

The DeKalb County Commission met in regular session (with minimal attendance due to COVID-19 Social Distancing Restrictions) on Tuesday, July 28, 2020 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were President Pro Tem Chris Kuykendall, Shane Wootten, and Scot Westbrook. Absent were President Ricky Harcrow, and Lester Black

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The meeting was called to order by President Pro Tem Chris Kuykendall with Mr. Luther delivering the invocation and Mr. Westbrook leading the Pledge.

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It was moved by Mr. Westbrook, seconded by Mr. Wootten and with 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**

Update—Mr. Broyles stated that crews are continuing work to repair flood damaged roads, stating that crews are currently working on CR 33 in District 2 and should have it back open to traffic by the end of the week. CR 44 is now open and CR 641 east of Mentone and a couple of others needing bridge work remain closed.

Mr. Broyles commented on CR 835 stating that he hopes to begin work there in the next few weeks and remain there until it can be safely opened to traffic. He stated that after waiting for months to get the okay to proceed from ALDOT, notification was received just days before the Easter flood which caused numerous emergency road repairs delaying all scheduled road work.

Road Department Trucks—Mr. Broyles notified the Commission that it was time to place an order for new trucks and requested approval to purchase the following vehicles:

Four (4) Mack Road Tractors from Nextran, purchase price \$503,584.00  
Ten (10) Kenworth Dump Trucks from KW of Montgomery, purchase price \$1,282,568.00  
Two (2) Mack Dump Trucks (estimated costs \$240,000)  
Twelve (12) Dump Bodies from Childersburg, purchase price \$274,254.00  
Three (3) Peterbilt trucks (to mount patch units on) from Fitzgerald of Montgomery, purchase price \$386,982.00

Mr. Wootten made a motion to approve the request to order the trucks. Seconded by Mr. Westbrook. All members voting affirmatively, motion carried

Personnel—Mr. Broyles asked for the Commission's approval to post a position to replace an employee who recently self-terminated (Wesley Weathers – District 2).

Mr. Westbrook made a Motion, Seconded by Mr. Wootten. All members voting affirmatively, motion carried to approve the request to post the position.

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### **Engineering**

Road Vacation—As part of a public hearing, Mr. Luther requested permission to vacate an abandoned section of CR 628 and asked the Commission to adopt a resolution officially vacating this section of road. The floor was opened for anyone present to speak on the matter. There were no comments.

Mr. Wootten made a motion to Vacate the road. Mr. Westbrook Seconded the Motion. All members voting affirmatively, Motion carried to adopt the following Resolution to vacate the abandoned portion of CR 628:

**RESOLUTION NO. 20-0728-04**  
**VACATION OF PORTION OF DEKALB COUNTY**  
**COUNTY ROAD NUMBER 628**

WHEREAS, Code Section 23-4-2, State of Alabama, 1975, authorized the governing bodies of the counties of Alabama to, upon petition and by resolution, vacate a street, or a portion thereof; and

WHEREAS, the DeKalb County Commission set down for public hearing on July 28, 2020, and caused notice of such hearing to be published in *The Mountain Valley News* for four consecutive weeks, beginning July 2, 2020 and running through July 23, 2020; and

WHEREAS, the DeKalb County Commission has received no written objection and heard no verbal objection at the hearing hereon to the partial vacation of DeKalb County Road Number 628; and

WHEREAS, Commissioner Wootten made a motion before the Commission to approve the vacation of this road;

THEREFORE, BE IT RESOLVED, by the DeKalb County Commission that the following portion of DeKalb County Road Number 628, more particularly described below, be, and hereby is, vacated;

*All that portion of the abandoned roadbed of County Road #628, from its intersection with County Road #625 to its current alignment. Said section being approximately 700 feet in length. Said roadbed abandonment was in conjunction with a roadway section realignment. Said property lying in the NE ¼ of Section 22, Township 6 South, Range 10 East, located east of Alpine.*

BE IT FURTHER RESOLVED, by the DeKalb County Commission that the name of the sole owner of the abutting is Ms. Hazel Bickerstaff and there are no other lots or parcels of land which will be cut off from access by the vacation sought; and

IT IS FURTHER RESOLVED, by the DeKalb County Commission that it is in the interest of the public that the above-described portion of the public street be vacated; and

IT IS FURTHER RESOLVED, by the DeKalb County Commission that this resolution shall be filed in the Probate Court of DeKalb County as provided by statute and that notice of this action shall be published once in a newspaper in DeKalb County no later than fourteen (14) days after the date of its adoption.

