

The DeKalb County Commission met in regular session on Tuesday, April 10, 2012 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.

The meeting was called to order by President Harcrow with Mr. Jackson giving the invocation and Jimmy Wright leading the pledge.

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.

Mary Elizabeth Carroll addressed the Commission concerning Animal Control after she was attacked by a pack of dogs recently. Her comments are as follows:

“Thank you for allowing me to be here. I brought you all some pictures. I know you all are busy and I am not going to keep you long. I’m not going to go over all the details of my attack. I am sure you all have read that. It was a terrible experience, excruciating pain. The pain is indescribable; something I never imagined could ever happen to me. I have walked all over this County. I’m an animal lover, never been scared of dogs, never dreamed a pack of dogs could attack me in a manner in which they were trying to kill me. I’m here to tell you, but for God’s grace, I’d be dead. Now, I don’t want to get all emotional. I’m not here to talk about me. I’m here to talk about what we need to do as a county to protect our citizens. Now, this attack took place in the City of Rainsville and I applaud the City because they are actually taking steps to correct this problem. They are going to enact the leash laws. Waiting on their City Attorney, but citizens that live in the city are not entitled to more rights than those of us who live in the County. I live in the County. I cannot tell you how many people have come to me since this attack and said you wouldn’t believe what happened to me when I was walking down the road or I was walking my dog and dogs attacked it or they came in my yard and they killed my dog. We actually, about a year ago had two of our pets killed by a pack of neighbor dogs. Our neighbors have had their animals killed. Actually, two dogs got a neighbor’s miniature horse down on the ground and tried to kill it. We have had horrendous dog problems. Where I would love to see everybody be responsible, everybody have their dogs vaccinated, everybody spayed and neutered and try to keep their dog put up. I understand realistically, that’s going to be hard. But, what we can do is we can require people and give the law enforcement laws that they can actually enforce that are reasonable. We have dogs that are dangerous running around that have been complained about. The dogs that attacked me were actually complained about on a number of occasions. Actually, the Police were called the day before I was attacked because they tried to attack a neighbor woman on her own property. But, the Police said there was nothing they could do but go talk to them. So the dogs were there when I came by. I wasn’t even near their yard. They came way out across their yard out into the public road and attacked me. The fact is, our population is getting too big to continue to let dogs just run around free like this, especially dangerous dogs that are aggressive. The CDC, if you look up the facts, these are not Wikipedia facts, 4.7 million people a year are bit by dogs. 386,000 people require treatment in emergency rooms. There are about 16 fatalities a year; over half of those are kids. Most of the time, those that are attacked are children. Hospital costs are estimated at 102.4 million dollars per year. Homeowners’ liability claims are estimated at 1 million dollars. Then, you’ve got lost wages, worker’s comp, and sick time. I can personally attest to this. I am a nurse. I don’t know that I’m

going to be able to work 12 hour shifts again. After a few hours on my legs, I have to lie down. I don't know how long it's going to be. My recovery has been good, however I still have pain in my right leg, and it's numb. I have shooting pains in my left arm, I'm very weak but I'll make a full recovery, hopefully, but I'll always have physical and emotional scars. Fear is not something that is easily resolved. It's not fair to our citizens and the people of this county to allow them to live in fear. The neighbor that lived across the street from where these dogs were was scared to let her children play in her yard. Everybody dismissed her fears, just a hysterical woman. I don't think her fears were hysterical. This could just have easily been one of her children. There are intangible costs as well. Deteriorations of relations among neighbors, emotional trauma, increased costs of homeowners' premiums and a desirability of the community to its citizens and to people looking to move into that area, all of this over a problem which is largely preventable. So, I'm asking you, our elected officials to do something about it. There is actually a law that's been in place since 1915 that give the County Commission the right to deal with free roaming animals; however the penalty for this is not less than \$2, not more than \$50. I'm sure in 1915, \$50 was terrible, but now \$50 is not sufficient. It's not a deterrent. So, I ask you all to support and approve the resolution today to ask our local legislative delegation to give you the power or to allow you to vote on and approve something that will deal with dangerous dogs. I've actually got a resolution here that you all can sign and approve today asking the local legislation delegation to deal with you. I am going to ask you to do this please to protect our citizens from dangerous dogs that are running amuck”.

