

The DeKalb County Commission met in regular session on Tuesday, June 14, 2011 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, President, Jerome Tinker, 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. Mauney delivering the invocation and Jimmy Wright 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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Tom Jaskiewicz addressed the Commission and requested an amendment to the current Cable Franchise agreement. He requested a transfer from CoBridge to ZitoMedia (formerly Falcon Cable and Charter).

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize and amend the following Cable Franchise Resolutions:

**A RESOLUTION CONSENTING AND APPROVING OF THE ASSIGNMENT OF THE CABLE FRANCHISE AND SYSTEM TO ZITO ALABAMA, LLC**

WHEREAS, CoBridge Telecom, LLC ("**Grantee**") currently holds Resolution No. 98-0928-03 dated September 28, 1998 granted by DeKalb County (the "**Community**") to own and operate a cable system in the Community (as amended to date, the "**Franchise**");

WHEREAS, on April 19, 2011 Grantee entered into an Asset Purchase Agreement (the "**Agreement**") with Zito Alabama, LLC ("**Assignee**") whereby Assignee will purchase and acquire certain cable system assets, including the Franchise, from Grantee (the "**Transaction**");

WHEREAS, Grantee and Assignee have filed an FCC Form 394 with the Community, and have provided to the Community all information regarding the Transaction required by applicable law (collectively, the "**Application**"); and

WHEREAS, the Community has reviewed the Application and has determined that the Assignee meets the legal, technical, and financial criteria to operate the cable system under the Franchise and all applicable local, state and federal laws.

NOW, THEREFORE, THE COMMUNITY DOES RESOLVE:

1. The Community consents to the Transaction as and if required by the terms of the Franchise.
2. The Community confirms that (a) the Franchise is valid and outstanding and in full force and effect; (b) Grantee has properly invoked its franchise renewal rights under Section 626 of the Cable Communications Policy Act of 1984; (c) Grantee is in compliance with the provisions of the Franchise; (d) there are no defaults under the Franchise, or events which, with the giving of notice or passage of time or both, could constitute events of default thereunder; and (e) effective upon the closing of the Transaction (the date upon which such closing occurs, the "**Closing Date**"), Assignee will be entitled to all rights and privileges granted by the Community pursuant to the Franchise.
3. The Community releases Grantee, effective upon the Closing Date, from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Assignee shall assume and be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.
4. This Resolution shall have the force of a continuing agreement with the Community, Grantee, and Assignee, and the Community shall not amend or otherwise alter this Resolution without the written consent of Grantee and Assignee.
5. This Resolution shall take effect upon its passage and publication in accordance with applicable law.

**A RESOLUTION CONSENTING AND APPROVING OF THE ASSIGNMENT OF THE CABLE  
FRANCHISE AND SYSTEM TO ZITO ALABAMA, LLC**

WHEREAS, CoBridge Telecom, LLC (“*Grantee*”) currently holds Ordinance No. 92-0526-01 dated May 26, 1992 granted by DeKalb County (the “*Community*”) to own and operate a cable system in the Community (as amended to date, the “*Franchise*”);

WHEREAS, on April 19, 2011 Grantee entered into an Asset Purchase Agreement (the “*Agreement*”) with Zito Alabama, LLC (“*Assignee*”) whereby Assignee will purchase and acquire certain cable system assets, including the Franchise, from Grantee (the “*Transaction*”);

WHEREAS, Grantee and Assignee have filed an FCC Form 394 with the Community, and have provided to the Community all information regarding the Transaction required by applicable law (collectively, the “*Application*”); and

WHEREAS, the Community has reviewed the Application and has determined that the Assignee meets the legal, technical, and financial criteria to operate the cable system under the Franchise and all applicable local, state and federal laws.

NOW, THEREFORE, THE COMMUNITY DOES RESOLVE:

1. The Community consents to the Transaction as and if required by the terms of the Franchise.
2. The Community confirms that (a) the Franchise is valid and outstanding and in full force and effect; (b) Grantee has properly invoked its franchise renewal rights under Section 626 of the Cable Communications Policy Act of 1984; (c) Grantee is in compliance with the provisions of the Franchise; (d) there are no defaults under the Franchise, or events which, with the giving of notice or passage of time or both, could constitute events of default thereunder; and (e) effective upon the closing of the Transaction (the date upon which such closing occurs, the “*Closing Date*”), Assignee will be entitled to all rights and privileges granted by the Community pursuant to the Franchise.
3. The Community releases Grantee, effective upon the Closing Date, from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Assignee shall assume and be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.
4. This Resolution shall have the force of a continuing agreement with the Community, Grantee, and Assignee, and the Community shall not amend or otherwise alter this Resolution without the written consent of Grantee and Assignee.
5. This Resolution shall take effect upon its passage and publication in accordance with applicable law.

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Lance Kline with NatureChem gave a presentation on herbicides for the County. His presentation stated that he was working with 25 of the 67 Alabama Counties and 40 of the 82 Mississippi Counties and could do spraying at approximately \$80/acre, as well as other information. Mr. Harcrow told him to keep in touch with Tom Broyles and Ben Luther.

