

The DeKalb County Commission met in regular session on Tuesday, October 22, 2019 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were President Pro Tem Chris Kuykendall, Shane Wootten, Scot Westbrook and Lester Black. President Harcrow was absent.

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The meeting was called to order by President Pro Tem Kuykendall and Mr. Broyles delivered the invocation and Mr. Black lead the Pledge.

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It was moved by Mr. Westbrook, seconded by Mr. Black 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--Tom Broyles**

Maintenance Update--Mr. Broyles told the Commission they are finishing up reclaiming some roads in District 1 and hauling chert throughout the county. Also, they are doing the last round of mowing in all Districts.

Personnel--Mr. Broyles requested the Commission post four new positions for the County Road Department (ditch crew as per budget).

Mr. Westbrook made a motion to approve the request, with a second from Mr. Black, all members voting affirmatively, motion carried.

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**Engineering--Ben Luther**

CR 332 Speed Limit Resolution--Mr. Luther requested the Commission adopt a resolution to post the speed limit on CR 332 at 20 MPH.

Mr. Black made a motion to adopt the following speed limit resolution, with a second from Mr. Wootten, all members voting affirmatively, motion carried:

State of Alabama  
DeKalb County

RESOLUTION NO. 19-1022-01

WHEREAS, the DeKalb County Commission on the basis of an engineering and traffic investigation determines that the maximum speed permitted under Article 8, Title 32, Chapter 5A, Code of Alabama, 1975 for County Road 332 between State Road 176 and its Dead End is greater than is reasonable and safe under the conditions found to exist on said paved road;

NOW THEREFORE IT IS RESOLVED, that the proper maximum speed for County Road 332 between State Road 176 and its Dead End is set at 20 miles per hour at all times and no person shall operate a motor vehicle in excess of 20 miles per hour on said County Road 332;

IT IS FURTHER RESOLVED, that any violations of this Resolution shall be unlawful and punishable pursuant to Title 32, Chapter 5A, Code of Alabama, 1975.

ADOPTED this the 22<sup>nd</sup> day of October, 2019

  
Shane Wootten  
District 1 Commissioner

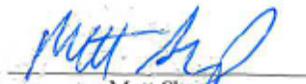
  
Ricky Harcrow, President

  
Scot Westbrook  
District 2 Commissioner

  
Chris Kuykendall  
District 3 Commissioner

  
Lester Black  
District 4 Commissioner

ATTEST:

  
Matt Sharp  
County Administrator

**Sheriff's Office--Sheriff Welden**

Personnel--Sheriff Welden made a request to transfer Seth Cagle from Patrol to Investigator to fill a position vacated by Josh York (G8A/1).

Mr. Wootten made a motion to approve the transfer, with a second from Mr. Westbrook, all members voting affirmatively, motion carried.

Sheriff Welden also made a request to hire hire Levi Bates to fill the position vacated by Seth Cagle. (G8/1).

Mr. Wootten made a motion to approve the request, with a second from Mr. Westbrook, all members voting affirmatively, motion carried.

Vehicle Purchase--Mr. Sharp proposed the Commission sign a lease agreement with Bancorp South to purchase 15 vehicles for the Sheriff's Office.

Mr. Wootten made a motion to adopt the following resolution to approve this purchase, with a second from Mr. Westbrook, all members voting affirmatively, motion carried:

**RESOLUTION NO. 19-1022-02**

***Resolution Authorizing and Approving Execution of a Contract  
With BancorpSouth Equipment Finance, 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 BancorpSouth Equipment Finance, 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 2019.

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 2019, Buyer has designated \$3,500,000 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 2019 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 2019 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.

Following the reading of the foregoing resolution, Mr. Wootten moved that the foregoing resolution be adopted. Mr. Westbrook seconded the motion for its adoption. President Pro-Tem Kuykendall put the question to a roll call vote and the result was as follows:

|                               |                   |
|-------------------------------|-------------------|
| Commissioner Wootten _____    | Voted: <u>Yea</u> |
| Commissioner Westbrook _____  | Voted: <u>Yea</u> |
| Commissioner Kuykendall _____ | Voted: <u>Yea</u> |
| Commissioner Black _____      | Voted: <u>Yea</u> |

The motion having received the affirmative vote of all members present, the President Pro-Tem declared the motion carried and the resolution adopted this the 22<sup>nd</sup> day of October 2019.

  
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Ricky Harcrow, President

ATTEST:

  
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Matt G. Sharp, County Administrator

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### **Election--Matt Sharp**

Changing of Mentone Polling Place--Mr. Sharp presented a letter from the Town of Mentone requesting to change the current polling place from Mentone Town Hall to the Mentone Visitors Center.

Mr. Wootten made a motion to adopt the following resolution to move the polling place, with a second from Mr. Black, all members voting affirmatively, motion carried:

**RESOLUTION NO. 19-1022-03  
MENTONE VOTING LOCATION  
PRECINCT 1, BOX 11**

**WHEREAS**, the DeKalb County Commission is the elected representation of the citizens of DeKalb County; and

**WHEREAS**, the Mentone Town Hall (located at 5972 Alabama Hwy 117, Mentone, AL 35984) is the current location of the Mentone Voting Location; and

**WHEREAS**, the Mayor of Mentone has requested that the voting place be relocated to the Mentone Visitor Center across the street (located at 5951 Alabama Hwy 117, Mentone, AL 35984) for the voters of Mentone for municipal, county, state and federal elections for the 2020 Election cycle and beyond; and

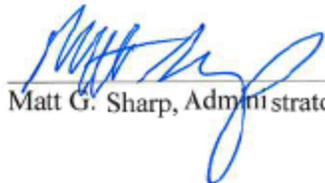
**WHEREAS**, the DeKalb County Commission is authorized by Code Section 17-6-3 and 17-6-4 to select polling places for each precinct;

**NOW THEREFORE BE IT RESOLVED** that the DeKalb County Commission does hereby authorize the polling place for Precinct 1, Box 11, to be moved from the Mentone Town Hall to the Mentone Visitor Center.

**DONE THIS** 22<sup>nd</sup> day of October 22, 2019.

ATTEST

  
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Ricky Harcrow, President

  
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Matt G. Sharp, Administrator

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President Pro Tem Kuykendall notified the audience that the next meeting would be on Tuesday, November 12, 2019. He asked for a motion to adjourn.

Mr. Westbrook made a motion to adjourn. The President Pro Tem declared no objections and ordered the meeting adjourned.

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Absent

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Ricky Harcrow, President

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Shane Wootten, Commissioner District I

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Scot Westbrook, Commissioner District II

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Chris Kuykendall, Commissioner District III

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Lester Black, Commissioner District IV