Former Senator Lowell Barron addressed the Commission concerning this matter as follows:

“Thank you Mr. Chairman. It's good to see all of the Commissioners and Mr. Mauney. All of you. Let me first say I think you are doing an excellent job. I appreciate the job that you are doing and appreciate the remarks that you just made about being proactive. That's what I think we need to do, is as a Commission and as governing body to work with citizens of the community. This was a horrendous thing that Mary Katherine had to go through. This could be our daughter, our wife, our child, any of us and if we can take the steps as a Commission and as a Community and the County to get the legislative delegation to put some teeth in it. We're talking about vicious dogs. We're not talking about a broader scope but I don't think there's anybody in this room, anybody in this State or this County that wouldn't like to see us have some laws or a law that we could deal with vicious dogs. There are certain dogs that are attack animals and that are what attacked Ms. Carroll. Most of the animals, we're not talking about putting all of our animals on a leash, we're talking about those vicious dogs and if there had been complaints filed as there were in this instance with the authorities on dogs and the people don't do something about it, then those people need to be punished, I don't know to do criminal charges probably not, we certainly could do civil charges but whatever if you'll ask your Attorney to work with the legislative delegation and try to draft something and if you'll pass a Resolution, I think that would show that you are proactive working to protect the citizens of this County. I thank you for your comments each one of you”

Mr. Mauney asked Mr. Barron if he would give his input into the language of a proposed bill.

Mr. Barron said he would be happy to.

Jayson Carroll (husband to Ms. Carroll and Town of Fyffe Attorney) addressed the Commission as follows:

“I don't want to take up much of your time, Mr. Chairman, but I will for the benefit of your Attorney, provide to you an Act that was done through a local amendment for Madison County that is what we have envisioned doing here. But I will say about that

Act, I don't think it goes far enough. It requires that a dog have already attacked or caused serious physical injury to someone before it's defined as a dangerous dog that can be regulated under the Act. These dogs hadn't attacked anybody. They had shown aggression, but they hadn't attacked anybody, so I fear that defining a dangerous dog in the way that that Amendment does might not be strict enough, but I think it provides us a forum to go by to look at and I don't know the reason why they did it by local amendment but I think it's not unreasonable for us to ask our local legislative delegation to do the same thing and propose a local amendment for the people to vote on and I appreciate your consideration and I, like my wife urge you to pass the Resolution. As you all know, you are elected representatives of us and you respond to what we ask you to do and just the same our local legislative delegation responds to what we and what you as a body ask them to do. I don't think a local legislative delegation is going to look very seriously at passing legislation that affects this County without the body that regulates this County being behind it, so that's why we ask you to pass a resolution and to convey it to the local delegation and I thank you for your time."

Mr. Mauney stated that there needed to be criminal (as well as civil) charges against the owners of these vicious animals. Also, he said he thought the law could be more stringent than allowing a "free bite" before being regulated.

Mr. Kuykendall stated the following:

"It's a big problem. This has just made everybody intensely aware of a problem we've all known. I've been bit 8 times in the last 40 years in the course of my business. None of them (injured) nearly as serious as you. Standard question on my insurance application, do you have a dog, does it bite? I need to know that before I go out there. If we don't do something to address this problem, then people will take measures in their own hands. They will be killing their neighbors dogs because the neighbor won't do anything about it and I think that's probably even worse because then you've got all kinds of criminal complaints, so I don't think we need to just sit here, we're going to have to do something."

