

The DeKalb County Commission met in regular session on Tuesday, December 11, 2012 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, President, Shane Wootten, Derek Caldwell, Chris Kuykendall and Dewitt Jackson. Those absent were none.

The meeting was called to order by President Harcrow, giving the invocation with Jimmy Wright leading the Pledge.

It was moved by Mr. Jackson, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to dispense with the reading of the minutes and to accept them as presented in written format.

Mr. Broyles gave the following Road Department Maintenance Update:

- a) Hauling: Crews have finished hauling base material into District 4 last week. Crews are pre-mixing materials to repair intersections on these roads.
- b) Storage Building. The roof and side panels are now on the storage building. The wiring on the building will start tomorrow. Also, a crew is wiring the old lube shop and converting it into a paint shop for the Mack Trucks sold each year.
- c) Patching/Mowing: Crews are still patching potholes on days when it's too wet to grade. Crews are also cutting bushes off County ROW.
- d) Auction Results: The JM Wood Auction was December 5-6. JM Wood's guarantee and actual results are set out below:

	<u>Co. ID #</u>	<u>Guarantee</u>	<u>Actual Bid Amount</u>
2006 Cat 420E 4x4 Backhoe (HLS01364)	CE-0664	\$40,000	\$47,000
2006 Cat 420E 4x4 Backhoe (HLS01362)	CE-0062	\$38,000	\$45,500
2006 Cat 420E 4x4 Backhoe (HLS01363)	CE-0663	\$38,000	\$44,000
1998 Cat 426C 4x4 Backhoe (6XN01600)	CE-9826	\$20,000	\$24,000
1998 HAMM 2422 Vib. Roller (41221)	CE-9933	\$17,000	\$24,000
Massey Ferguson Bushcutter (M12689)	CE-0387	No Guarantee	\$ 7,000
	Totals	\$136,000	\$184,500

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- e) Mack Trucks: Ten (10) of the new Mack Dump Trucks have been received. The remaining four (4) should be received in the next couple of weeks.
 - f) Personnel: Mr. Broyles recommended Donny Lea and Jerry Dobbins to fill the two vacant positions in the District 1 crew, left by the retirement of Terry Wininger and Terry Cordell)

It was moved by Mr. Wootten, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to hire Donny Lea and Jerry Dobbins at the Road Department (G5/3).

Mr. Harcrow requested the Commission to authorize him to write a letter to the ALDOT notifying them that the County would not be participating in the RAMP program for small Counties, but would stay in the ATRIP program.

