

The DeKalb County Commission met in regular session on Tuesday, December 22, 2015 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.

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

It was moved by Mr. Wootten, seconded by Mr. Caldwell, 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—Mr. Broyles

Maintenance Update—Mr. Broyles reported that crews are out in each of the four districts patching potholes which is typical for this time of year.

Mr. Broyles notified the Commission that bids for the new patch unit would be opened and January 5th and requested permission to send out bids for a used truck to mount the unit on. President Harcrow asked if there were any objections. There were none. President Harcrow instructed Mr. Broyles to send out bids.

ATRIP Projects Concurrence—Mr. Luther briefed the Commission on three ATRIP Projects in District 1, CR 138, CR 155, CR 169 (all under one contract). Mr. Luther presented an invoice in the amount of \$774,632.00 (the county’s portion owed to ALDOT) and asked the Commission to Concur with ALDOT in the award of the Contract to Wiregrass Construction. Mr. Sharp notified the Commission that approximately \$100,000 +/- would need to be transferred into the ATRIP Fund from the Secondary Road Fund to offset the additional costs above available resources.

A Motion was made by Mr. Wootten. Seconded by Mr. Jackson. All members voting affirmatively, motion carried to award the Contract to Wiregrass.

Mack Truck Lease—Mr. Sharp made the recommendation to finance the Road Department’s Mack Trucks through Bancorp (low interest rate of 2.04% compared to 2.29% @ Regions). He requested the Commission pass a Resolution to that effect.

A Motion was made by Mr. Caldwell. Seconded by Mr. Wootten. All members voting affirmatively, motion carried to pass the following Resolution:

RESOLUTION NO. 15-1222-01

***Resolution Authorizing and Approving Execution of a Contract
With First Continental Leasing, a Division of BancorpSouth Bank***

WHEREAS, Board of Commissioners (the “Governing Body”) of DeKalb County, Alabama (the “Buyer”), acting for and on behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit “a” (the “Contract”) with First Continental Leasing, a division of BancorpSouth Bank (the “Seller”) for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the “Equipment”).
2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and
3. It is necessary for the Buyer to approve and authorized the contract.

4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the “Code”).

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit “A” by and between the Seller and the Buyer is hereby approved and Matt Sharp, Administrator (the “Authorized Officer”) is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2016.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payment identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2016, Buyer has designated \$3,000,000 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated, Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2016 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by the Buyer during calendar year 2016 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

The motion having received the affirmative vote of all members present, the President declared the motion carried and the resolution adopted this the 22nd day of December, 2015.

Revenue Commissioner—Mr. Wilks

Personnel—Mr. Wilks made the recommendation to promote Mike Wootten to Appraiser III Position (G7).

A motion was made by Mr. Kuykendall. Seconded by Mr. Caldwell. All members voting affirmatively, motion carried to promote Mike Wootten to Appraiser III (G7).

Travel/Training—Mr. Wilks requested the Commission’s approval to attend a Tax Sales Class January 13-15, and also an Intro to Property Tax Class January 20-22.

A Motion was made by Mr. Wootten. Seconded by Mr. Caldwell. All members voting affirmatively, motion carried to authorize travel/training for the Revenue Commissioner’s Office.

Lowes update—Mr. Wilks stated that Bob Johnston with the DA's Office submitted a request to postpone the court date. Judge Taylor honored the request moving the hearing date from January 7th to June 30th. Mr. Wilks said that Deputy District Attorney Bob Johnston did indicate that Lowes was preparing a settlement offer to present before the June 30th settlement date.

EMA—Mr. Clifton

Mr. Clifton requested approval to hire Matt Martin to fill the position posted last meeting. He stated that several applicants were interviewed and it was the committee's recommendation to hire Mr. Martin. Mr. Clifton requested the transfer be made ASAP, but with ample time for the Sheriff's office to replace Mr. Martin.

A Motion was made by Mr. Kuykendall. Seconded by Mr. Caldwell. All members voting affirmatively, motion carried to transfer Matt Martin from the Sheriff's Office to EMA to fill the Emergency Management Specialist position (Note: Pay grade for Matt Martin will change from a G9 – current payscale for the Chief Correctional Officer – to G8/3 – just below current Deputy EMA Director Michael Posey).

Travel/Training—Mr. Clifton requested approval for Matt Martin to attend the EMI Academy two weeks in February and two weeks in March. The Training is funded by FEMA (meals excluded).

A Motion was made by Mr. Wootten to grant the request for Matt Martin to attend the EMI Academy. Seconded by Mr. Caldwell. All members voting affirmatively, motion carried.

Mr. Clifton requested approval for Heath Crowe (IT Department) to attend Cyber Threat Training/Classes February 29-March 4 in Montgomery.

A Motion was made by Mr. Kuykendall to grant approval for Heath Crowe to attend Cyber Threat Classes and training in Montgomery Feb. 29—March 4. Mr. Caldwell Seconded the Motion. All members voting affirmatively, motion carried.

Truck Bid—Mr. Clifton requested approval to purchase a ¾ ton pickup with towing package at a cost of \$35,387 from Woody Anderson Ford in Huntsville. (Vehicle is off TARCOG / NACPA Bid list).

A Motion was made by Mr. Kuykendall. Seconded by Mr. Wootten to approve the purchase. All members voting affirmatively, motion carried to purchase said vehicle from the TARCOG / NACPA Bid list.

Board Appointment—Mr. Kuykendall notified the Commission that Dogtown Fire Authority has a vacancy on their board and made the recommendation at the request of Board Members Billy Twilley and Denny Middlebrooks (in conjunction with the bi-laws of the authority) to appoint Mr. Darvin Hurtt to fill that vacancy on the board.

A Motion was made by Mr. Kuykendall. Seconded by Mr. Wootten to appoint Darvin Hurtt to the Dogtown Fire Authority Board for a term of 6 years, expiring in 2021. All members voting affirmatively, motion carried.

President Harcrow notified the audience that the next meeting would be on Tuesday, January 12, 2016 and wished everyone a Merry Christmas and safe holiday travels. He asked for a motion to adjourn.

Mr. Jackson 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