Mr. Jackson addressed the issue as follows:

"I know all of our hearts broke when we heard about this. It's like family out there in Rainsville when situations happen; it touches all of our hearts. When I saw how ferocious your leg has got torn up and looking at these pictures, I can't imagine my granddaughter or Jimmy's grandkids or anybody else's, Ed Burke's grandbaby's or Lowell's getting tore up to the extent that went on. It had to be horrific. The worse thing that ever happened in your life when you're out enjoying yourself a good walk and like Lowell said a while ago, we need a law that's got teeth like those dogs have got. Something that will hold up and make it accessible that Jimmy Harris, Animal Control, these folks if you know there is a vicious dog in your community, I don't see why now we can't be called and Animal Control pick that animal up or something if we know it to be vicious. To me, anybody in DeKalb County that has got a vicious dog and they know it to be vicious and they allow it to run free, and to damage property and neighbors, it's unheard of to me. That's a pretty low shot that you've got no more respect for your neighbors than to allow something like that to happen. As a Commission body and as a neighbor, we hurt for you and I hope that we can get something in place that will make it more suitable to protect our communities. Until then, do what we can. If anybody out there knows of a dog that's vicious and the quality of a dog that's going to hurt somebody, it doesn't need to be out running. It needs to be picked up or penned up, or something needs to be done. I hate it so much for you. Thank you for being here today."

Attorney Terry Hutcheson and a local Pastor (Dillon) also spoke up in favor of some additional regulation on dangerous dogs.

Mr. Nix addressed the issue as follows:

“I’ll agree with what’s been said with each individual that’s spoken so far. Bad dogs and dogs that are mean I call them like that; we don’t need in our county. I’ll agree with our Chairman, the things he said. We have animal control and anyway that we can control what we’ve got now until we get a resolution to protect such as Ms. Carroll there. Now, I’ve been eaten up with dog too myself and there are a lot of them in this county that are bred to be vicious dogs and until we get something to where we can control a vicious dog and how do you mean that, each of you know there are dogs, I believe you named some of them that are trained to be that way, they fight these dogs. I am certainly against anything that will hurt any person individually. I have dogs of my own and I have some that I think the world of but I grant you they are not vicious either, Mark back there might disagree, they kind of growl at him. But that’s something to be growled at anyway. No seriously, it’s time that there’s something done with these dogs. I believe the Sheriff and his people that work for him or with him down there agree that they get calls on this every day on this occasion about dogs and I’ll agree with this resolution here, but I’ll go also with our Chairman the thing you said Chairman Harcrow that we need to get this under control. If anybody has in our communities throughout a vicious dog that you know of, report it to Chairman Harcrow or to me or any one of the Commissioners and we’ll get it to the ones that take care of that in animal control as far as we can go and Senator you know that to get a law passed, I believe it was some time back that we got some kind of a law or it came before up down there for animal control and it didn’t specify the types.”

And Mr. Tinker addressed the Animal Control Issue as follows:

“It’s a shame we have these dogs out here trained to be fighters and I don’t think, in fact, I don’t think anybody should own one of them. But, I don’t know if we can stop that or not, but we can definitely stop the way they do and the way they control them. This is what we need to do, we need to put a law in place and if they’ve got one of these dogs and it harms somebody else’s property, somebody else’s dog, bites someone, we need to throw the book at him. They need a law like this that will take care of it.”

Mr. Harcrow asked the Commission to adopt the resolution as proposed by Jayson and Mary Katherine Carroll.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to adopt the following resolution concerning Animal Control Legislation in DeKalb County:

RESOLUTION OF THE DeKALB COUNTY COMMISSION

WHEREAS, DeKalb County has experienced significant growth in recent years resulting in an increasing level of dog ownership in the County;

WHEREAS, certain dogs not properly restrained or contained on the property where they are owned or kept have created an increasingly serious and widespread threat to the safety and welfare of residents of this County by virtue of their unprovoked attacks on, and associated injury to, individuals;

WHEREAS, these attacks by dogs are attributable, in part, to the failure of the owners to confine and properly train and control these dogs;

WHEREAS, existing laws inadequately address this problem; and

WHEREAS, it is therefore appropriate and necessary to impose requirements on the owners of dangerous dogs.

NOW, THEREFORE, BE IT RESOLVED, that the DeKalb County Commission respectfully request that the DeKalb County Legislative Delegation introduce legislation that provides procedures for the control of dangerous dogs within DeKalb County so as to provide regulatory power to law enforcement officers and courts in the County to investigate and force the proper control of dangerous dogs within the County and to provide criminal and/or civil penalties for the violation of the provisions of such legislation.