DONE this the 28<sup>th</sup> day of July 2020

  
\_\_\_\_\_  
Ricky Marcrow, President

ATTEST:

  
\_\_\_\_\_  
Matt G. Sharp, Administrator

State of Alabama, DeKalb County  
Ronnie Osborn, Judge of Probate  
Recorded: 7/30/2020 10:17:08AM  
DEED - BK: 3000 - Page: 4982

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### **Sheriff's Office**

Personnel—Sheriff Welden began by thanking the Commission for their support and commended Andrea Woodall and Chief Deputy Gregg for their work on achieving the COPS Grant stating that it is an extremely difficult grant to obtain with over 600 agencies applying (and only 11 receiving grants). Having been awarded the grant Sheriff Welden requested approval to transfer three corrections officers, Seth Butler, Logan Smith and Will Formby to deputy positions (leaving one additional deputy to be hired).

Mr. Westbrook made a motion to grant the request. Seconded by Mr. Wootten. All members voting affirmatively to transfer the following Corrections Officers to uncertified Deputy Positions. Seth Butler (G7/1), Logan Smith (G7/1) and Will Formby (G7/5). All three moves are made possible by the COPS Grant and will be moved to G8/1 once they finish the academy.

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### **RPT—FY20-21 Transportation Contract**

Mr. Sharp on behalf of RPT Director Emily McCamy presented two Rural Public Transportation Contracts to the Commission for approval. The first one was for the operating grant which this year will be 100% funded through the CARES Act. The second grant is for additional capital

outlay for a bus and a van for use in the RPT program. This grant is an 80/20 match which requires a local matching fund resolution as well as an authorizing resolution.

A Motion was made by Mr. Wootten. Seconded by Mr. Westbrook. All members voting affirmatively to approve and pass the following Rural Public Transportation Contracts and Resolutions:

**Exhibit 10 – Authorizing Resolution (CARES Act Section 5311)**

Resolution No. 20-0728-05

Resolution authorizing the filing of an application with Department of Transportation, United States of America, and the Alabama Department of Transportation for a grant under the Federal Transit Act.

**WHEREAS**, the Secretary of U.S. Department of Transportation and Director of the Alabama Department of Transportation are authorized to make grants for a public transportation program;

**WHEREAS**, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision of its local share of the project costs in the program;

**WHEREAS**, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, it is the goal of the Applicant that disadvantaged business enterprises (minority business enterprises and woman business enterprises) be utilized to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged business enterprises (DBEs) shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

**NOW, THEREFORE, BE IT RESOLVED BY (DeKalb County Commission)**

1. That (Ricky Harcrow, President of DeKalb County Commission) is authorized to execute and file (an) application(s) on behalf of (DeKalb County Commission) with the Alabama Department of Transportation to aid in the financing of administration, planning, capital and/or operating assistance projects pursuant to 49 USC Section 5311, the Alabama Public Transportation Grant Program, and the Alabama Elderly and Disabled Transit Fare Assistance Program.
2. That (Ricky Harcrow, President of DeKalb County Commission) is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation and the Alabama Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That (Ricky Harcrow, President of DeKalb County Commission) is authorized to furnish such additional information as the U.S. Department of Transportation and the Alabama Department of Transportation may require in connection with the application for the Program of Projects submitted to FTA.
4. That (Ricky Harcrow, President of DeKalb County Commission) is authorized to set forth and execute affirmative disadvantaged business enterprise policies in connection with any procurements made as part of the project.
5. That (Ricky Harcrow, President) is authorized to execute grant agreements on behalf of (DeKalb County Commission) with the Alabama Department of Transportation for aid in the financing of the administration, planning, capital, and/or operating assistance projects.

**CERTIFICATION**

The undersigned duly qualified and acting Administrator of the DeKalb County Commission certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the DeKalb County Commission held on July 28  
2020

If applicant has an official seal, impress here.



[Signature]  
Signature of Recording Officer

County Administrator  
Title of Recording Officer

7/28/2020  
Date

**Resolution Authorizing Local Matching Funds**

RESOLUTION NO. 20-0728-06

"SECTION 5311 NONURBANIZED AREA PUBLIC TRANSPORTATION"

WHEREAS, the DeKalb County Commission recognizes the need for a public transportation program;  
and


WHEREAS, the DeKalb County Commission is recognized as a member of the DeKalb County Rural  
Public Transportation Steering Committee; and

WHEREAS, the DeKalb County Commission recognizes that the requirements to obtain Section 5311  
funds from the Alabama Department of Transportation includes a local match of 50% for operating expenses  
and 20% for administration, planning, and capital expenses; and

WHEREAS, the DeKalb County Commission recognizes that the local match will be a shared cost with  
other participating municipalities being responsible for providing an appropriate allocation of local non-federal  
funds to secure the operating of the Section 5311 Nonurbanized Area Public Transportation Program.