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Wade Hill stated that the Reserve Unit had been obtaining donations and had purchased a Mobile Command Post (a camper). It has been modified into a two station dispatch center with sleeping arrangements, bathroom, kitchen and meeting area. The Sheriff’s Office is presenting the Mobile Command Center as an asset of the County for inventory and insurance purposes.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize titling the mobile command unit to the County.

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Mr. Hill notified the Commission that Karen Hairston has resigned from her position as dispatcher and recommended Blakely Moore to replace her as FT dispatcher.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to accept the resignation of Karen Hairston and authorize the hiring of Blakely Moore as Dispatcher (G5/1).

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Mr. Hill also notified the Commission that Carlos Majano and Yesenia (Jesse) Corona were resigning as Correction's Officers. He recommended Brian Crowe and Daniel Wade Sears to replace them as FT Correction's Officers.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to accept the resignations of Carlos Majano and Yesenia Corona and authorize the hiring Brian Crowe and Daniel Sears as Correction's Officers (G5/1).

Mr. Hill noted that Kizzie Jones would be transferred from the Jail into the Kitchen to supervise the operation (no change in pay – to take Jesse Corona's position).

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Mr. Hill requested four Correction Officers attend Jail School in Decatur in July in an ongoing training process.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize sending four Corrections Officers to Jail School in Decatur in July. (Note: Training for Correction's Officers is paid from the Special Jail Fund).

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COA/RPT Director June Brewer was on the agenda to discuss the 2012 Grant Resolution; however, she was not in attendance. Mr. Sharp notified the Commission that the 2012 Grant Resolution appeared to be the same as last year.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the 2012 Grant Resolution for the Public Transportation Program:

<b><u>Resolution Authorizing Local Matching Funds</u></b>
RESOLUTION NO. <u>11-0614-01</u>
"SECTION 5311 NONURBANIZED AREA PUBLIC TRANSPORTATION"
WHEREAS, the DeKalb County Commission recognizes the need for a public transportation program; and
WHEREAS, the DeKalb County Commission is recognized as a member of the DeKalb County Rural Public Transportation Steering Committee; and
WHEREAS, the DeKalb County Commission recognizes that the requirements to obtain Section 5311 funds from the Alabama Department of Transportation includes a local match of 50% for operating expenses and 20% for administration and capital expenses; and
WHEREAS, the DeKalb County Commission recognizes that the local match will be a share cost with other participating municipalities being responsible for providing an appropriate allocation of local non-federal funds to secure the operating of the Section 5311 Nonurbanized Area Public Transportation Program.
NOW, THEREFORE, BE IT RESOLVED, that the <b>DeKalb County Commission</b> hereby commits the amount of <b>\$203,523.00</b> as local non-federal match for capital, administrative and operations expenditures under the Section 5311 Nonurbanized Area Public Transportation Program during Fiscal Year 2011.
Passed and adopted this the <u>14<sup>th</sup></u> day of <u>June</u> , 2011.

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County Road Superintendent Tom Broyles addressed the Commission with the following Maintenance Update:

- a) Patching: Most crews are still patching. Pot holes continue to be a growing problem.
- b) Bridge: One crew is working in the Cartersville Community on a bridge. Crews are pouring concrete and working on the structure of the bridge. There are at least 4 other bridges throughout the County that will be worked on this summer.
- c) Roads: Other crews are working on preparing roads that will be worked this summer. A road in District III was scheduled to receive asphalt in curves to stabilize the road, but the weather did not cooperate last year. That work will be done in the coming month.
- d) Shop: The renovation of the Shop will get started by Wilkins as soon as the materials arrive.
- e) Herbicide/Mowing: Spraying Herbicide is going slow due to the weather. During the last week, crews were only able to spray about one-half days on average. Crews are also mowing in districts as well.

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- f) Mack Trucks: Mr. Broyles said he had talked with the Mack Truck Dealer and said the County needed to go ahead and order trucks to get them by late December or early January. Mr. Harcrow recommended that the Commission cycle out Mack Trucks again this next year.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize cycling out of the Mack Trucks this year.

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- g) Reclaimer: Mr. Nix asked Mr. Broyles about renting a Reclaimer. Mr. Broyles said the County was on the list to rent one and it might be available by the end of June. He said once the County runs out of chert then they would begin using crushed limestone. Also, he said over the past two severe winters, chert has not held up as a good finishing base for new paving. The chert in the Collinsville pit will be gone by the end of Summer.
  - h) Mt Vera Road: Mr. Kuykendall asked Mr. Broyles about the test road in the Mt. Vera Community. Mr. Broyles said they are going to put some dense grade material on stabilize. The vendor said Counties he has dealt with only budget one inch of material every 10 years and do a top application each year and don't have to put a road grader on the road. With the cost of paving, this may be a cost saving alternative. Mr. Tinker asked about the cost/mile. Mr. Broyles said it takes 4,000 gallons at about \$1.30 - \$1.40/mile. If the procedure works, the County could purchase a storage tanker and cut that cost in half. It provides freezing protection since the freeze point is -17°F.