BE IT FURTHER RESOLVED, that a copy of this Resolution be set in perpetuity upon the Minutes of the DeKalb County Commission and a copy be forwarded forthwith to all members of the DeKalb County Legislative Delegation.

Dated this the 10th day of April, 2012.

Mr. Sharp notified the Commission that Mr. Broyles was working on a road in District II and was unable to make the meeting today. Terry Bouldin (Vehicle Service Man) had resigned effective April 13 and this position needs to be posted.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, motion carrying, all members voting affirmatively to except the resignation of Mr. Bouldin and post the vacant Vehicle Service Man position (G5).

County Engineer Ben Luther asked the Commission to initiate the next Federal Aid Resurfacing Project for the 2013 Fiscal Year. This project would be in District 3 and would resurface CR 127 (between Alabama Hwy 176 to CR 271). He asked the Commission to adopt a Resolution authorizing this project.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to pass the following Resolution:

COMMISSION MEMBERS

JEROME TINKER
DISTRICT I

ED NIX
DISTRICT II

THE DeKALB COUNTY
COMMISSION
RICKY HARCROW, PRESIDENT
MATT G. SHARP, ADMINISTRATOR
SUITE 200
111 GRAND AVE., S.W.
FORT PAYNE, AL 35967
256-845-8500 PHONE
256-845-8502 FAX

COMMISSION MEMBERS

CHRIS KUYKENDALL
DISTRICT III

DEWITT JACKSON
DISTRICT IV

RESOLUTION

Resolution No. 12-0410-02

COUNTY OF DEKALB

Project No. DCP 25-127-12

STATE OF ALABAMA

Functional Classification No.

WHEREAS, the County Commission of DeKalb County, Alabama, is desirous of constructing or improving, by force account, by contract or both, a section of this road included in the DeKalb County Road System and described as follows:

To Patch, Level, Resurface and Stripe approximately 3.5 miles of DeKalb County Road No. 127, from its intersection with State Highway No. 176, in a Northwesterly direction to its intersection with County Road No. 271

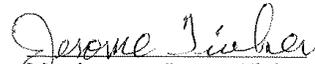
WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed covering the construction of the project.

Done at the regular session of the Commission of DeKalb County, this day of April 10, 2012.

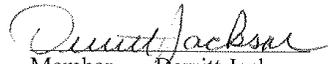
DeKalb County Commission
Governing Body


President Ricky Harcrow


Member Jerome Tinker


Member Ed Nix


Member Chris Kuykendall


Member Dewitt Jackson

Chief Wade Hill notified the Commission that Charles Houston had resigned as the Maintenance Man at the County Jail. He asked the Commission to accept this resignation.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to accept the resignation of Charles Houston.

Chief Hill asked the Commission to hire Ricky (Coon Dog) Higdon to replace Mr. Houston as the Maintenance Man at the Jail at G8/2. He is also a certified Correctional Officer.

It was moved by Mr. Tinker, seconded by Mr. Nix, all members voting affirmatively, motion carrying to hire Ricky Higdon as Jail Maintenance Man at G8/2.

Chief Hill also notified the Commission that Correction Officer Seth Hood had resigned to go into business running a gym.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to accept the resignation of Seth Hood. A replacement employee would be filled later.

Mr. Sharp notified the Commission that Ms. Ogle would not be able to make the meeting today due to a doctor's appointment, so he asked the Commission to authorize Ms. Ogle and a staff member to attend the Summer Planning meeting for Revenue Commissioners.

It was moved by Mr. Tinker, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize Martha Ogle and one employee to attend the summer planning meeting for Revenue Commissioners.

Mr. Sharp also requested the Commission to authorize Probate Chief Clerk Pam Roberts to attend the Summer and Winter Conference in Tuscaloosa. The training is mandatory for chief clerks.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize Pam Roberts, Probate Chief Clerk to attend summer and winter conference in Tuscaloosa.

Mr. Sharp notified the Commission that County Librarian Elizabeth Tucker had notified him that Denise Henderson had resigned her position as the Bookmobile Librarian and she requests Catherin Hart to replace her.

