

The DeKalb County Commission met in regular session on Tuesday, June 26, 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.

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The meeting was called to order by President Harcrow who also delivered in the invocation. Mr. Nelson Stallings lead the Pledge.

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It was moved by Mr. Tinker, seconded by Mr. Nix, 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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Mr. Harcrow introduced Dale Fischer with the VFW. Mr. Fischer presented Mr. Harcrow and the Commission with a Patriotic Award showing love of God, Country and the Flag on behalf of VFW Post 3128. Mr. Harcrow thanked them for what the VFW stood for and was happy for the Commission to do what it could to promote the VFW.

Mr. Harcrow notified the Commission that a joint project between the County and the City of Fort Payne was underway to develop a Veteran's Park in Fort Payne in Fort Payne.

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Road Superintendent Tom Broyles addressed the Commission with a maintenance report as follows:

- a) CR 51: The project on this road was delayed a couple of weeks and should get underway next week.
- b) Storage Facility: Work has begun on a storage building and containment system for the County's calcium chloride storage tank. By the end of the week, concrete should be poured.
- c) Pug Mill: Mr. Nix asked Mr. Broyles about purchasing a pug mill to mix our own material, subject to the County's finances. Mr. Broyles said the most economical thing for the County to do would be to pre-mix material on the yard and haul it out. It would cost \$250,000 to purchase a mill, along with portable scales. It will also cut back on waste and would pay for itself over a period of time. Mr. Broyles also said it would take a truck capable of hauling the 36,000lbs of material, along with the 3,000 gallon tank.

Mr. Harcrow asked Mr. Broyles to come back with some numbers at the next meeting.

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Wade Hill addressed the Commission regarding a personnel matter. Jeanne Simpson abandoned her position in the jail due to medical reasons and is drawing unemployment.

It was moved by Mr. Tinker, seconded by Mr. Nix, all members voting affirmatively, motion carrying to declare a vacant position at the jail and to authorize the Sheriff's Office to fill the position at a later date.

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Mr. Sharp addressed the Commission concerning Excess Land Sales transfer to the General Fund. He explained that once the County holds these funds for three (3) years, the County Commission may transfer these funds to the General Fund, whereby the rightful owner would have ten (10) additional years to claim those funds.

Mr. Kuykendall asked what constitutes those funds. Revenue Commissioner Martha Ogle stated that these funds were generated by the May 11, 2009 tax sale. She said the excess arises when someone bids more than the tax due on a piece of property. She said certified letters are sent out to reach the rightful owners, but these were left unclaimed.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to order the transfer of the following from the excess from land sales to the General Fund in accordance with Code Section 40-10-27:

PPIN #	Buyer	Assessed To	Date Sold	Excess
#2528	Jerry Findley	Ira Spicer (LE)	5/11/2009	\$143.28
	Containing 9.3 ac (S32 T4 R10) A parcel being that PT NW ¼-SW ¼ lying W of Center of Ridge: Less Rd ROW			
#9338	Charles L. Hester	Edna M. Spears	5/11/2009	\$246.04
	Containing 4.06 ac (S32 T5 R10) Valley Head Pt of SW-SW Desc as 250' E of SW Cor of ¼ ¼, Th: N 420' E 118.27' N 119.86' NE 152.19 SE 188.78' S 500.9' W 330' to POB.			
#9472	Sonny Patterson	Maddox-Wright, LLC	5/11/2009	\$565.33
	Containing 2.5 ac (c) (S7 T6 R11) Pt of SW-NW Desc as: Beg 906.69' N of SW Cor of ¼ ¼ Th: N 175' E 70' N 310' SE'LY 620' SW 331.83' to POB			
#14484	Kenneth/Jack Hilliard	C Edward/Bonnie Ashley	5/11/2009	\$40.35
	Brookwood S/D Blk 1 Lot 2 (S19 T6 R8) Rainsville			
#47050	Carl Jones	Unknown Owner C/O Robert Keef	5/11/2009	\$98.42
	Containing 2.72 ac (S15 T6 R8) Pt of NW-NW Desc As: Beg 240' W of NE Cor of ¼ ¼ Th: S 1320' W 90' N1320' E 90' to POB			
#47802	Sonny Patterson	Dennis/Tina Bailey	5/11/2009	\$564.00
	Containing 40 ac (S13 T9 R5) A parcel being NE-SE			
#50815	Kevin/Cynthia Rooks	Cynthia Critchley	5/11/2009	\$824.90
	Containing 4 ac (S36 T5 R10) Pt of NE ¼ SE ¼ Desc as: Beg NE Cor of ¼ ¼ Th: S 188.50' W 903.82' N 189.11' E 924.06' to POB			

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Mr. Sharp notified the Commission that Leslie Johnson had requested permission to attend the Alabama Southern Veterinary Conference in Birmingham, August 9-12 as required continuing education for her Veterinary Tech License.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to authorize Leslie Johnson to attend the Alabama Southern Veterinary Conference.

