

The DeKalb County Commission met in regular session on Tuesday, December 14, 2010 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, President, Ed Nix, Chris Kuykendall and Dewitt Jackson. Those absent were none.

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

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It was moved by Mr. Nix, seconded by Mr. Jackson, 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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County Administrator Matt Sharp addressed the Commission on behalf of Revenue Commissioner Martha Ogle regarding travel/training for Debra Waddell and Emily Wooten to attend a real property appraisal training in Montgomery, January 23-28.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize Debra Waddell and Emily Wooten to attend a real property appraisal training course.

County Road Superintendent Tom Broyles addressed the Commission as follows:

- 1) JSU Field School Road: The weather has shut down this project. Several problems have come up with some areas of the road have had to be filled with large rock. Once the ground dries up and the weather warms it should take less than a week to complete, but that may be spring or early summer.
  - 2) New Building/Road Department: The new breakroom/training building at the road department is near completion. The Road Department Christmas lunch will be there.
  - 3) Mack Trucks: Six of the 14 new Mack Trucks have been delivered in the past 2 weeks. They should all be delivered by December 31<sup>st</sup>. These trucks have a new fuel system on them. A special tank holds a diesel engine fluid to regulate emissions. This will require the County to start stocking this diesel engine fluid.
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County Engineer Ben Luther addressed the Commission regarding the Public Hearing on the partial vacation of CR 362 located in District II. All the adjoining property owners were notified by letter. One property owner and another local resident are present for the public hearing.

Mr. Harcrow asked if anyone would like to speak. He said their silence would be taken as consent.

A local resident, Steve Dickie from CR 206 (dead-end road off CR 362) spoke against it closing this section of CR 362 because although he doesn't use the road daily, it would be aggravating to go around to Kilpatrick.

Another local resident, Jimmy Isom from CR 433 (road adjacent to CR 362) spoke in favor of closing this section of CR 362 because he owns most of the property on the road and it has become a location where people have been dumping trash and dead animals.

Mr. Harcrow thanked the two gentlemen that spoke during the public hearing and turned it over to District II Commissioner Ed Nix. Mr. Nix stated he had no comment on it and would like to table the decision until the next Commission meeting.

It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to table any action on the closure of CR 362 until the next scheduled Commission meeting.

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Mr. Luther also addressed the Commission regarding the Public Hearing on the partial vacation of CR 158 located in District IV. This portion of CR 158 was abandoned due to a realignment of the road on a proposed bridge project.

Mr. Owen Sears addressed the Commission said he was in favor of vacating the road. He said he granted the property for the bridge and it was his understanding that the old road bed would revert back to the landowners. Commissioner Jackson said he thought everyone in the area was in favor of vacating this abandoned portion of CR 158.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to pass the following resolution vacating a portion of CR 158:

**RESOLUTION NO. 10-1014-02  
VACATION OF A PORTION OF DEKALB COUNTY  
ROAD NUMBER 158**

WHEREAS, Code Section 23-4-2, State of Alabama, 1975, authorized the governing bodies of the counties of Alabama to, upon petition and by resolution, vacate a street, or a portion thereof; and

WHEREAS, this Commission set down for public hearing on December 14, 2010, and caused notice of such hearing to be published in the *DeKalb Advertiser* for four consecutive weeks, beginning October 21 and running through November 11, 2010; and

WHEREAS, this Commission has received no written objection and heard no verbal objection at the hearing hereon to the vacation of this portion of DeKalb County Road Number 158; and

WHEREAS, Commissioner Jackson of District IV, made a motion before this Commission to approve the vacation of this portion of this road;

THEREFORE BE IT RESOLVED, by the DeKalb County Commission that that portion of DeKalb County Road Number 158, more particularly described below, be, and hereby is, vacated;

*All of the abandoned portion of County Road #158, lying south of Straight Creek and being on the west side of the previously constructed realignment of County Road #158. Said realignment right-of-way was acquired under the proposed bridge replacement Project No. DCP 25-01-01. Said property lying in Sections 16 & 17, Township 6 South, Range 7 East, located west of Powell.*

BE IT FURTHER RESOLVED, by the DeKalb County Commission that the names of the owners of the abutting lots are Darrell & Anita Sears, Lawton & Betty Jo Bell, Owen & Dorothy Sears, Penny Hastings, Bobby Glenn & Linda Townson, and there are no other lots or parcels of land which will be cut off from access by the vacation sought; and

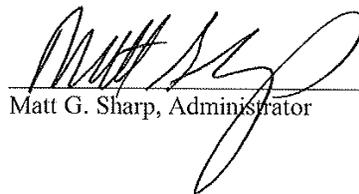
IT IS FURTHER RESOLVED, by the DeKalb County Commission that it is in the interest of the public that the above-described portion of the public street be vacated; and

IT IS FURTHER RESOLVED, by the DeKalb County Commission that this resolution shall be filed in the Probate Court of DeKalb County as provided by statute and that notice of this action shall be published once in a newspaper in DeKalb County no later than fourteen (14) days after the date of its adoption.

DONE this the 14<sup>th</sup> day of December, 2010

ATTEST:

  
Ricky Harcrow, President

  
Matt G. Sharp, Administrator

Mr. Luther requested the Commission to award the Debris Removal Bids that were opened in September. He noted that 12 bids were received and because of the complexity of the bids and specifications, he wanted to take his time analyzing the bids to make a recommendation for the best bid. He stated that he had confirmed with EMA Director Mike Leath and discussed it with other Counties that had dealings with the various bidders. He recommended the Commission award the bid to TAG Grinding Services based on their bid for the removal & disposal of eligible vegetative debris. See bid file for bid details.

