

The DeKalb County Commission met in regular session on Tuesday, May 10, 2011 at 10:00 A.M. in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, Ed Nix, Chris Kuykendall and Dewitt Jackson. Those absent were none.

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

Mr. Harcrow addressed the Commission concerning the tragedy the County and State suffered in the last week from the devastating tornadoes that came through on April 27. He thanked all the County Agencies that did such a great job, including the EMA, Sheriff's Office, Road Department, Volunteer Fire Departments, Rescue Squads and Churches that did so much to make a life a little easier for some of those victims.

He also said "... greater than that the individual efforts that have been put forth by people throughout DeKalb County and other places to come to the aid of their neighbors. Just the other day, a man called me from Chelsea, Alabama. He had been several places just looking at the damage after much of it had been over with for several days. He said, I came to DeKalb County and he said I wanted to help somebody and I stopped at a house where some folks were living kind of in a tent and working around their home that had been basically destroyed. He said the first thing I saw hanging out in the front was an American Flag. And he said what can I do to help you? And he said well, we're alright. He said there are people worse off than we are, please go and help them and that's the kind of people we have and I want to tell you that it's an honor for me to serve you and I know I can speak for all of this board but it's an honor for us to have you here today as a part of our Community and you all do such a wonderful job..."

Mr. Harcrow also encouraged the media to get the word out to residents to register with FEMA by calling 1-800-621-FEMA (3362).

It was moved by Mr. Kuykendall, 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.

Angela Dodd with the DeKalb County 4H Archery Club brought 15 students who competed in the March 12, 2011 State Competitions. They won 1st and 2nd in the Junior level and 1st and 2nd in the Senior level. The top 8 shooters in the state in the Senior level and top 4 shooters in the Junior level were students from DeKalb County. As a result 2 senior teams have qualified for the National Competition to represent DeKalb County in San Antonio, Texas, and said they were soliciting donations. Mr. Harcrow said he would investigate and see what the County could do. He thanked the students and said they represented DeKalb County well.

EMA Director Mike Leath addressed the Commission concerning the three (3) tornadoes that hit DeKalb County on Wednesday, April 27. A Declaration of Emergency was issued in response to these tornadoes that allowed the County to call down resources from other areas and to activate curfews. Mr. Leath said he needed a Resolution from the County adopting the declaration of emergency that began on April 27 and would end at the close of business today, May 10, 2011.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to approve the Emergency Disaster Declaration Resolution ending emergency operations on Tuesday, May 10, 2011 (Note: This was amended during the recessed meeting on May 12 – and again on Tuesday May 24).

EMA Director Resignation:

With that, Mr. Leath made the following statement: “I appreciate that and I would like to echo a couple of things that Commissioner Harcrow said. You know, in this type of response, this is one of the largest storms that has affected DeKalb County in recent years. Certainly in the realm of fatalities that we had - let alone the path of destruction that was left behind. All of our emergency agencies, Sheriff’s Department, Volunteer Fire and Rescue Squads, local, municipal and Police Departments, once again with all the other volunteers, stepped up to the plate and were able to handle this emergency and that says a lot about the training and everything that our first responders in this County have.”

“So I want to echo what he said and thank each one of these agencies for their tireless, sometimes trying efforts. Because without them, this County would be in a lot worse shape today than what it is. Even though we had the destruction that we had, I also want to encourage and I’m asking the media here today to not only to do everything within your power to take and get out the word the importance of these people registering with FEMA but not only with FEMA, they need to register with the Red Cross. They need to register with the Upper Sand Mountain Parish and with the Salvation Army because these are the organizations when FEMA is all said and done, these are the organizations that people are going to have to go to for assistance, so we need to be sure we get them all in the system and you know there’s been a lot of stories that have come out of this storm, there was a lot of devastation and everything but there’s also a lot of stories of greatness that came out of that”

“And through my time here, I’ve seen it over and over and over again where they tell folks, I’m not that bad off, take it on down the road, somebody down there is needing it worse. That’s DeKalb County. That’s DeKalb County as a whole. I’ve been around here a long time and DeKalb Countians have always stepped up to the plate. A lot of us in the emergency field have always sort of jokingly said that DeKalb County was always forgot about, so we had to learn to adapt to our own and take care of ourselves and DeKalb County has always done that and have gotten to the point now where DeKalb County is also called to go and help other people and that says a lot about our County.”

