of DeKalb County Commission is authorized to execute and file with such applications and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That Ricky Harcrow, President of DeKalb County Commission is authorized to furnish such additional information as the Alabama Department of Transportation may require in connection with the application for the program of projects submitted to FTA.

4. That Ricky Harcrow, President of DeKalb County Commission is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurements made as part of the project.

5. That Ricky Harcrow, President of DeKalb County Commission is authorized to execute grant agreements on behalf of DeKalb County Commission with the Alabama Department of Transportation for aid in the financing of operating and capital assistance projects.

The undersigned duly qualified and acting Ricky Harcrow, President of DeKalb County Commission of the DeKalb County Commission certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the DeKalb County Commission held on May 13, 2014.

Personnel Issue:

Mr. Harcrow requested the Commission go into executive session to discuss personnel issues that may relate to good name and character.

It was moved by Mr. Jackson, seconded by Mr. Wootten, all members voting affirmatively, motion carrying to enter into Executive Session.

After Executive Session, Mr. Harcrow declared the meeting back in order and noted that the next meeting would be on Wednesday, May 28, due to the Monday, May 26 Memorial Holiday.

Mr. Wootten made a motion to adjourn. The President declared no objections and ordered the meeting adjourned.

Ricky Harcrow, President

Shane Wootten, Commissioner District I

Derek Caldwell, Commissioner District II

Chris Kuykendall, Commissioner District III

Dewitt Jackson, Commissioner District IV