

The DeKalb County Commission met in regular session on Tuesday, May 22, 2012 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, President, Jerome Tinker, Chris Kuykendall, and Dewitt Jackson. Those absent were Ed Nix for a Medical Appointment.

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

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It was moved by Mr. Tinker, seconded by Mr. Kuykendall, 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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Attorney Pat Tate addressed the Commission regarding the Kilpatrick Fire Department. He noted that back in April 1996, the County Commission approved the formation of a fire protection district in Kilpatrick. The original Articles of Incorporation had a typographical error which called the Fire Department the Fire Improvement Authority instead of the Fire Protection Authority. Also, the number of directors was set up for 9 members instead of the typical 5 member board. Also, the original articles did not accurately reflect the physical boundaries of the district. He asked the Commission to adopt a resolution authorizing him to file amended articles in the Probate Office.

It was moved by Mr. Tinker, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the following resolution authorizing amendments to the Articles of Incorporation for the Kilpatrick Fire Protection Authority:

STATE OF ALABAMA  
COUNTY OF DEKALB

**RESOLUTION APPROVING APPLICATION OF KILPATRICK FIRE  
PROTECTION AUTHORITY TO AMEND ITS  
ARTICLES OF INCORPORATION**

**WHEREAS**, an application has been filed with the DeKalb County Commission as the governing body of DeKalb County, Alabama, to amend the Articles of Incorporation of the Kilpatrick Fire Protection Authority in accordance with the provisions of Section 11-88-5, Code of Alabama, 1975, as amended, and

**WHEREAS**, the DeKalb County Commission has reviewed the contents of the application and found that the statements contained therein are true and that the amendments of the Articles of Incorporation will promote the public health, convenience and welfare.

**BE IT HEREBY RESOLVED**, by the DeKalb County Commission in accordance with the provisions of Section 11-88-5, Code of Alabama, 1975, that the DeKalb County Commission, as the governing body of DeKalb County, Alabama, finds that the contents of the application for the amendments to the Articles of Incorporation of the Kilpatrick Fire Protection are true and correct and that said application is due to be and is hereby granted.

Done this the 22<sup>nd</sup> day of May, 2012.

DEKALB COUNTY COMMISSION

By Ricky Harcrow  
Its President

ATTEST: Pat Tate  
Its Clerk

Included is Resolution from the Kilpatrick Fire Department:

STATE OF ALABAMA  
COUNTY OF DEKALB

**RESOLUTION PROPOSING AMENDMENT**

**WHEREAS**, the Kilpatrick Fire Improvement Authority, Inc., is a duly organized fire protection authority organized pursuant to the authority of Chapter 88 of Title 11, Code of Alabama, 1975, as amended, and

**WHEREAS**, the DeKalb County Commission as the governing body of DeKalb County, Alabama, adopted a resolution on the 26<sup>th</sup> day of April, 1994, authorizing the incorporation of said authority, and

**WHEREAS**, the Articles of Incorporation of said authority were filed for record in the office of the Judge of Probate of DeKalb County, Alabama, on the 11<sup>th</sup> day of May, 1994, and are recorded in Corporate Book X at pages 35-38, and

**WHEREAS**, the Board of Directors of said authority propose to amend the Articles of Incorporation to clarify the correct legal name of said authority to reduce the number of directors from 8 directors to 5 directors and to provide for a concise legal description of the area in which the authority will renew fire protection service, and

**WHEREAS**, the Board of Directors propose to amend the Articles of Incorporation to accomplish the corrections stated hereinabove.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors of the Kilpatrick Fire Improvement Authority, Inc. hereby adopt this resolution in accordance with the provisions of §11-88-5(b)1, Code of Alabama, 1975, as amended, requesting that the DeKalb County Commission adopt a resolution authorizing the name of the authority to be changed from the Kilpatrick Fire Improvement Authority, Inc., to the Kilpatrick Fire Protection Authority, reducing the number of directors of the authority from 8 to 5 directors and to allow the authority to more concisely state the legal description of the service area of the authority.

Done this the 21 day of May, 2012.

KILPATRICK FIRE IMPROVEMENT  
AUTHORITY

By Michael J. Edmondson  
Its Chairman

Attest: Vina Malone  
Its Secretary

Road Superintendent Tom Broyles gave the following Road Maintenance Update:

- 1) **Mowing**: All crews are still mowing.
- 2) **Herbicide**: The wind has hampered the first application of herbicide. Spraying is ongoing, but has been delayed by a couple of weeks. The crew still likes some spraying in District III and should be completed within two weeks, depending on the weather.
- 3) **Bridge Replacement**: The CR 86 bridge in the Collinsville area has been replaced. That was a one-lane bridge with a 6-ton weight limit. It has been replaced with large pipe and the curves in the road have been straightened out. This should allow more traffic and allow school buses to cross. A crew started yesterday on a bridge replacement on CR 531 in the Crossville area. That road will be closed for about a week.
- 4) **Personnel**: Jason White accepted, and then turned down a job in one of the crews, so that position needs to be reposted. Also, Stanley Harper is retiring as a Mechanic at the end of May, so that position also needs to be posted.