NOW, THEREFORE, BE IT RESOLVED, that the DeKalb County Commission hereby commits the  
amount of \$28,716.00 as local non-federal match for operations, administration, planning, and capital  
expenditures under the Section 5311 Rural Area Public Transportation Program during Fiscal year 2021.

Passed and adopted this the 28<sup>th</sup> day of July, 2020.

  
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Ricky Harcrow  
President, DeKalb County Commission

ATTEST:

  
\_\_\_\_\_  
Clerk



**Exhibit 10 – Authorizing Resolution**

Resolution No. 20-0728-07

Resolution authorizing the filing of an application with Department of Transportation, United States of America, and the Alabama Department of Transportation for a grant under the Federal Transit Act.

**WHEREAS**, the Secretary of U.S. Department of Transportation and Director of the Alabama Department of Transportation are authorized to make grants for a public transportation program;

**WHEREAS**, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision of its local share of the project costs in the program;

**WHEREAS**, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, it is the goal of the Applicant that disadvantaged business enterprises (minority business enterprises and woman business enterprises) be utilized to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged business enterprises (DBEs) shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

**NOW, THEREFORE, BE IT RESOLVED BY DeKalb County Commission**

1. That Ricky Harcrow, President of DeKalb County Commission is authorized to execute and file an application on behalf of DeKalb County Commission with the Alabama Department of Transportation to aid in the financing of administration, planning, capital and/or operating assistance projects pursuant to 49 USC Section 5311, the Alabama Public Transportation Grant Program, and the Alabama Elderly and Disabled Transit Fare Assistance Program.
2. That Ricky Harcrow, President of DeKalb County Commission is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation and the Alabama Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That (Ricky Harcrow, President of DeKalb County Commission) is authorized to furnish such additional information as the U.S. Department of Transportation and the Alabama Department of Transportation may require in connection with the application for the Program of Projects submitted to FTA.
4. That (Ricky Harcrow, President of DeKalb County Commission) is authorized to set forth and execute affirmative disadvantaged business enterprise policies in connection with any procurements made as part of the project.
5. That (Ricky Harcrow, President) is authorized to execute grant agreements on behalf of (DeKalb County Commission) with the Alabama Department of Transportation for aid in the financing of the administration, planning, capital, and/or operating assistance projects.

**CERTIFICATION**

The undersigned duly qualified and acting Administrator of the DeKalb County Commission certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the DeKalb County Commission held on July 28 2020

If applicant has an official seal, impress here.



[Signature]  
Signature of Recording Officer

County Administrator  
Title of Recording Officer

7/28/2020  
Date

### **Polling Place Change**

Mr. Sharp addressed the Commission regarding three polling place changes and stated that in order for the changes to be valid for the November 2020 General Election the changes must be at least 90 days prior to the election. He also noted that notices had been properly posted for a public hearing by written comment and that none had been received. The requested changes are as follows::

- Closing Pea Ridge Polling Place located at Pea Ridge Church, Precinct 01-02 due to the condition of the building.
- Closing Antioch Polling Place located at Barry's BBQ Restaurant Precinct 04-04 at the request of the owner
- Merging Precinct 03-10 & 03-12, Fort Payne Senior Center & Five-Points Polling places.

Mr. Kuykendall opened the floor for comments. There was one comment from the audience (Marshall Stiefel) thanking the commission for their swift action in this matter regarding the Pea Ridge Polling Place. He noted that he had been a pollworker at that site and agreed the site was in no condition to hold an election.

A motion was made by Mr. Wootten. Seconded by Mr. Westbrook. All members voting affirmatively to adopt the following Resolution officially closing Precinct 1-Box 2 Pea Ridge Church voting location:

**RESOLUTION NO. 20-0728-01  
PEA RIDGE CHURCH VOTING LOCATION  
Precinct 1, Box 2**

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

**WHEREAS**, the Pea Ridge Church Voting location (located at 4118 CR 126, Henagar, AL 35978) has approximately 421 registered voters; and

**WHEREAS**, it has been determined that due to changing ownership and condition of the Pea Ridge Church, this voting location will no longer be available as a voting location beginning with the 2020 General Election;

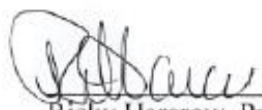
**IT HAS BEEN DETERMINED THAT** 333 of these registered voters will be moved to the Henagar Community Center (located at 18200 Broad Street, Henagar, AL 35978); 18 of these registered voters will be moved to the Ider Senior Center (located at 1852 Dogwood Drive, Ider, AL 35981); and 70 of the registered voters will be moved to the Hammondville Town Hall (located at 37684 US Hwy 11, Hammondville, AL 35989); 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; and

**NOW, THEREFORE** seeing good and just cause to close the polling place for Precinct 1, Box 2;

**IT IS RESOLVED** that the DeKalb County Commission does hereby authorize the polling place for Precinct 1, Box 2 to be closed and the voters to be absorbed in other voting locations.