It was moved by Mr. Jackson, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to hire Catherin Hart as part-time Bookmobile Librarian at G4/1 (\$8.98/hr).

Mr. Kuykendall addressed Commission regarding fire protection services in his District. He stated that there were two fire departments servicing very few fire hydrants. The intersection of CR 230 and CR 243 near the Cherokee County line (near Tucker's Chapel Community) is serviced by Dogtown which is 3-4 miles away and the Tucker's Chapel VFD which is located about 2 miles away. There is a 10" line that could service about 75 families and a cabinet shop. He recommended that a fire hydrant be placed using Tipping Fee Funds for this area at an approximate cost of \$2,700 through the NE Alabama Water Protection District.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to provide a fire hydrant in District III at the intersection of CR 230 and CR 243 from the tipping fee fund in the amount of approximately \$2,700.00.

Mr. Sharp discussed the proposed refunding warrant issue for the second jail bond issue. Morgan Keegan has requested that the Commission adopt a resolution giving the Commission President the authority to sign appropriate documents if savings from a refunding issue provided a minimum 3% savings. Due to the volatility in the market, this resolution could save time and money for the County.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to adopt the following resolution:

	THE DeKALB COUNTY COMMISSION	
COMMISSION MEMBERS	RICKY HARCROW, PRESIDENT	COMMISSION MEMBERS
JEROME TINKER DISTRICT I	MATT G. SHARP, ADMINISTRATOR SUITE 200 111 GRAND AVE. S.W. FORT PAYNE, AL 35967 256-845-8500 PHONE 256-845-8502 FAX	CHRIS KUYKENDALL DISTRICT III
ED NIX DISTRICT II		DEWITT JACKSON DISTRICT IV

RESOLUTION No. 12-0410-03

BE IT RESOLVED, ASCERTAINED, ORDERED AND DECREED by the DeKalb County Commission (the "Commission") as follows:

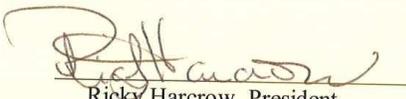
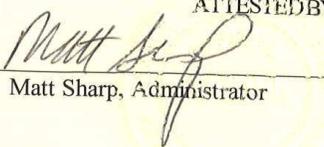
Section 1. Findings. The Commission has ascertained and does hereby find and declare as follows:

(a) it is necessary, desirable and in the public interest that DeKalb County, Alabama (the "County"), provide funds to (i) refund, on an advance basis, the County's General Obligation Warrants, Series 2005, originally issued in the aggregate principal amount of \$3,640,000 and presently outstanding in the aggregate principal amount of \$3,535,000 (the "2005 Warrants"), and (ii) pay the costs of capital improvements to certain roads in the County (the "2012 Improvements");

(b) in order to provide the funds necessary to pay the costs of refunding the 2005 Warrants and of making the 2012 Improvements, the County intends to issue General Obligation Warrants yielding net present value savings to the County of not less than 3.00%, which savings shall be used to make the 2012 Improvements; and

(c) it will be necessary for the County to enter into a purchase contract respecting the Warrants (the "Purchase Contract") with Morgan Keegan & Company, Inc. (said entity, including any successor or assign thereof, being herein called the "Underwriter"), prior to the date on which the issuance and delivery of the Warrants will be approved by the Commission.

Section 2. Authorization to Execute Purchase Contract. The Commission does hereby authorize the President of the Commission (the "President"), in his discretion and on behalf of the County, to execute the Purchase Contract, but only if the Warrants as described in the Purchase Contract comply with the parameters set forth in Section 1(b) of this resolution and order. The Purchase Contract shall be subject to ratification and approval by the Commission, following its execution by the President, at such time as the Commission adopts a resolution and order authorizing issuance and delivery of the Warrants.

 Ricky Harcrow, President	ATTESTED BY:  Matt Sharp, Administrator
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Mr. Harcrow noted that the next Commission meeting would be April 24, 2012.

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

Ricky Harcrow, President

Jerome Tinker, Commissioner District I

Ed Nix, Commissioner District II

Chris Kuykendall, Commissioner District III

Dewitt Jackson, Commissioner District IV