It was moved by Mr. Tinker, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to post two positions at the Road Department (G5/3).

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Mr. Harcrow recognized a special guest at the Commission meeting - Charles Mauney's granddaughter Betsy Jennings who lives in the Philippines. He thanked her for her presence in the meeting today.

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County Engineer Ben Luther addressed the Commission regarding the NRCS Emergency Watershed Protection Bid. He noted that two bids were opened on May 14<sup>th</sup>. The low bidder did not have a GC License and could not be considered. The other bidder was Bolt Construction with a total bid of \$137,380. He noted that was an addition error in the total bid and the actual total was \$137,290. This is within the grant threshold. This is a 90/10 federal grant and would only cost the County \$13,729. He recommended the bid be awarded to Bolt.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to award the NRCS Emergency Watershed Protection bid to Bolt Construction.

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Mr. Luther also discussed CR 72. That project came in considerably under the original budget. He noted that the Office of Engineering Bureau in Montgomery had originally determined that the County did not have sufficient Federal money to make this a typical 80/20 project, so the project went to a 73/27 split. The County had to send in a check for the 27% which came to \$188,883.90. Since the project came under budget, it was determined by the State Engineers, that the County did have sufficient federal funds to make the project an 80/20 split. This put the County's share at \$139,914.00 instead of \$188,883.90 – a difference of \$48,969.90. He asked the Commission to pass a resolution authorizing Mr. Harcrow and Mr. Sharp to execute an agreement with ALDOT.

It was moved by Mr. Jackson, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to adopt the following resolution authorizing the President and Mr. Sharp to sign the revised agreement (Note: Agreement is on file in the Engineer's Office and Commission Office).

RESOLUTION NUMBER 12-0522-02

BE IT RESOLVED, by the County Commission of DeKalb County, Alabama, that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for :

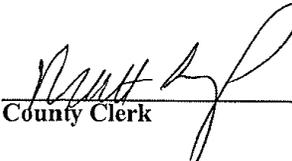
Partial widening and resurfacing on CR72 from SR75 to CR486. Length - 2.795 miles.  
Proj #STPNU-2500(212), DCP 25-72-09. CPMS Ref #100057529;

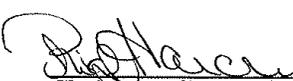
which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

Passed, adopted, and approved this 22<sup>nd</sup> day of May,  
20 12.

ATTESTED:

  
\_\_\_\_\_  
County Clerk

  
\_\_\_\_\_  
Chairman, County Commission

Deputy EMA Daryl Lester addressed the Commission concerning a proposed grant through the Alabama Department of Public Health (ADPH). As a result of the devastation caused by the April 27, 2011 Tornado Disaster, this \$50,000 grant would provide a 26-30 person mortuary trailer. It is 100% funded by ADPH and would be placed in the custody of the County Coroner with Deputy Coroner Bruce Wilson being in charge of the equipment.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize approval of submitting the ADPH Grant for the mortuary trailer.

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Mr. Lester gave an update of the Individual Safe Room Grants. 323 individual grants were submitted. So far 281 have been approved (more than any other County in the State). He said the other 42 would most likely be approved also.

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Mr. Harcrow read the Red Cross agreement. This agreement continues previous agreements to provide an office for Red Cross over the next 3 years.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to authorize the President and County Administrator to sign the following lease agreement with Red Cross:

STATE OF ALABAMA

COUNTY OF DEKALB

AGREEMENT

This Lease Agreement is made and entered into by and between the DeKalb County Commission as the governing body of DeKalb County, Alabama, hereinafter referred to as the "Commission" and The American National Red Cross a nonprofit corporation, a Federally chartered instrumentality of the United States, and a body corporate and politic under the laws of the United States (36 U.S.C. §§ 300101-300111 (2007)) hereinafter called "Red Cross".

