

The DeKalb County Commission met in regular session on Tuesday, October 26, 2010 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.

The meeting was called to order by President Holcomb with Mr. Harcrow delivering the invocation and Mr. Jackson leading the pledge.

Road Superintendent Tom Broyles addressed the Commission concerning Road Maintenance as follows:

- 1) Cleanup: Crews are cleaning up on the north end of the County due to the tornado that hit the County over the weekend.
 - 2) Paving: Paving Contractor is back this week and if weather permits should finish up paving.
 - 3) Striping: Mr. Jackson asked Mr. Broyles about striping on CR 27 and CR 85. He should the contractor should be getting to those road soon.
 - 4) Portersville Gap: Mr. Kuykendall thanked Mr. Broyles and his crew for the patching job on Portersville Gap with the new paving machine.
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County Engineer Ben Luther addressed the Commission as follows:

- 1) CR 158 Road Vacation: This road in District IV on the west side of Powell was one of the first bridge replacements that were proposed under the Amendment 1 Bridge Program; however, funding ran out before the bridge could be built. ROW had been acquired for realignment and the Road Department built the road, now the residents want to vacate the old portion of the road since it is no longer being used.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize procedures to vacate a portion of CR 158.

- 2) CR 47 Resurfacing Project: This project in District IV is for the annual Federal Aid Resurfacing project through the ALDOT. Mr. Luther asked the Commission to adopt the following resolution authorizing the President to execute the contract for this project:

3)

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to pass the following resolution for the CR 47 Resurfacing Project:

RESOLUTION NUMBER 10-1026-02

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

Resurfacing on CR47 from SR35 to CR27. Length - 4.354 miles. Proj #STPNU-2525(201), DCP 25-47-09. CPMS Ref #100055341;

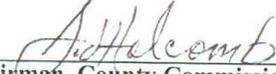
which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

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 26th day of October,
20 10.

ATTESTED:


County Clerk


Chairman, County Commission

Tornado: Deputy County EMA Director Christy Hardin addressed the Commission concerning the Ider Tornado. She stated that there was some damage in the Grove Oak area where a sub-station lost power. 18 poles were down. However, most of the damage was in the Ider area. An F2 Tornado damaged 133 homes. 23 homes were destroyed and another 40 had major damage to them. She said 600 residents signed up for Code Red in the last 24 hours. Mr. Harcrow said Code Red woke him up 5 minutes before his house was hit. Mr. Hardin said several reports of Code Red saving lives have been reported.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize adopting a declaration declaring a State of Local disaster for the Ider/Cartersville areas that were damaged by recent tornadoes.

**THE DeKALB COUNTY
COMMISSION**

COMMISSION MEMBERS

**RICKY HARCROW
DISTRICT I**

**ED NIX
DISTRICT II**

**SID HOLCOMB, PRESIDENT
MATT G. SHARP, ADMINISTRATOR**

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COMMISSION MEMBERS

**M. CHRIS KUYKENDALL
DISTRICT III**

**DEWITT JACKSON
DISTRICT IV**

**EXECUTIVE ORDER FOR
DECLARATION OF A LOCAL STATE OF EMERGENCY
RESOLUTION NO. 10-1026-01**

WHEREAS, DeKalb County was impacted by an EF2 Tornado and straight line winds in the early morning of October 25, 2010 causing major damage to the Sport's Complex at Ider High School and damages to at least 133 structures, including 21 with major damage and 18 others that were totally destroyed, causing approximately 250 cubic yards of debris; and

WHEREAS, Electric power in the northern end of the County has been out since the early morning of October 25 and power in the Grove Oak community caused the water pumping station to go off-line effecting the distribution of water in the area; and

WHEREAS, the local government has the responsibility to protect the public health, safety and welfare, and to mitigate the effects of such events;

NOW THEREFORE, I Sid Holcomb, Commission President by the authority vested in me, do hereby declare that a local State of Emergency exists in DeKalb County, Alabama as of October 25, 2010 through at least Friday October 29, 2010 or until power is restored:

- 1) The Local Emergency Operations Plan, as approved shall be fully executed to direct all local disaster and emergency response forces and operations in DeKalb County, Alabama;
- 2) The Emergency Management (EMA) Director under authorities provided in the local Emergency Operations Plan, and local orders or ordinances, shall take immediate action 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 permanent and temporary workers; e) utilization of volunteer workers; f) rental of equipment; g) purchase and distribution of supplies, materials and facilities; h) appropriations and expenditure of public funds; and i) the demolition and removal of damaged public and private structures.