Mr. Kuykendall asked about interest rate for late payments to the contractor. Mr. Luther said there was a flat \$1,000 a month addition after 90 days instead of 1 ½ % per month after 30 days. Mr. Sharp said in the future, the County would prepare more Project Worksheets for FEMA instead of lumping all of the debris into one project worksheet. He said he felt like this was one reason that FEMA was so late in reimbursing the County.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to award the Debris Removal Bid to Tag Grinding Services.

Mr. Luther requested permission to attend the County Government education class in Prattville, January 19-20, 2011.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize County Engineer, Ben Luther to attend County Government educational classes January 19<sup>th</sup> & 20<sup>th</sup>.

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Mr. Sharp addressed the Commission concerning the financing of the new 14 Mack Trucks that will be delivered by the end of the year. He recommended the Commission go with BanCorp South on a 5year 3.24% lease.

It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the following Resolution using BanCorp South to finance the new Mack Trucks:

***RESOLUTION NO. 10-1214-03***

***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 2011.

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 2011, 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 2011 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 2011 will not exceed \$10,000,000.

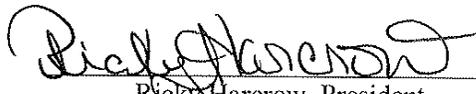
Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control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

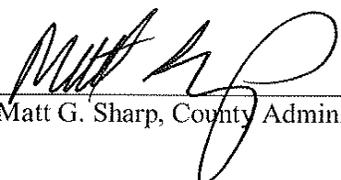
Following the reading of the foregoing resolution, Commissioner Nix moved that the foregoing resolution be adopted. Commissioner Jackson seconded the motion for its adoption. President Harcrow put the question to a roll call vote and the result was as follows:

<u>District I Commissioner - Vacant</u>	Voted: <u>N/A</u>
<u>Commissioner Nix</u>	Voted: <u>Yea</u>
<u>Commissioner Kuykendall</u>	Voted: <u>Yea</u>
<u>Commissioner Jackson</u>	Voted: <u>Yea</u>

The motion having received the affirmative vote of all members present, the President declared the motion carried and the resolution adopted this the 14<sup>th</sup> day of December, 2010.

  
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Ricky Harcrow, President

ATTEST:

  
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Matt G. Sharp, County Administrator  
(SEAL)

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Wade Hill addressed the Commission requesting that Steven Wesley Farmer and Torey Laine Chesnut be hired to replace Mary Rector and Brian Crowe's vacant positions. (Note: Ms. Rector was terminated and Mr. Crowe resigned his position as a Jail Supervisor).

He noted that Troy Young would be promoted to the Jail Supervisor position.

Mr. Hill also requested to send Correctional Officer Matt Martin to the Police Academy beginning January 6 and he would replace a deputy who is leaving to work for another County in January. Mr. Martin would replace this deputy once he completes the training and the vacancy in the Deputy slot occurs.

Mr. Harcrow asked the Commission to address each request separately.

It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to hire Steven Farmer and Torey Chestnut as Corrections Officers in the Jail (G5/1).

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Mr. Hill said Troy Young who has been working the day shift as a Corrections Officer would be moving to night shift as a Supervisor taking Brian Crowe's position. Mr. Crowe was going to be moved to the night shift sergeant, but he declined and decided to resign.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to approve the promotion of Troy Young as night shift sergeant at the Jail (G6A/1).

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Mr. Hill noted that Matt Martin would be replacing the vacant deputy position sometime in January.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize Matt Martin to be classified as a Deputy and to attend the Police Academy beginning in January. His pay would not change until vacancy actually occurs in Deputy position.

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Mr. Hill addressed the Commission concerning vehicle bids. They have tried to buy locally and tried to get the local dealers to take advantage of the State Bid process. Woodson Jones Chevrolet now has the State Bid on vans/trucks and is working on other vehicles. He said they would like to purchase two 12' passenger vans and two ¾ ton trucks off the State Bid list from Woodson Jones. The vans are \$20,207.51 and the trucks are \$23,932.50. The vans will be used for transport and the trucks will be used by two of the deputies (one by an SRO). They will also be taking four vehicles off insurance when the new vehicles come in. Those vehicles will be purchased with Sheriff funds at no cost to the County.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize two vans and two trucks to be purchased from Woodson Jones Chevrolet off the State Bid list for the Sheriff's Office/Jail.

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EMA Director Mike Leath addressed the Commission concerning the State AAEM workshop in Huntsville January 25-27 and the State of Alabama Preparedness in Prattville February 22-25. He requested that a couple of employees attend each of these conferences.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize EMA personnel to attend the State of Alabama Preparedness workshop and the State AAEM Training Conference.

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Mr. Leath also requested the Commission to award the DVR bid for school security projects under a Homeland Security Grant to Alabama Card Systems located in Huntsville at their bid of \$1,471. This will be 100% reimbursed. 16 units will be purchased (3 for the City system and 13 for the County system).

Bids were submitted to four vendors. The only other bidder was HTTS at a unit price of \$2,045. It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the purchase of DVR's from Alabama Card Systems as low bidder.

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It was moved by Mr. Jackson, with no opposition, motion carrying to adjourn.

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Ricky Harcrow, President

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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