

The DeKalb County Commission met in regular session on Tuesday, June 22, 2010 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Sid Holcomb, President, Ricky Harcrow, Ed Nix and Dewitt Jackson. Those absent were Chris Kuykendall.

---

The meeting was called to order by President Holcomb with Tom Broyles delivering the invocation and Jimmy Wright leading the Pledge. Mr. Holcomb notified the Commission that Mr. Kuykendall had a bad case of food poisoning and would be unable to attend the meeting today.

---

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

---

County EDA Director, Jimmy Durham addressed the Commission concerning a tax abatement from Lee Energy Solutions, LLC. This company produces wood pellets at a plant in Crossville. They started out with a tax abatement of \$5.1 million; however, that has increased to about \$10 million and instead of 15 employees, they now have about 20. The plant is in full production. Mr. Durham recommended the abatement amount be increased to \$10 million.

It was moved by Mr. Jackson, seconded by Mr. Harcrow, all members voting affirmatively, motion carrying to adopt a resolution amending the tax abatement for Lee Energy Solutions, LLC as follows:

AMENDED

RESOLUTION NUMBER 10-0622-01

This Resolution is made this 22 day of June, 2010, (the Effective Date)  
by the DeKalb County Commission (the Granting Authority),  
(City, County, or Industrial Development Board)  
to grant a tax abatement for Lee Energy Solutions, LLC (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or  major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

all state and local noneducational property taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$ 10,500,000.00; and

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all state and local noneducational property taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(8) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the DeKalb County Commission  
(City, County, or Industrial Development Board)  
of Alabama at a meeting held on the 22 day of June, 2010.

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

---

County Road Department Superintendent, Tom Broyles gave the following maintenance update:

- 1) Rainsville: Completed the pad for a new fire hall in Rainsville last week. Also, several employees are working at the Agri-Center as well doing grade work in the parking areas.
- 2) Hauling: Crews are hauling material to District II this week to roads being improved this year.
- 3) Chert: The pit at Collinsville is nearly out of chert. The County will be out of chert after this summer, so other materials will be needed to continue road improvements next year.
- 4) Herbicide: Crews finished the first round of spraying and it looks like they were successful.
- 5) Paving: Paving Contractor is in DeKalb today working as a sub-contractor on the CR 89 (Stimulus Grant) project. He should get a list of most the roads to be paved and resurfaced later on today.

---

County Engineer Ben Luther addressed the Commission noting that a petition had been received about a month ago to close a portion of CR 512. The Commission approved the process to begin vacation procedures about 4 weeks ago. Since that time, letters have been received in opposition to vacating that road. Mr. Harcrow stated that stated that there could be a safety issue with closing that road and Mr. Luther advised the Commission to terminate the procedure to vacate the road at this time.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to terminate the procedures for vacating a portion of CR 512.

---

Mr. Sharp notified the Commission that Betty Kasinger, Nutrition Manager at the Collinsville Senior passed away on June 3 and Ms. Brewer wanted the Commission to know how much she and the community appreciated Ms. Kasinger for her work there over the past 7 years. He also noted that Ms. Brewer planned to go through the temporary agency to replace Ms. Kasinger. Mr. Holcomb noted that she was a real fine lady and a fine person and will be missed.

---

Mr. Sharp also notified the Commission that Ms. Brewer had requested that a contract with Crown Health Care of Fort Payne be signed by Mr. Holcomb through the end of the current fiscal year.

It was moved by Mr. Harcrow, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize a contract with Crown Health Care of Fort Payne through September 30, 2010.

---

Mr. Holcomb notified the Commission that the D.A. had a 1998 Crown Vic that he wanted to donate to the Enforcement Office. Mr. Holcomb said that vehicle along with the Crown Vic that Mr. Nix used to drive would be could be put together to make one good vehicle.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to accept a vehicle donated by the District Attorney's office to Revenue Enforcement.

---

Mr. Sharp addressed the Commission concerning the 2010-2011 garbage exemptions. He noted that there were 508 picked up by Advance Disposal (compared to 451 last year – a 12.6% increase). There were 40 County residents picked up by Powell (up from 34 last year – a 17.6% increase). Under the old contract, this would cost the County about \$100,000; however, with the new rate (\$10.17/qtr savings and 500 free exemptions), the costs will be just over \$8,000 (a savings of nearly \$92,000).

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to accept the garbage exemption for this fiscal year.

---

Mr. Sharp then notified the Commission that he had received the 2<sup>nd</sup> and final invoice from D&J Enterprises for debris removal following the April 2010 multiple-tornado disaster. The current invoice is almost \$1.9 million and is on top of the 1<sup>st</sup> invoice amount of \$874,000. D&J wants to receive payment by July 17<sup>th</sup> or there will be a 1 ½ percent interest charge per month (or about \$28,500/month – 18% per year) for any balance left unpaid.

Mr. Sharp said he had talked with Ethan Vice from Congressman Aderholt's office and he basically said FEMA was broke until Congress passed an appropriation for them. Mr. Sharp said he also talked with Mr. Vice about the additional \$400,000 amount owed on the Sylvania Gap Project.

Mr. Holcomb said he had a meeting planned with Mr. Vice the 2<sup>nd</sup> week of July to look at the amounts a little closer.

---

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to adjourn.

---

Sid Holcomb, President

---

Ricky Harcrow, Commissioner District I

---

Ed Nix, Commissioner District II

---

Chris Kuykendall, Commissioner District III

---

Dewitt Jackson, Commissioner District IV