**DONE THIS 28<sup>th</sup>** day of July 2020

  
\_\_\_\_\_  
Ricky Harcrow, President

ATTEST  
  
\_\_\_\_\_  
Matt G. Sharp, Administrator

A Motion was made by Mr. Westbrook. Seconded by Mr. Wootten. All members voting affirmatively to adopt the following Resolution officially closing the Precinct 4-Box 4 Antioch-Barry's BBQ voting location:

**RESOLUTION NO. 20-0728-02**  
**ANTIOCH – BARRY'S BBQ - VOTING LOCATION**  
**Precinct 4, Box 4**

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

**WHEREAS**, the Antioch – Barry's BBQ Voting location (located at 85 CR 527, Fyffe, AL 35971) has approximately 154 registered voters; and

**WHEREAS**, it has been determined that the Antioch – Barry's BBQ Voting location will no longer be available as a voting location beginning with the 2020 General Election at the request of the owner of the building;


**IT HAS BEEN DETERMINED THAT** 121 of these registered voters will be moved to the Fyffe Senior Center (located at 413 Grave Street, Fyffe, AL 35971); and 33 of the registered voters will be moved to the Shiloh Town Hall (located at 2487 Main Street, Rainsville AL 35986); 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; and

**NOW, THEREFORE** seeing good and just cause to close the polling place for Precinct 4, Box 4;

**IT IS RESOLVED** that the DeKalb County Commission does hereby authorize the polling place for Precinct 4, Box 4 to be closed and the voters to be absorbed in other voting locations.

**DONE THIS** 28<sup>th</sup> day of July 2020

  
Ricky Harcrow, President

ATTEST  
  
Matt G. Sharp, Administrator

A Motion was made by Mr. Wootten, Seconded by Mr. Westbrook. All members voting affirmatively to adopt the following Resolution officially closing the Precinct 3-Box 12 Five Points voting location, and merging with Precinct 3-Box 10 Fort Payne Senior Center location (Mr. Sharp noted that the Five Points box, previously held at Garrett's Carpet was temporarily located in the Senior Center in 2008 – this resolution would permanently move the box to the Fort Payne Senior Center):



**RESOLUTION NO. 20-0728-03  
FIVE POINTS - VOTING LOCATION  
Precinct 3, Box 12**

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

**WHEREAS**, the Five Points Voting Location was located at Garrett's Carpet at the five-way crossing of Adamsburg Road East and West, Scenic Drive, Fruit Farm Road and Dogtown Road prior to the 2008 General Election; and

**WHEREAS**, since 2008, the Five Points Voting Location has been temporarily housed in the Fort Payne Senior Center (which also houses the Senior Center Voting Location – Precinct 3, Box 10);

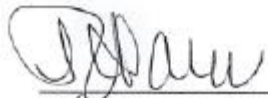
**IT HAS BEEN DETERMINED THAT** it is in the best interest of the County to merge these 724 registered voters with the current Precinct 3, Box 10;

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

**NOW, THEREFORE** seeing good and just cause to merge Precincts 3, Box 10 and 12;

**IT IS RESOLVED** that the DeKalb County Commission does hereby authorize the polling place for Precinct 3, Box 12 to be closed and the voters to be absorbed into Precinct 3, Box 10 at the Fort Payne Senior Center.

**DONE THIS** 28<sup>th</sup> day of July 2020

  
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Ricky Harcrow, President

ATTEST  
  
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Matt G. Sharp, Administrator

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President Pro Tem Kuykendall notified the audience that the next meeting will be August 11, 2020 and asked for a motion to adjourn.

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

                      
ABSENT  
\_\_\_\_\_  
Ricky Harcrow, President

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Shane Wootten, Commissioner District I

\_\_\_\_\_  
Scot Westbrook, Commissioner District II

\_\_\_\_\_  
Chris Kuykendall, Commissioner District III

                      
ABSENT DUE TO COVID -19  
\_\_\_\_\_  
Lester Black, Commissioner District IV