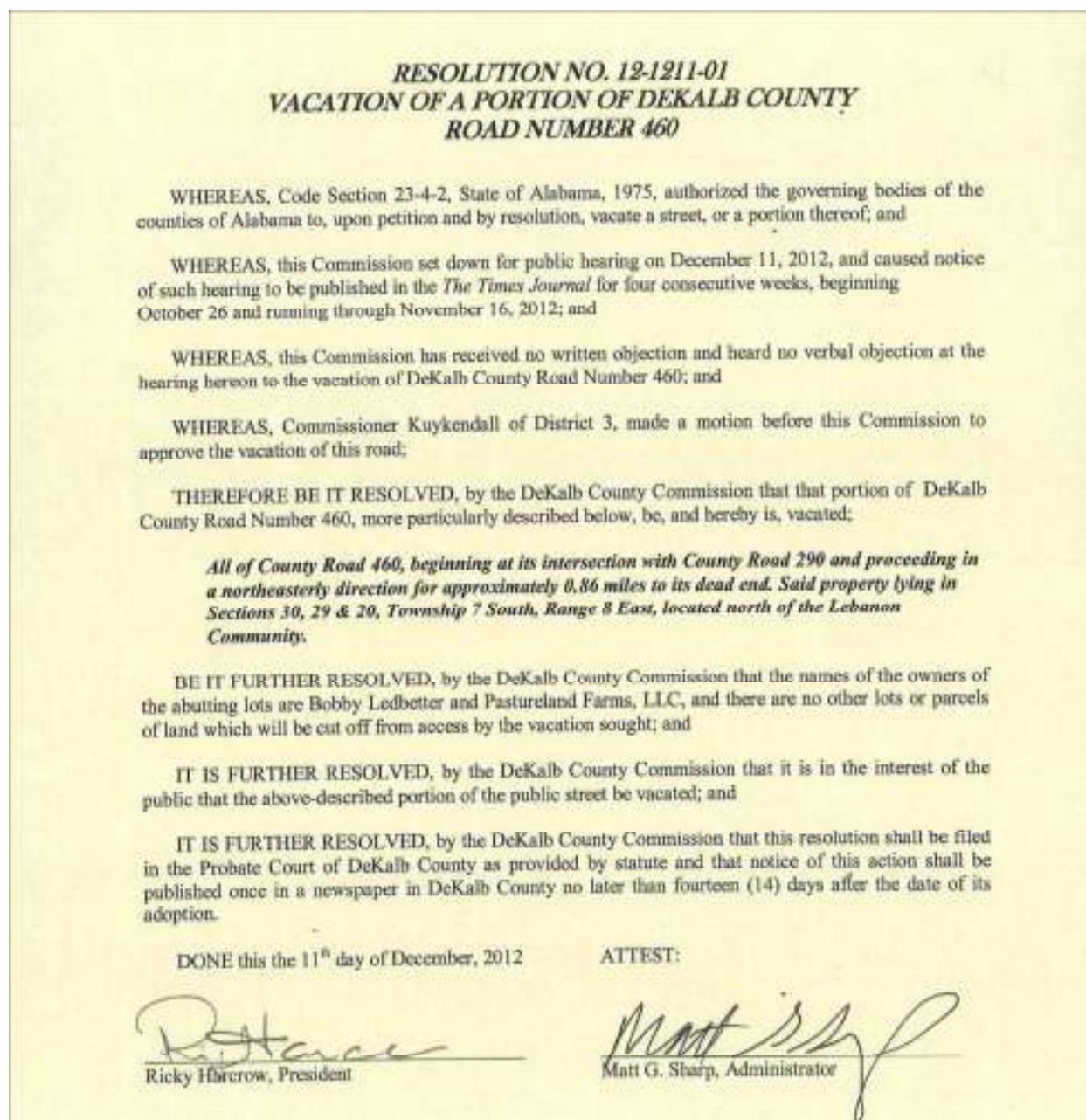
It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to continue with the ATRIP Program with the State.

Public Hearing (CR 460 Vacation):

Mr. Luther reminded the Commission that a public hearing needed to be held (and had been advertised as required by State Law to be held at 10:00 a.m. on December 11, 2012 in the Commission Chambers). Mr. Luther noted that he had requested the hearing in October for CR 460 in District 3. Most of the property has been purchased by a farm group out of Birmingham. A gat had been put on near CR 290 and had been brought to the attention of the County Engineer.

Mr. Harcrow requested if anyone in the audience represented an interest in the vacation of this road. There being none, he asked Mr. Luther for his recommendation. Mr. Luther requested the Commission to adopt a resolution vacating CR 460.

It was moved by Mr. Kuykendall, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to adopt the following resolution vacating County Road 460:



Mr. Clifton requested authorization to attend the International Disaster Conference and Expo in New Orleans January 8-10, 2013.

It was moved by Mr. Jackson, seconded by Mr. Wootten, all members voting affirmatively, motion carrying to authorize travel expenses for Anthony Clifton and Michael Posey to attend the International Disaster Conference January 8-10, 2013 in New Orleans, LA.

Mr. Clifton also notified the Commission that a federal grant had been received to replace radios for all the sirens in the County for the FCC required narrow-banding proposition. That will save the County about \$40,000.

He also notified the Commission that the first two Community Shelters will be set before the end of the year at Shiloh and Fyffe. The Mentone shelter will be started next. Henagar and Geraldine Shelters have started as well and groundwork has also started at Powell.

He also mentioned that 321 individual shelters had been approved and 171 have been installed.

Revenue Commissioner Martha Ogle requested the Commission to transfer Michael Wootten from Motor Vehicle Clerk to Appraiser to fill a vacant position in the Reappraisal Department. She also requested that Meagan Williams be hired in the Tag position to replace Mr. Wootten.

It was moved by Mr. Kuykendall, seconded by Mr. Wootten, all members voting affirmatively, motion carrying to move Mike Wootten to the open Appraiser position (at G5/1) and to hire Meagan Williams to fill the vacancy left by Mr. Wootten (at G4/1).

