

The DeKalb County Commission met in session on Tuesday, August 17, 1010 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Sid Holcomb, President, Ricky Harcrow, Ed Nix, Chris Kuykendall and Dewitt Jackson. Those absent were none.

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The meeting was called to order by President Holcomb with Ben Luther delivering the invocation and Commissioner Harcrow leading the Pledge.

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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.

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Mr. Holcomb notified the Commission that Circuit Clerk Pam Simpson wants to address the Commission and asked for an amendment to the agenda.

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It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively to amend the agenda to allow for Circuit Clerk, Pam Simpson to address the Commission.

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Ms. Simpson along with a group from the Genealogical Society attended the meeting and Ms. Simpson addressed the Commission concerning old records currently housed in a storage area at the Road Department, some dating back to the mid-1800's. She stated that she understood that the Old Health Department was going to be getting air-conditioning and would like to have part of that building for storage or if something else was going in there, then she would like to have the area being vacated.

Ms. Simpson said several boxes of divorce/criminal records were in Montgomery and the Genealogical Society wants them back here, but there is no place to put them. She asked the Commission to provide a more suitable storage area for these records.

Mr. Holcomb said the Health Department would be finished within the next 60 days and they could then look to see if any room for additional storage could be made in the

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Ms. Simpson also said she had submitted a bill on behalf of the Grove Oak voting location in the amount of \$100. The Grove Oak Community Center is privately owned and the owners have said if the bill is not paid then they will no longer hold elections in the building. Mr. Sharp said a bill had been received, but has not been paid because the County has never paid for rent for a facility house elections before and that elections have been held at the Community Center for a many years without an invoice for rent.

Ms. Simpson said that was true; however, the owners have made it clear that without the rent payment, the General Election could not be held in November and it was too late to move it to another facility.

Mr. Holcomb asked Mr. Sharp if the County could pay the rent. Mr. Sharp said it would be setting precedence since payments for rent have never been made before, so the County could start receiving invoices from the other 44 voting locations.

Mr. Kuykendall asked if this could be made as an exception for this election and look for another location during the next election cycle. He also noted that any place that holds an election incurs costs and that \$100 is not an unreasonable amount to pay to hold an election.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to reimburse Grove Oak for the previously held elections.

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Mr. Sharp addressed the Commission on behalf of Revenue Commissioner Martha Ogle. Ms. Ogle had requested the Commission to pass a resolution authorizing her to hold the Tax Sale in the District Court as opposed to the front of the Courthouse.

It was moved by Mr. Harcrow, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to pass the following resolution authorizing the Revenue Commissioner to hold tax sales in the District Court:

***RESOLUTION No. 10-0817-01***  
***TAX SALE PROCEDURE RESOLUTION***

*WHEREAS*, Section 40-10-15 of the Code of Alabama, 1975, requires the County Tax Official (i.e., Revenue Commissioner) to conduct a sale at public outcry in front of the door of the Courthouse of the County for the payment of taxes assessed when the collection official is otherwise unable to collect such taxes; and

*WHEREAS*, Section 11-3-11 of the Code of Alabama, 1975, authorizes the County Commission to “direct, control and maintain the property of the County as it may deem expedient according to law...”; and

*WHEREAS*, the District Courtroom is more conducive to conducting such a sale without interfering with the daily functions of the Courthouse.

***NOW, THEREFORE BE IT RESOLVED***, by the DeKalb County Commission that the DeKalb County Revenue Commissioner’s Office is authorized to conduct the annual tax sales as directed by the Code of Alabama in the District Courtroom on the first floor of the Courthouse between the hours of 10:00 a.m. and 4:00 p.m. and to continue from day to day until all real estate embraced in the decrees of sales have been sold.

***DONE THIS 17<sup>th</sup> day of August 2010.***

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Mr. Sharp also noted that Ms. Ogle had requested that Teresa Fugatt be authorized to attend a Property Tax Administration course September 15-18.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize Teresa Fugatt to attend the Property Tax Administration Course.

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Wade Hill, Sheriff’s Office representative, addressed the Commission concerning a sex-offender registry grant. A \$20,000 grant from the Department of Corrections would provide a palm print scanner. There is a 25% match which would be picked up by the Sheriff’s Office. Mr. Hills said the sex offender’s registry was a requirement of the Adam Walsh Act.

It was moved by Mr. Nix, seconded by Mr. Harcrow, all members voting affirmatively, motion carrying to authorize the Sheriff's Department to proceed with the grant for a palm scanner, with the 25% match being paid by funds held by the Sheriff's Office.

