

The DeKalb County Commission met in regular session on Tuesday, June 28, 2011 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Dewitt Jackson, Ed Nix, Chris Kuykendall and Jerome Tinker. Those absent were Ricky Harcrow, President.

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The meeting was called to order by President Pro Tem, Dewitt Jackson with Tom Broyles delivering the invocation and Jimmy Wright leading the Pledge.

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It was moved by Mr. Nix, seconded by Mr. Tinker, 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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Road Superintendent Tom Broyles updated the Commission on the following:

- a) General Maintenance: Crews are still patching and spraying between the wind and the rain. Crews are approximately 70-75% finished with the first application of herbicide.
- b) CR 76: Crews are working on pouring concrete pillars underneath the bridge on CR 76 to incase the steel pilings. It's taking longer due to the amount of water running in the stream right now
- c) Debris Equipment: The Equipment from Houston County fell through, so the County will not be able to get any equipment from them. The County doesn't have any debris cleanup equipment. There are a lot of stumps left out there. Also, there is some debris from houses that have been pushed to the road – not a lot of trees left to be picked up. Mr. Broyles said he would like to look at purchasing a grapple attachment that could be put on the rubber tired excavator (the one with the hydraulic rock hammer). That would load trees, brush and stumps with a little modification. The County could use their own dump trucks to load remove the debris. The cost would be \$21,000 - \$22,000 and would be paid for quickly by helping the County with it's match. Mr. Broyles said he would also like to look at getting a knuckle boom loader with either a trailer mount or a truck mount. Those might be able to be purchased for \$12,000 - \$15,000. A self-loading truck would also be helpful. Those three pieces of equipment might be able to be purchased for about \$50,000.

Mr. Kuykendall asked if the County had any funding sources available for this. Mr. Sharp said he agreed 100% with Mr. Broyles. Funding would come from savings on the amount of match the County would pay for debris cleanup. He also said if we have another tornado next year like we have had the past three years, the County could almost forget about doing a lot of paving. We can either pay contractors to pick up the debris or we can do it ourselves. Mr. Nix suggested the County go ahead and spec this equipment out and get the bid process underway.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to let bids for a grapple to be used at the Road Department.

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- d) Personnel: Mr. Broyles notified the Commission that Tim Reeves had resigned and last Thursday was his last day. He requested permission to post a position.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to accept the resignation of Tim Reeves and to post the position at the Road Department.

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County Engineer Ben Luther addressed the Commission and requested the County sign a Memorandum of Agreement with the State Department of Transportation on roadside debris cleanup on State Highways. Mr. Nix wanted to know why the State didn't pick up their own ROW and why was the County being held responsible for it. Some discussion was also made concerning liability and including a hold-harmless amendment to this agreement.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to accept the execution of the Memorandum of Understanding regarding the debris cleanup with the addition of a hold harmless agreement approved by the County Attorney.

**MEMORANDUM OF AGREEMENT**  
**BETWEEN THE STATE OF ALABAMA AND**  
**THE DEKALB COUNTY COMMISSION**  
**REGARDING REMOVAL AND DISPOSAL OF DEBRIS**

This Memorandum of Agreement is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as ALDOT; and the DeKalb County Commission, hereinafter referred to as COUNTY; and

WHEREAS, ALDOT has control of and responsibility for maintenance and upkeep of the right of way on state roads; and

WHEREAS, in April of 2011, numerous tornadoes and storms passed over several Alabama counties causing extensive property damage; and

WHEREAS, after a first pass by ALDOT to remove storm debris from the right of way on state roads there is storm debris from private property that has been placed on state right of way

NOW, THEREFORE, the parties hereto agree as follows:

1. ALDOT authorizes the COUNTY, its agent or its contractor to enter upon the state right of way at its discretion in order to arrange, order, gather, or otherwise marshal debris caused by or related to the April 2011 storms and remove and dispose of the debris placed thereon by owners of private property and further agrees that the said ALDOT will hold the DeKalb County Government entity harmless from any damage or obstruction caused by the deposit or placement of any storm debris upon any state right of way involved under the terms of this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated above, and each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

**ATTEST:**

DEKALB COUNTY, ALABAMA

  
As Clerk (Signature)

  
As Chairman (Signature)

MATT G. SHARP  
Type Name of Clerk

Date: 7/5/2011

RICKY HARCROW  
Type Name of Chairman

Date: 7-5-2011

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Mr. Luther requested permission to attend the ACCA Conference in August. The ACEA is having a board meeting and he is on the Board of Directors.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize County Engineer, Ben Luther to attend the Annual County Commissioner's Conference.

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Revenue Commissioner Martha Ogle addressed the Commission and requested approval of the final settlement on property taxes.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize the Chairman to execute the proper documentation on behalf of Ms. Ogle.

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Christy Hardin addressed the Commission concerning a Community Shelter for Valley Head. This will be the 9<sup>th</sup> Shelter Grant to be applied for.

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Daryl Lester gave a debris update. 367,989 cubic yards have been removed through this past Friday. The 2<sup>nd</sup> pass has been completed and the third pass has started in all areas. He said USACE said they should be near completion by July 12 on the road debris cleanup.

Mr. Luther said Jason Ross (field officer for the USACE) said all of the ROE had been received and they are grouping them together for mobilization by the contractor (D&J). Mr. Lester said the cost ratio would revert to 75/25 after July 12 unless the State as a whole exceeded the \$610,000,000 mark which is expected to be hit by mid-August.

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Mr. Sharp addressed the Commission concerning exemptions for Allied Waste and the Town of Powell. Allied allows 500 exemptions and the County has 485, so that won't cost the County

anything this year. Powell has 58 and allows no exemptions. Some discussion was made concerning possible changes in the terms of the agreement with Powell next year.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to approve the exemption list for Garbage collection in DeKalb County.

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Mr. Sharp addressed the Commission concerning a bond reissue on the initial 2002 bond issue. By reissuing that debt, the County could make \$160,000 that could go toward any purchase (i.e., roads, debris cleanup, etc.).

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize reissue of the bond.

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