Sid Holcomb, President
DeKalb County Commission

*DeKalb County
"The Northeast Gateway To Alabama The Beautiful"
Seven Hundred and Eighty-Four Square Miles of Scenic Beauty
Your Memories - Our History Since 1836*

Be Ready Camp: Ms. Hardin notified the Commission that 5 DeKalb County 5th Grade students attended Be Ready Camp in Huntsville earlier in the school year. These students were required to apply through an essay or video. Normally, only 2-3 student slots from each County are given; however, all 5 of the DeKalb County students were able to attend. She asked each student to come up and receive a certificate and volunteer pin and be recognized before the County Commission. These 5th Grade Students were as follows:

Jerod Sharp - Sylvania; Kelly Biddle – Henagar; Maegan Dorsett – Fort Payne; Madison Yates – Ruhama; and Spencer Hubble – Collinsville

Mortuary Refrigerator: Ms. Hardin notified the Commission that the \$6,000 Mortuary Refrigerator had been received, thanks in part to a \$2,000 grant from Rep. Todd Greeson and a \$1,000 Pandemic Grant and \$3,000 from the District Attorney's Office. DA Investigator Josh Summerford and Coroner Tom Wilson received the mortuary refrigerator and it will be housed at Wilson Funeral Home so long as Tom Wilson is the County Coroner.

Judge Osborn thanked President Holcomb for his many years of service to the County.

He also asked permission to authorize two Probate Office employees to attend the Probate Winter Conference.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize two Probate Judge employee's to attend the winter conference.

County Attorney Charles Mauney addressed as follows concerning a Revenue Commissioner Lawsuit: "On September 24th, Brenda Carol Olinger who is a debtor to the county for unpaid taxes, filed a lawsuit against Revenue Commissioner, Martha Crye Ogle stating that Martha had sold property after having been given notice, sold property for failure to pay her taxes, that belonged to Ms. Olinger and Ms. Olinger had to redeem the property. That was filed in Chattanooga, TN. The bankruptcy was originally filed in 2002. I don't think Martha you were in office in 2002, you worked there but you were not in office. Martha did a public sale, but the property she sold was not assessed in the name of Brenda Olinger. It was assessed in the name of Bobby Bradford, but Ms. Olinger redeemed it and I think that raises an interesting legal question for the bankruptcy court. Now, I don't do bankruptcy so I had to help quickly find an Attorney to answer this thing because the time would have run over the weekend. We got a stay on the default against Martha, but it appears that this lady, to me, I think she would be in trouble with the bankruptcy court redeeming property, one of the redemptions, there were two redemptions. One was \$14,162.89. It's interesting she would have the money to do that and be in a bankruptcy proceeding. The property wasn't assessed in her name but here's what I'm thinking a possibility Martha because you brought that to my attention. I'm wondering have you looked back to see if it's ever been assessed in her name? You might want to do that and I don't mind doing a title search if the County Commission prefers that we do a title search and we do a legal opinion. I found an Attorney. I met with Matt and Sid on Friday and I found an Attorney in Chattanooga, TN who does nothing but bankruptcy to respond to this matter at least temporarily. She charges \$225 an hour and fees. This is a case that could be dismissed for the lady's lack of standing to have filed the suit when the

property wasn't in her name, but I'm wondering if the property could have been assessed in her name in 2002 and if it was, then anything she sells, I know this much about bankruptcy, anything she sells, she is to report it to the court. So, if she didn't report it to the court, she's got a problem. If she did report it to the court, she's got a problem for filing the lawsuit, is the way it appears to me, but again, I don't do bankruptcy. If I get involved in bankruptcy to do depositions and all, I always have a bankruptcy lawyer there who knows the bankruptcy rules. I do not. But, we're going to need the Commission's approval today to allow this lady, the Attorney in Chattanooga, TN and her name is Alicia Ulin-Lynch. She was referred. I checked several Attorneys who knew bankruptcy attorneys in Chattanooga and she came the highest recommended attorney up there so she said that she would get an extension, file the answer and I guess the Commission needs to decide whether they need to check with the insurance company and see if they have a bankruptcy attorney that does this or if they want her to do it and me to be associated for the purpose of taking Ms. Olinger's depositions and other matters that would be important to the bankruptcy court and those kind of things can be admitted to the Hamilton County bankruptcy court, but we can't ignore this. We've got to answer it. It would appear to me that the lawsuit would be subject to dismissal because she actually paid the taxes when the property was assessed in someone else's name. I don't know if any of you know Ms. Olinger, but her reputation precedes her and that's all I need to say about that".