Mr. Harcrow notified the Commission that Mr. William Schwartz, of Mentone, had resigned from the Library Board for health reasons. His term ends in September 2013. Mr. Harcrow recommended Hubert Tumlin of Rainsville to fill out the rest of the term.

It was moved by Mr. Caldwell, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to appoint Mr. Hubert Tumlin to the DeKalb County Library board to fill the remainder of Mr. Williams Schwartz's term through September 2013.

Mr. Harcrow also recommended to the Commission to reappoint Mary Etta Bailey and Helen Watkins to new terms on the Library Board. Note: Ms. Bailey's term ends in September 2016 and Ms. Watkin's term ends in September 2014 (County Librarian Elizabeth Tucker notified Mr. Sharp that an error had occurred in the terms and that Ms. Watkin's term should have ended in September 2010 and the new term would end in September 2014 and be every 4 years thereafter).

It was moved by Mr. Wootten, seconded by Mr. Caldwell, all members voting affirmatively, motion carrying to reappoint Ms. Mary Etta Bailey and Ms. Helen Watkins to new terms on the Library Board. Ms. Bailey's term ends in September 2016 and Ms. Watkin's term ends in 2014 (and would be every four years thereafter).

Mr. Harcrow notified the Commission that DAS (Hospital) Board Member Randy Carson had passed away (as did his father Howard Carson back in November 2008). Mr. (Shane) Wootten extended his condolences to Mr. Carson's wife Kathy and family and said he was pillar of the community and served the board well. He recommended Christy Hardin to replace Mr. Carson on the Hospital Board.

It was moved by Mr. Wootten, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to appoint Christy Hardin to the DAS Board to complete the remainder of the term held by Mr. Randy Carson – December 31, 2014.

Mr. Harcrow addressed the Commission regarding courthouse offices. He noted that this issue has not come up in the past; however, it falls to the Commission to provide office space for the judges. With a new Circuit Judge (Shaunathan Bell) taking office in January the assignment of offices by State Law is the responsibility of the County Commission. Mr. Harcrow asked for a recommendation from the Commission.

Mr. Wootten made a motion, seconded by Mr. Caldwell that pursuant to Alabama State Code 11-3-11(a)(1), he requested Shaunathan Bell, Circuit Judge-Elect, Place 1, as successor to Judge David Rains, and resident of DeKalb County, Alabama, occupy the suite of offices currently occupied by Judge Rains on the Fourth Floor of the DeKalb County Courthouse and Courtroom 303, on the Third Floor of the Courthouse, which has previously been designated as Judge Rains' Courtroom.

Mr. Harcrow asked Mr. Mauney for his opinion. Mr. Mauney said he has read the law and said it clearly gives the County Commission the authority to make assignment of courtrooms and offices in the courthouse. He said he would research further if needed. Mr. Harcrow said he had contacted the State County Commission Association attorney and she agreed that this procedure was correct.

Mr. Jackson said he felt uncomfortable with being put in the spot to make a decision on what Judges take which courtrooms. He wanted more time to think about it and discuss with the affected Judges. Mr. Kuykendall asked to table the motion until the next meeting. Mr. Harcrow said there was already a motion and second on the table and asked Mr. Wootten if he would withdraw his motion.

The motion was not withdrawn, so Mr. Harcrow asked for more discussion and echoed Mr. Jackson' sentiment that he did not relish telling the Judges which courtrooms they should occupy.

Mr. Harcrow then called for the vote and stated for the record that the motion and second stand and all members voted affirmatively, motion carrying that pursuant to Alabama State Code 11-3-11(a)(1), he requested Shaunathan Bell, Circuit Judge-Elect, Place 1, as successor to Judge David Rains, and resident of DeKalb County, Alabama, occupy the suite of offices currently occupied by Judge Rains on the Fourth Floor of the DeKalb County Courthouse and Courtroom 303, on the Third Floor of the Courthouse, which has previously been designated as Judge Rains' Courtroom.

Mr. Harcrow announced that the next meeting will be held on January 8, 2013, since the 4th Tuesday in December falls on Christmas Day. He wished everyone a Merry Christmas and very happy and prosperous New Year.

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