“So I’m running around the world here to make this statement and I talked with Commissioner Harcrow and others a couple of weeks ago and I’ve run around the world here to make this statement. I think it is time for me to step down from my position as EMA Director. I feel like that my work here is done. I was tasked to set a new direction for our office and with the help of the staff that you all allowed me to put around me and with your support and with the support of the Emergency Agencies that are within DeKalb County, I feel like that has been accomplished. I will continue to offer my services to you. I just think it’s time that I need to sort of step back a little bit and spend some time with my family. So, I offer that to you all today and I appreciate your confidence in me. I came in here right out of the Fire Service. You all knew things about me and all and I appreciate the confidence that you put in me and in the recommendations that I have made to you all and I really feel like, not because of me, but because of the joint efforts and the teamwork that has come about over the last 4 years, that we have brought DeKalb County’s abilities up to a higher level and I thank you all for that. Thank you, Gentleman.”

Mr. Harcrow told the Commission and media that Mr. Leath had come in about 2 weeks ago before the storms of his intentions to step down and he asked him to put it off for a couple weeks. He thanked him for his service to the City of Fort Payne and the citizens of DeKalb County.

Mr. Jackson said he appreciated Mr. Leath not only as a leader in EMA, but as a good friend. He worked a lot of hours for only \$22,000/year.

Mr. Kuykendall said his first inclination is to not accept his resignation, but understand and respects his decision to spend more time with his family. He wished him well and said he might be called back.

Mr. Mauney said Mr. Leath had made his job much easier and thanked him for that. Mr. Sharp echoed the other comments and thanked Mr. Leath for his countless hours of work for little pay and no complaints. He also thanked Christy and Daryl for everything they do for the EMA Office. All work tremendous number of hours under pressure situations.

Mr. Nix extended his appreciation to Mr. Leath and his staff for what they have done for DeKalb County. He wished the best in his new undertakings.

Mr. Leath thanked everyone for their compliments and said he would continue to offer his services to the County in whatever capacity and will help whoever is placed in this position. He said DeKalb County was his home and he would continue to support his County.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to accept Mike Leath's resignation as EMA Director and to post the position begin the process as soon as possible.

Road Superintendent Tom Broyles told Mr. Leath he has enjoyed working with him and he has done a great job and he would have some big shoes to fill.

Mr. Broyles addressed the Commission as follows:

- 1) Storm: During the last couple weeks the Road Department has been working on Storm Damage. All last week crews have been trying to get the roads cleared back. The damage was so widespread and so much of it, with the fatalities that we've never experienced before, crews pushed everything back to the edge of the road instead of completely moving debris off the ROW. Normally crews would push it back 3-4 feet off the road, but in many cases there was no place to push it because there was so much debris.
- 2) Patching/Signage: Crews are patching potholes and putting up signs in most all areas. Beginning Monday after the storms some crews were pulled out of the storm area and began putting signs up that had blown away. Someone called into the Road Department and the Commission complaining about crews patching potholes away from the storm areas. The reason that was done was because of the search and recovery efforts going on to find bodies. Mr. Broyles said he didn't want to get in the way of those efforts unless they were needed.
- 3) Herbicide: Crews began back spraying yesterday in the non-affected areas.

- 4) Reclaimer: Mr. Broyles said there had been some talk about purchasing a Reclaimer to use in the Road Department. He said he thought it would be more beneficial to try to rent a machine and then look at purchasing one. The rent could go toward the purchase after it was bid. He said he would rather rent one for a month or two to see if it is what the County needed before buying one.
- 5) Calcium-Chloride: Mr. Broyles said area chert was being tested to determine if calcium-chloride could be mixed with chert to be used as a good base stabilizer, along with the Reclaimer. The County has 100's of miles of roads that a Reclaimer could be used to make a better base.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize rental of a Reclaimer machine for use at the County Road Department.