Mr. Kuykendall: I believe we have an obligation to report this to the insurance company and once it reports whether or not they would allow for us to get attorneys on this.

Mr. Mauney: It does. I called Craig Dillard of Webb & Eley who normally handles the insurance cases for us and I have not heard back from Craig. I called him on Thursday, but he could have been out of town. I left him a message, but as of this morning I still have not heard back, but normally he's very punctual.

Mr. Holcomb: OK, alright. If we could make this motion contingent on the insurance company taking part or if they don't, we can move on with this Attorney out of Chattanooga. Would you all be agreeable in passing it in that manner?

Mr. Mauney: I think when you do that, if the insurance company doesn't handle it, I think the motion needs to include that you can execute this contract which will require a \$2500 retainer but she would work against that and if she doesn't use all of that to get rid of the case, then you should be refunded that amount. If you want me associated, I'd be glad to do it. The deposition part I'm well aware of.

Mr. Holcomb: I'd rather Charles be a part of it. Would you all be in agreement with that?

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize the insurance company to investigate the aforementioned lawsuit.

Mr. Sharp requested training on behalf of RPT Director June Brewer and Glenda Crumley to attend Management Training Workshop in Huntsville, November 18-19.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize Glenda Crumley and June Brewer attend management training in Huntsville.

Mr. Sharp notified the Commission that County Administrators were required to maintain CE training each year and requested to be authorized to attend the Legislative Conference in Birmingham, December 1-2.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize Matt Sharp to attend the Legislative Conference in December.

Mr. Sharp notified the Commission that COA Director June Brewer had requested Elizabeth Jackson to be placed on payroll as a PT Collinsville Nutrition Center Manager – as she has been working through temporary services.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to place Elizabeth Jackson on the payroll at the Collinsville Nutrition Center.

Mr. Sharp notified the Commission that the \$70,000 DYS Grant for DeKalb Youth Services transcends the 2010 and 2011FY's and the State needs a new contract for the \$50,400 balance for October 1, 2010 – May 31, 2011.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to continue the agreement with the DeKalb Youth Services.

Mr. Sharp notified the Commission that the annual Red Cross Agreement was due for space in the Activities Building.

It was moved by Mr. Harcrow, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize an agreement with Red Cross on building space.

Mr. Kuykendall notified the Commission that the Water Project on CR 484 was contingent on the Fort Payne Water Board supplying labor and the board has since withdrawn their commitment, so he asked the Commission to move those funds from CR 484 to CR 223. He said he had contacted the family on CR 484 and they understand the situation.

It was moved by Mr. Kuykendall, seconded by Mr. Harcrow, all members voting affirmatively, motion carrying to re-obligate funds from the water project on 484 to 223 and the balance be returned to the tipping fee fund.

Mr. Holcomb made the following statement:

“ As Judge Osborn mentioned a little bit earlier, this is definitely my last Commission Meeting and we've got two Commissioners that I guess that's yet to be decided, but I want to just express my appreciation to this board for everything you've done for me and everything you've done for this county. I also want to thank our staff, the Commission staff, Connie, Lynda, Lynn and Pam, Charles Mauney our Attorney for everything they have done for county employees who I think have done an excellent job and a lot of them go way beyond the call of duty a number of times. Department Supervisors, they are the best no doubt. We've talked to a lot of folks and Commissioners across the State and I put ours above anybody that could be brought up. Elected Officials, Judge Osborn and I won't get into naming other names, but

our Elected Officials, Martha and Tom and all the rest, they are real good folks. We've had a number of good working relationships and I appreciate those. The mayors and the councils of this county have been outstanding and they have worked with us through a number of projects, the new detention center, the adoption center and of course Code Red. None of those projects would have been possible without the mayors and town councils that have worked with us and I sure appreciate those folks. We had, we've gone after a lot of grants. You know when you're elected that's what you campaign on. You're going to make a number of trips to Montgomery or Washington or National Conventions, wherever you go to find money and we've been criticized for that and that's fine. If I had it to do over, I'd do it the same way. I was adding up this morning, I think on the trips for this term, this Commission has spent about \$37,000 that seems like a lot of money, but in return, we've returned a little over \$8,000,000 in grants to this county. So, you know, sometimes trips are necessary and I would hope that the next administration will go after these grants like we have because that's money that the county taxpayers would not have to come up with. Brant Craig, who is no longer with us, he had worked on the water grant down at Collinsville and Chris when Chris came on and he never did get to see the accomplishments. We had worked and made several trips to Montgomery and Washington on that grant, so those folks will have water probably within 6 months, so I think it was worthwhile. I know they will appreciate that.