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County Engineer Ben Luther addressed the Commission and requested permission to attend his final Certification class in the County Government education program, July 27-28 in Prattville.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize Ben Luther, County Engineer to attend the final class for the County Government Education Program.

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Mr. Luther said he had been in contact with the Houston County Engineer and he said they may have some equipment that might be able to loan to the County for debris removal. They recently helped with Sumter County. They are sending up a Supervisor today to look at the debris to see if the equipment they had would be sufficient to help DeKalb County. The Houston County Engineer did say their equipment was old and troublesome to operate. This would not necessarily replace the USACE, but would help the County pay some of its' local match. The County would work the areas outside the Catastrophic Grids and the USACE would stay within those grids.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize County Engineer, Ben Luther to proceed with a mutual aid agreement with Houston County (or any other County) for equipment to use in the debris cleanup.

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Daryl Lester gave an update on the recent Town Meetings coordinated between EMA, Engineering and FEMA to give citizens an opportunity to ask questions. The first meeting was at Sylvania last night. The next one will be Thursday night at the Fyffe Senior Center at 7:00 and the last one at Cartersville Fire Department on June 18 at 7:00 Saturday night.

Mr. Lester also gave an update on the Debris Removal process. He said the general contractor for the USACE (P&J) has completed the first pass over the County. They are 75% finished with the second pass and 25% on the third pass. Currently 311,904 cubic yards have been picked up throughout the County. The current total estimate is 395,000, leaving about 83,000 cubic yards to be picked up. 50,000 – 60,000 of this on the roadside and the rest is on private property. 144 right of entry (ROE) permits have been submitted for FEMA approval.

He said one of the large items left is stumps. They started Saturday picking up stumps and had picked up about 144 Saturday and Sunday. They estimate about 1500 – 2000 stumps throughout the County. The County begins matching the debris cleanup today at 5% (in the catastrophic areas). That will go up to 12.5% on July 12. He showed the Commissioners the Map with the Catastrophic Grids.

Mr. Kuykendall asked what the actual unit cost of the cleanup were. A representative of USACE (Mr. Sweeny) confirmed that the price was approximately \$42/cubic yard on debris removal. Mr. Sweeney said the price would vary depending on the number of stumps and other factors.

Mr. Jackson asked about the Catastrophic grids and why the costs was more outside the grids. Scott Fuller with FEMA addressed the Commission and stated that the purpose of Operation Clean Sweep was to provide additional assistance to catastrophic or extensive structural damage. The National Geospatial is trying to identify those locations and are using 1km squares to determine grids. So, instead of the standard 75/25 cost ratio, this pilot program is for a 90/10 cost ration. The State has volunteered a 50/50 ratio on the non-federal share.

Mr. Jackson said he understood that the county was out no money thus far; however, down the road the costs could get out of hand. Mr. Harcrow said that's why the equipment coming in will help.

Mr. Kuykendall asked Mr. Fuller who would be responsible for collecting insurance benefits that may have been paid to these clients. That would be a very difficult thing to do. Mr. Fuller said he could not give a clear answer on that at this time, but would try to get one later.

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Ms. Hardin addressed the Commission stating that Individual Shelters have become a priority with FEMA and 603 individuals have requested assistance on shelters. The grant is 75% up to \$4,000. There's no reimbursement process for those that have already ordered and/or placed a shelter. This has to be for a new shelter, then seek reimbursement. Ms. Hardin asked the Commission to authorize the application for Individual Shelter Grants, under Hazardous Mitigation.

Also, the County is in line under Hazardous Mitigation to do Community Shelters. Six shelters have already been awarded and are pending bid. Two Shelters are pending award.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize application for an Individual Shelter Grant.

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Mr. Harcrow addressed the Commission concerning a dislocated worker grant in the amount of \$117,000 that will give the County the authority to hire up to 20 temporary employees to help with the tornado cleanup. They will be hired through the Workforce Agency (Career Center). Roger Treadaway with the Career Center will be selecting the eligible applicants.

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Mr. Sharp addressed the Commission concerning the 2010 Census' effect on the Commission District lines. According to the 2010 Census, the population of DeKalb County increased by 10.3% from 64,452 to 71,109. He explained that Commission districts were required to be within a 5% deviation of the 17,777 average population per district. This means the populations have to be between 16,889 and 18,666 He gave the following new populations per district:

District I	17,329
District II	18,631
District III	17,994
District IV	17,155

Since the new population figures are within the 5% deviation, the Commission is not required to redistrict; however, they do have the authority to redistrict one time between each census. Mr. Sharp did say he had been working on the County BOE districts and it appeared that County BOE District I was over the 5% deviation and Districts 3 and 5 were below the deviation. He said he would be sending that information to the Superintendent and County BOE when it is finished.

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Mr. Harcrow asked the Commission to approve the annual VFW Farmer's Market agreement in the amount of \$750.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize the appropriation for the VFW Farmer's Market.

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Mr. Harcrow noted that Ken Murphree was not present and the Ethics Case he wanted to present would be stricken from the Agenda.

It was moved by Mr. Kuykendall, without objection so ordered to adjourn.

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