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Probate Judge Ronnie Osborn requested that Missy Hughes be authorized to attend the Probate Judge Summer Conference.

It was moved by Mr. Tinker, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize Missy Hughes to attend the summer Probate Conference.

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EMA Director Anthony Clifton addressed the Commission and requested that he be authorized to purchase a 2013 Chevrolet 1500 pickup, crew cab, 4WD work truck similar to the Engineer's vehicle. The Chevrolet dealership received permission to sale these 2013 models at the 2012 bid price – a cost of \$26,987.00.

It was moved by Mr. Tinker, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize the purchase of a vehicle for the EMA Department off the State Bid List.

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Mr. Harcrow acknowledged Mr. Clifton as being awarded EMA Rookie of the Year by the Alabama Association of Emergency Managers.

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Mr. Mauney notified the Commission that the litigation regarding the Community Shelters has been resolved. Mr. Mauney stated that Judge Rains had ruled in the County's favor in all aspects of the case, with the exception of possible bid preparation costs, which remain unresolved. What this means is that the County has the right to rebid the projects and is not required to award the bid to Wayne Hill Construction. This would have increased the project cost by over \$100,000 and the municipalities would not have been able to fund the local match required by the grant.

Mr. Sharp said the bids were sent out just like every other County in the State. However, several factors lead to confusion over the bids. (1) One being that the General Contractor's (GC) license / Building Construction (BC) certification had never been addressed before, (2) the Manufactured Home (MH) Commission requirements and (3) the public works law. Mr. Hill was concerned only about the GC/BC, while none of the bidders had a MH License and the bid was sent out as a Competitive Bid, as opposed to a Public Works Law bid.

Mr. Sharp said he hoped to get bids out as soon as possible; however, he said he wanted to take time to make sure all interested parties were on the same page. This bid is for grants awarded to municipalities, who are providing the local match, so any bids would need to be approved by those municipalities first. Also, he wanted to make sure that the GC Board, MH Commission and ACCA had input into the specifications as well.

Mr. Mauney recommended that the Commission reject all previous bids from the December 2011 bid opening and re-bid the program as expeditiously as possible.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to reject all bids on the Community Shelters and to re-bid the shelters.

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Mr. Harcrow notified the Commission that the ACCA had asked DeKalb County to request an AG Opinion regarding the "Tax at the Rack" law that goes into effect this year. There are some clarifications that need to be made concerning the collection of fuel taxes under certain provisions of the law.

It was moved by Mr. Nix, seconded by Mr. Tinker, all members voting affirmatively, motion carrying to adopt the following resolution requesting an Attorney General's Opinion regarding the "Tax at the Rack" laws:

RESOLUTION NO. 12-0626-01

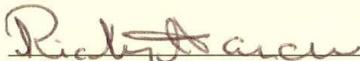
WHEREAS, the DeKalb County Commission is the governing body of the County of DeKalb County, Alabama; and

WHEREAS, the DeKalb County Commission desires to clarify certain provisions of Act No. 2011-565; and

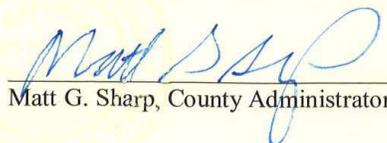
WHEREAS, the interpretation of these certain provisions could be misconstrued and not be the intent of the Legislature of Alabama;

NOW, IT IS THEREFORE RESOLVED by the DeKalb County Commission to request an official Attorney's General Opinion to resolve these questions as set forth in the attached letter.

DONE THIS 26<sup>th</sup> day of June, 2012

  
Ricky Harcrow, President

ATTESTED BY:

  
Matt G. Sharp, County Administrator

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The next meeting will be July 10, 2012 at 10:00.

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