Wade Hill from the Sheriff's Office addressed the Commission as follows:

- a) PT Deputy: Mr. Hill recommended Stanley Vinson to replace Keith Murphree who was hired a previous meeting, but decided not to take the PT Deputy position.
- b) Dispatcher: Mr. Hill recommended Joshua Phillips be moved from FT to PT Dispatcher taking the place of JoAnn Nelson, who recently retired. A PT dispatcher will be requested at a later date.
- c) Corrections: Richard Hughes resigned to take another position, so Mr. Hill recommended Lacy Harris to take his position as a Correction Officer.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, to hire the above personnel at the Sheriff's Office (Stanley Vinson – G8/1; Joshua Phillips from PT to FT; and Lacy Harris – G5/1).

Mr. Hill thanked everyone for their help during the Tornado Disaster, especially Coroner Tom Wilson and Deputy Coroner Bruce Wilson. They processed 28 storm fatalities in the first 5 hours, activating the State Morgue Team. Thanks were given by all Commissioners to the Sheriff's Office, EMA and volunteers who helped so much during this tragic Tornado.

Mr. Harcrow asked the Commission to recess until Thursday, May 12 at 9:00 a.m to take up debris removal. Some questions need to be answered between now and then.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, without objection the Commission will recess until Thursday, May 12, 2011 at 9:00 a.m.

The DeKalb County reconvened Thursday, May 12, 2011 following recess on May 10, 2011 at 9:00 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.

Mr. Harcrow asked the Commission to pass a resolution authorizing the U.S. Army Corp of Engineers to clean up debris in the County following the storm, as recommended by the State Emergency Management Agency.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, to proceed with the Corps of Engineers (USACE) for the cleanup of debris from the recent tornadoes in DeKalb County. Mr. Jackson asked Mr. Nix if he wanted to say something.

Mr. Nix said he had received a lot of calls and asked if the USACE was going to use local people. Mr. Harcrow said yes they were. Mr. Nix asked if we had to use USACE since they are not local. Mr. Harcrow explained that the USACE is all of the US. Mr. Nix was concerned that the Prime Contractor, Phillips & Jordan was not local and wanted another company McGinnis to have an opportunity to present their program.

Mr. Leath explained that the it was unusual for the USACE to be called in to a debris cleanup and choosing the USACE could save millions of dollars. Mr. Sharp said another cost savings would be up-front expenses that are normally borne by the County, as well as the administrative costs of hiring monitors and overseeing the entire process. The USACE would bill FEMA and the State directly for the first 30 days, and possibly past that date.

Mr. Nix suggested that McGinnis would hold out on billing the Commission until FEMA proceeds came in. Mr. Jackson and Mr. Kuykendall explained that TAGG Grinding had the bid and that McGinnis couldn't be used as a prime contractor. Mr. Leath also explained that the County had the options of doing the work itself, using TAGG or using the USACE.

Mr. Kuykendall said he had a motion on the floor. Mr. Harcrow asked Mr. Jackson if his second motion still stood. He said it did.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson with Mr. Nix voting nay, all other members voting affirmatively to authorize the following resolution to use the US Army Corps of Engineers for debris clean up:

**DEBRIS REMOVAL
FEMA 1971-DR-AL
RESOLUTION NO. 11-0512-01**

WHEREAS, the President of the United States and Governor of the State of Alabama have declared a State of Emergency in the State of Alabama, including DeKalb County as a result of at least 425 Tornadoes that struck the State of Alabama between April 25-28, 2011; and

