

The DeKalb County Commission met in regular session at 10:00 a.m. on Tuesday, December 13, 2011 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 Administrator, Matt Sharp delivering the invocation and Commissioner Kuykendall 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 Department Superintendent Tom Broyles gave the following maintenance update:

- a) Patching: Crews are currently patching potholes. They are averaging 500 tons of patching material per month right now.
- b) Pipe Project: Crews have started the pipe-liner project on CR 179; however, the last two big rains caused too much water to allow crews to finish. Efforts to find a large pump to move the water around the pipe have been unsuccessful.
- c) Personnel: In October, the County hired Christopher Williams; however, he decided not to accept the position. Mr. Broyles requested that Jeff Adkins be hired in his place.

It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the hire of Jeff Adkins at the Road Department (G5/3).

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CR 72 Project:

County Engineer Ben Luther requested the Commission award the CR 72 Resurfacing project bid out by ALDOT on December 2 to Jackson Paving at \$586,337.81 After E&I charges and ALDOT's overhead charges, the project comes to \$699,570. Normally, FAS Projects are 80/20; however, it will be a 73/27 split now because of insufficient federal funds. The County's portion of the costs is \$188,883.90

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to concur in the award of the bid for resurfacing County Road 72 to Jackson Paving.

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Reclamation Projects:

Mr. Luther notified the Commission that the original purchase order for reclamation work on roads in District 1 and District 2 was \$102,149.94; however, the actual invoice was \$116,511.08. This was due to two (2) additional roads being reclaimed in District 1 and a different road being reclaimed in District 2. He asked the Commission to authorize the additional invoice to be paid from District 1 and District 2 paving/resurfacing projects in 2012, as was the original \$102,194.94 projects.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize the payment of the invoice for reclaiming roads.

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Mr. Sharp requested the Commission to pass a resolution authorizing BancorpSouth to finance the 2012 Mack Truck purchases at 2.1% interest rate. This compares to 3.69% last year and appears to be the lowest rate in the past 10 years that the County has purchased Mack Trucks.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to adopt the following resolution authorizing the lease of 2012 Mack Trucks by BancorpSouth:

***RESOLUTION NO. 11-1213-01***

***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 2012.

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 2012, 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 2012 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 2012 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.

Mr. Sharp addressed the Commission regarding a claim from FTC concerning an aerial fiber cut on CR 536 by a District 2 Dump Truck. FTC claims \$3,570 in damages.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to forward the above damage claim to Meadowbrook/ASI for final disposition.

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Wade Hill addressed the Commission concerning training for 8 jail employees. He notified the Commission that Chief Dendy had arranged training at the County's facility and 12 jailers from other communities were planning to attend. There would be no real training cost to the County; however, he wanted to ask the Commission to authorize the jail school.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize training for jail employees to be held at the DeKalb County Correctional Facility for County employees as well employees of other agencies.

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Revenue Commissioner Martha Ogle requested the Commission to authorize Donna (Blevins) Smith and herself to attend a State Licensing Conference in Montgomery.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize travel to the State Licensing Conference in Montgomery.

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Mr. Nix requested that Michael Edmondson, Rayford Smith, Jimmy Williams, Tina Malone and Josh Crump be appointed as board members to the Kilpatrick Fire Department for a four year term.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to appoint Michael Edmondson, Rayford Smith, Jimmy Williams, Tina Malone and Josh Crump to the Kilpatrick Fire Department Board.

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On behalf of Animal Adoption Center Director Leslie Johnson, Mr. Sharp requested that Brandon Burt be transferred from temporary to full-time at G6/1 as a CET. (Note: This transfer fills the position vacated by Nikki Wilson).

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to hire Brandon Burt at the Animal Adoption Center at G6/1.

County EMA Director Anthony Clifton addressed the Commission as follows:

- a) Plainview Shelter: This project is underway. There has been a small problem with the architect; however, the project is still on track to be done prior to storm season. It was projected to be completed by the end of 2011, but should be completed by mid-January 2012.
- b) Siren Grants: Five of the seven sirens have been installed. Four of those have power. The Sand Mountain Electric Cooperative and the Fort Payne Improvement Authority have agreed to perform blasting as in-kind match on these grants at a savings to the taxpayer. He asked the Commission to show their appreciation to these two utilities. The goal is to have all of these project completed by the end of 2011.
- c) Individual Shelters: Almost 600 individual storm shelter grants were applied for. As of December 12, 2011, approval has been granted for 188 individual shelters for a total of over \$1.1 million in shelter costs. Four (4) have already been installed and reimbursement has been applied through the State.
- d) Community Shelter Bid Award: Mr. Clifton noted that bids for six (6) community shelters had been sent out. These were mitigation grants from one of the previous disasters (not the April 27 storm). The shelters were approved last year and bids were opened prior to the April 27 storm; however, they had to be rebid due to some technical language. The second bids were opened last Wednesday, December 7 as follows:

	<b>LifeSaver Storm Shelter</b>	<b>Wayne Hill Const.</b>	<b>JWF Industries</b>	<b>Patterson Quality Bulldozing</b>
<b><u>Individual Shelters</u></b>				
Geraldine	89,750.00	88,199.00	82,500.00	71,491.00
Fyffe	89,750.00	88,199.00	82,500.00	71,491.00
Shiloh	89,750.00	88,199.00	82,500.00	71,491.00
Powell	89,750.00	88,199.00	82,500.00	71,491.00
Sylvania	89,750.00	88,199.00	82,500.00	71,491.00
Henagar	89,750.00	88,199.00	82,500.00	71,491.00
Totals (Individually)	538,500.00	529,194.00	495,000.00	428,946.00
<b>Bid for ALL</b>	538,500.00	513,648.00	471,000.00	428,946.00
Bid for ALL/Each	89,750.00	85,608.00	78,500.00	71,491.00

Mr. Clifton stated that the County's consultant, Lee Helms, of Lee Helms & Associates had reviewed the bids and spoken with a representative of the Alabama Licensing Board of General Contractors and determined that Patterson Quality Bulldozing met the legal requirements of the bid and recommended that they be awarded the bid.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to award the bid for the six community shelters to the low bidder, Patterson Quality Bulldozing, based on the recommendation of Lee Helms of Lee Helms & Associates. (Note: This bid is subject to approval by each of the six (6) municipalities that are required to provide a local match on the grants for these community centers).

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Judy Rhea with the area Red Cross addressed the Commission and stated that she was the new Executive Director of the NE Chapter of the American Red Cross and she is responsible for DeKalb, Jackson and Marshall Counties. She said she splits her time between the 3 Counties. She gave the mission statement for the American Red Cross and assured the Commission that Red Cross would continue to service DeKalb County even with a nationwide 10% reduction in staff.

Ms. Rhea said they were recruiting volunteer to continue the work of the Red Cross training for disasters, home fires, etc. They will be working with the area fire departments to make certain that families have food and shelter after home fires, as well as providing assistance after natural disaster such as the April 27, 2011 Tornadoes. The Commissioners thanked Ms. Rhea and volunteers with the Red Cross for their assistance to the citizens of DeKalb County following this past disaster.

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Mr. Harcrow notified the Commission that due to the Christmas holidays the 2<sup>nd</sup> meeting in December (scheduled for December 27) would be cancelled and the next meeting of the Commission would be on January 10, 2012.

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