1. For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the Commission does hereby lease to the Red Cross designated office space within the DeKalb County Activities Building located at 111 Grand Avenue S.W., Fort Payne, Alabama.
2. The parties stipulate and agree that the fair market value of the rent for said office space is Four Thousand, Eight Hundred Dollars (\$4,800.00) per year.
3. The Commission and the Red Cross further agree that in lieu of said rent the Red Cross will furnish certain secretarial and clerical services to the DeKalb County Commission as requested and shall provide information regarding the location of all other offices or agencies with the DeKalb County Activities Building to any person requesting such information.
4. The Commission and the Red Cross further agree that the services to be rendered by Red Cross as set out in the preceding paragraph shall be equivalent to the rental market value of their office space.
5. The parties further agree and understand that the term "rent" includes electrical, water, waste water utility service, garbage and janitorial services provided in said building.
6. The Red Cross shall be responsible for all its telephone expenses.
7. The services to be provided by Red Cross are further enumerated as follows:
  - a. The Red Cross shall provide to the DeKalb County Commission secretarial and clerical assistance in a form miscellaneous in nature and including, but not limited to assistance in research and

preparation of right of way deeds for the DeKalb County Road Department.

- b. The Red Cross shall provide information during their regular office hours of the locations of all other agencies or offices located in the DeKalb County Activities Building to any person in need of such information.
8. The parties agree that nothing contained in this Agreement shall be construed to imply that any employee of Red Cross is an employee of the DeKalb County Commission. To the contrary, the parties agree that their relationship is contractual only and that nothing contained herein is intended to create any type of master and servant or agent or other similar relationship between the parties.
9. This Agreement shall terminate on June 1, 2015 and shall be subject to renewal on July 1, 2015 upon the mutual approval of the governing bodies of the respective organizations.
10. Either party may terminate this Agreement by giving the other party thirty (30) days written notice of its desire to terminate the Agreement.

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Mr. Harcrow addressed the Commission regarding the Redistrict Proposals set out by the State Legislature. These changes would increase the number of State Senators in DeKalb from 1 to 3; increase the number of State Representatives from 4 to 6; thus increasing our total number of State Legislators from 5 to 9, making it harder to pass local legislation.

Mr. Harcrow asked the Commission to adopt a resolution calling on the legislators to reconsider these changes.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize the President to sign the following Resolutions regarding 2010 Census Redistricting:

### **Redistricting Resolution**

We, the Dekalb County Commission, while in regular session do hereby voice our opposition to the current redistricting proposal affecting Dekalb County, now before the Alabama Legislature.

It is our firm conviction that dividing Dekalb County among nine legislators, three State Senators and Six Members of the House of Representatives, will severely handicap our abilities in the role of local government in both the County and Municipal arena, and

In this time of economic stress for every government agency in our state and nation we believe that such a course, as is now being proposed, will be highly detrimental and will without a doubt impede the process in the way we are allowed to perform our many and varied roles, therefore

We, the Dekalb County Commission while in regular session, this 22<sup>nd</sup> Day of May, do respectfully make an earnest appeal to you, our legislative delegation, to reconsider the district lines as they are now proposed; be it further known that we do understand the guidelines that must be followed from the standpoint of federal regulations but we would also urge you to let political agendas pale to the background and the common good be first and foremost as you go through this difficult process.

This resolution read and approved in regular session of the Dekalb County Commission May 22<sup>nd</sup>, 2012 and ordered signed by its President

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Probate Judge Ronnie Osborn addressed the Commission concerning HAVA funds available through the Secretary of State's Office. DeKalb County has been allocated approximately \$82,000. He asked the Commission to consider using about \$46,500 of this to purchase 55 I-Pads to be used by poll workers during elections. He said he had a letter from the Examiners of Public Accounts that said the items did not have to be bid, because they are on the State Bid List. He said the purchases would be 100% reimbursable. According to Judge Osborn, eight (8) other Counties used these I-Pads during the recent Primary Elections, and 13-14 more Counties are looking at using these machines during the General Election.

It was moved by Mr. Kuykendall, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize Probate Judge Ronnie Osborn to proceed with ordering the I-pads for use in the Elections.

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Kane Burnette, with Bradley, Arant, Boult, Cummings LLP (Bond Attorneys) addressed the Commission stating that the refunding warrants for the 2005 Jail Warrant Issue has been refinanced with a savings of approximately \$200,000. \$150,000 (net) of this would be transferred in Cash to the County, with the remaining \$50,000 representing a reduction in the total amount of debt service. (Note: This refunding issue did not increase the term of the warrants).

Mr. Harcrow notified the Commission that the County had received in Cash over \$400,000 in refinancing the two (2) Jail Warrants in addition to cutting costs on the debt service payments. Mr. Burnette asked the Commissioners to stay after the meeting to sign the documents for the refunding issue.

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Mr. Harcrow noted that the next Commission meeting will be on June 12, 2012.

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