I want to end with a couple of stories, a couple of experiences I had.

When I first came into office in 1979, they send you to Auburn and they pretty much tell you what it's like to be a Commissioner and what you're supposed to be able to do and a lot of what you're not supposed to be able to do in legal terms but in that conference, they told us to look to our left and right and there was a room full of Commissioners and they said a lot of you won't be here by the end of your term because you'll do something illegal and you'll end up in the penitentiary. And I pretty much took that to heart and they told you in that conference how to get out of those situations and not be working on private property. One morning about 5:30 this lady called and I had gone to school with her kids. She had about 7 boys. She called me about 5:30 in the morning and I guess I had been home from Auburn about a month. I felt like I had all the answers that would come in my direction. Anyway, I won't use her name, but she called me and I knew she lived on a private drive and she said she began to tell me she needed 10 loads of chert. I said do you still live where you used to? She said I've lived there all my life. Said you know all my boys and you know where this road is at and I said yes maam I do, I sure do. I said let me tell you, I just got back from Auburn and maam that 10 loads of chert would cost me \$10,000 and possibly a 10 year sentence in the penitentiary. She said what about 5 loads? I didn't have an answer.

Another time, we were talking about grants earlier. Another time, right after I became Chairman, in '87 there was a family out on Sand Mountain and we got called out there about their water and we met in a church out there, an older church and I'll never forget it, the church was packed. And, the lady when I first got there had a little Mason fruit jar and I thought it was Coca-Cola in that fruit jar. I mean it was the darkest of something I'd ever seen. So, we got started with the meeting and she said, we go to talking about how bad the water is. Of course, if you live on a dirt road it's from a Commissioner's standpoint, it's the worst dirt road in the county. If you've got bad water, it's the worst water because you live on it and naturally you experience it. Anyway, I asked them during the meeting, I said now what is this jar, what is this in here? She said that's our drinking water. I'm serious it was as dark as a Coca-Cola and I mean it was almost sickening so I promised them. That was what they were using to drink in that whole area. So, I promised her I would do what I could to get water for her area. It just so happened that Governor Hunt was going to be in Fort Payne on the following Monday. So, I think this thing

happened about Thursday. We had enough time to get it tested and when we tested the water, their septic tanks was running into the ground water, so actually they weren't getting drinking water, they were getting sewer water. They had told us about boiling that water to get it to where they could drink it. That's how bad it was. So, anyway, when Governor Hunt got here to Fort Payne, his wife Helen was with him and I knew Governor Hunt wouldn't have time to talk to me, so I got Helen off to the side and I told Helen, I said, Ms. Hunt would you carry this little jar of water back to Montgomery with you and when you and Governor have a chance where you have time to talk to him, I want you to tell him that this is the drinking water of some people on Sand Mountain. This was the Chaney community. She said is that drinking water or is that tea. I said I'd say not to drink it. It's what they are using for drinking water and I went ahead and told her what it was all about and normally those things like that a grant like that would take months and sometimes years before you can get the money on them. Well, Ms. Hunt and the Governor left and on Monday morning, I never will forget it, about 8:15 I get a call from the Capital in Montgomery and they're wanting estimates on how to put water in that area. So, Ms. Hunt got to the Governor and that's one of those grants you really appreciate. Those folks now have water and but I never will forget that one. In closing, let me tell you that I really appreciate this. It's been a ride, sometimes a bumpy ride, but nevertheless I think we've had quite a few accomplishments on this board and I appreciate each and every one of you.

Dewitt: Chairman, I'd like to add it's been an honor to serve with you. I've been here 8 years and it's really been an honor to serve with you and I'm very appreciative of the time we've got to spend together and it's an honor to have you as a good friend and I hope you the best in your retirement.

Ricky: Mr. Holcomb and I go back to when I was a Mayor. I thank you. I wish you the best in your retirement and I hope the road is not near as bumpy. I'm sure it won't be. I know you'll enjoy it. I look forward to the time I can do that too. We appreciate you very much.

Ed: Sid I appreciate the time that we have spent with you and I wish you good luck in your endeavors in whichever way you go.

Chris: I just wish you would put all that good advice in a book rather than telling us. It would have been a lot easier.

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

Mr. Sharp presented Mr. Holcomb with a plaque thanking him for his 21 ½ years of service to DeKalb County.

Sid Holcomb, President

Ricky Harcrow, Commissioner District I

Ed Nix, Commissioner District II

Chris Kuykendall, Commissioner District III

Dewitt Jackson, Commissioner District IV