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County Road Superintendent Tom Broyles gave the following maintenance update:

- a) Hauling Chert: Crews have been hauling chert in the north end of the County for the past 3 weeks and will be in the South end of the County when it dries out.
- b) Herbicide: Crews started their second round of spraying yesterday in the South end of the County.
- c) Meeting Room: A new Meeting/Breakroom will be built to replace the old bull-room building that is about to fall in. That building will be going up in the next few weeks.
- d) Agri-Center: Crews will be doing some parking lot and road work at the Agri-Center by mid-September.
- e) Little River Field School: Crews will begin clearing the ROW for a new road above the canyon across State Highway 35 from State Highway 176 to the Field School in the next few weeks.
- f) Asphalt Spreader: Bids were opened on August 5 for a new 2010 8-ton Crawler Tractor Mounted 8'-16' Asphalt Spreader. Results of the bid were as follows:

<b><u>ASPHALT SPREADER</u></b>	
Cowin Equipment	\$148,201 (Carlson CP-90)
Thompson Tractor	\$123,954 (Mauldin 1750-C)
Tractor & Equipment	NO BID
Joe Money Machinery	NO BID

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize purchasing an asphalt paving machine from Thompson Tractor Company as low bidder and to pass the following resolution authorizing Bancorp South to finance the equipment:

**RESOLUTION NO. 10-0817-02**

**Resolution Authorizing and Approving Execution of a Contract  
With First Continental Leasing, a Division of Bancorp South 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 2010.

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 2010, Buyer has designated \$2,000,000 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 2010 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 2010 will not exceed \$30,000,000.

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.

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County Engineer Ben Luther addressed the Commission regarding the training classes through the County Government Education Institute. One is in September for Disaster Preparedness and the second one is in October and is an overview of County

Government. These classes go toward the certification program that the ACCA has set up for Engineers, Administrators and 911 Directors.

It was moved by Mr. Harcrow, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize travel and training for Ben Luther, County Engineer.

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County Administrator Matt Sharp addressed the Commission regarding three (3) liability claims against the County as follows:

- a) Joe Landers of Geraldine has filed a \$300 claim concerning damage the windshield of his vehicle sustained as a result of a rock thrown from a bushhog on CR 526.
- b) Mike Izell has a claim concerning damage to his fence caused by a Sheriff's Deputy that ran through his fence on CR 689.
- c) A former inmate, Ben Buffington, has filed a federal lawsuit claiming a lack of medical care in the County Jail.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to forward the above damage claims to Meadowbrook/ASI for final disposition.

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Mr. Sharp addressed the Commission regarding bids for the Collinsville Water Project on CR 5 & 6 on Lookout Mountain. This project is being funded through a CDBG Grant and matched by the Collinsville Water Board. These bids were opened on August 5 as follows:

<b><u>COLLINSVILLE WATER PROJECT BIDS</u></b>	
APEL Machine & Supply Co.	\$901,201.01
Mayse Construction	\$606,637.00
Benchmark Construction	\$385,000.00
Baird Contracting	\$378,627.00
Lambert, Inc.	\$339,135.00
Bolt Construction & Excavating	\$293,845.00

It was moved by Mr. Kuykendall, seconded by Mr. Harcrow, all members voting affirmatively, motion carrying to authorize the bid be awarded to Bolt Construction and Excavating as the low bidder, as recommended by Ladd Environmental Consultants.

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Mr. Holcomb notified the Commission that Dr. Protz had resigned from the DHR Board. Mr. Nix recommended that Donna Post be appointed to the remainder of Dr. Protz' term.

It was moved by Mr. Nix, seconded by Mr. Harcrow, all members voting affirmatively, motion carrying to appoint Donna Post to the DHR Board.

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Mr. Holcomb notified the Commission that there was a vacancy on the Mountain Lakes Tourist Association Board. He recommended that John Dersham be appointed to this vacant position.

It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to appoint John Dersham to the Mountain Lakes Tourist Association Board.

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Mr. Sharp addressed the Commission regarding IBM Maintenance Contracts. One with Premise for \$440/month and Southern Data for \$560/month.

It was moved by Mr. Harcrow, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the contract with Premise.

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Mr. Sharp requested the Commission to authorize an Office Supply Bid for the 2011FY.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to re-bid office supplies for the next 2010 fiscal year.

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Mr. Sharp reminded the Commission that the County still owed \$1.4 million to D&J Enterprises and requested the Commission to pay \$100,000 from the Capital Improvement Fund toward that debt. He did notify the Commission that Congress had appropriated and the President had signed a bill appropriating the funds to FEMA for this disaster; however, the funds have not been allocated to the State yet. Chris Newton with the AEMA said funds would be appropriated to the County within 30 days of being received by the State.

It was moved by Mr. Harcrow, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to pay \$100,000 from the Capital Improvement Fund towards the debris removal invoice.

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Mr. Holcomb stated that he had spoken to the CPA in charge of the examination of the Federal Inmate Revenues and they had finally received a revenue confirmation from the feds and it should be released by the next meeting.

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

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Sid Holcomb, President

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Ricky Harcrow, Commissioner District I

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Ed Nix, Commissioner District II

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Chris Kuykendall, Commissioner District III

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Dewitt Jackson, Commissioner District IV