WHEREAS, DeKalb County was severely impacted by at least three Tornadoes, the first an EF2 Tornado that impacted the Grove Oak community near Bucks Pocket State Park and up the DeKalb/Jackson County line; the 2nd an EF4 Tornado that impacted the Cartersville/Shiloh Communities in the northern part of DeKalb County, causing multiple fatalities; then finally another EF4 Tornado that impacted the Lakeview, Fyffe, Rainsville, Sylvania, Highpoint, Henagar, Ider, Cartersville and Shiloh Communities causing multiple fatalities; and

WHEREAS, at some points on April 27 through the following weekend, power outage across the Tennessee Valley effected over 650,000 homes and caused damage in DeKalb County to approximately 956 homes and 154 mobile homes, including total destruction of 303 homes and 78 mobile homes; further causing damage to 46 businesses, 37 churches, 504 barns/outbuildings and 59 Chicken Houses; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has taken the initiative to authorize the United States Army Corp of Engineers (USACE) to administer the cleanup of Counties that have faced catastrophic damage as a result of these Tornadoes; and

WHEREAS, the Governor of the State of Alabama has authorized the Alabama to fund the non-federal match for this debris removal for 30 days from the day the USACE begins cleanup operations;

NOW THEREFORE, BE IT RESOLVED by the DeKalb County Commission to authorize the USACE to begin debris removal as soon as possible and to continue for 30 days or until such time that either the State of Alabama extends beyond 30 days or the Federal Government authorizes to fund 90% (or all local costs) beyond the current June 12, 2011 pilot program date;

BE IT FURTHER RESOLVED that the DeKalb County Commission reserves the right to reassess the debris removal process at the end of the 30 day period and that the USACE will invoice FEMA and AEMA directly for their costs and will not invoice DeKalb County for any debris removal without prior authorization by the DeKalb County Commission.

DONE THIS 12th Day of May 2011

Mr. Leath addressed the Commission requesting an amendment to the Emergency Declaration Resolution from Tuesday (May 10) to Monday, May 16 and to reassess later.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to adopt the amendment by recommendation of Mr. Leath on the Disaster Declaration as follows:

**EXECUTIVE ORDER FOR
DECLARATION OF A LOCAL STATE OF EMERGENCY
RESOLUTION NO. 11-0512-01**

WHEREAS, the entire State of Alabama was impacted by at least 425 Tornadoes between April 25-28, 2011, 249 Tornadoes on April 27 alone causing 250 fatalities statewide, including 33 in DeKalb County; and

WHEREAS, DeKalb County was severely impacted by at least three Tornadoes, the first an EF2 Tornado that impacted the Grove Oak community near Bucks Pocket State Park and up the DeKalb/Jackson County line; the 2nd an EF4 Tornado that impacted the Cartersville/Shiloh Communities in the northern part of DeKalb County, causing multiple fatalities; then finally another EF4 Tornado that impacted the Lakeview, Fyffe, Rainsville, Sylvania, Highpoint, Henagar, Ider, Cartersville and Shiloh Communities causing multiple fatalities; and

WHEREAS, at some points on April 27 through the following weekend, power outage across the Tennessee Valley effected over 650,000 homes and caused damage in DeKalb County to approximately 956 homes and 154 mobile homes, including total destruction of 303 homes and 78 mobile homes; further causing damage to 46 businesses, 37 churches, 504 barns/outbuildings and 59 Chicken Houses; and

WHEREAS, the local government has the responsibility to protect the public health, safety and welfare, and to mitigate the effects of such events, does hereby resolve in this recessed session on this 12th Day of May, 2011, to authorize Commission President Ricky Harcrow to sign said Resolution:

NOW THEREFORE, I Ricky Harcrow, Commission President by the authority vested in me do hereby declare that a local State of Emergency exists in DeKalb County, Alabama as of April 27, 2011 through Monday, May 16, 2011, and direct that:

- 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.

IT IS ALSO RESOLVED to reassess this Emergency Declaration on or by Monday May 16, 2011 to determine if an extension of the declaration is in the best interest of the citizens of DeKalb County.

It was moved by Mr. Jackson, without objection, meeting was adjourned.