

The DeKalb County Commission met in regular session (with minimal attendance due to COVID-19 Social Distancing Restrictions) on Tuesday, January 12, 2020 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were President Ricky Harcrow, Chris Kuykendall and Terry Harris. Absent (from the rotation of conducting business) were Shane Wootten and Lester Black.

The meeting was called to order by President Harcrow with Mr. Harcrow delivering the invocation and Mr. Kuykendall leading the Pledge.

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

Road Department

Update—Mr. Broyles addressed the audience stating that due to inclement weather crews have been unable to haul any chert or grade roads, but were out in all districts with brush cutters and patching potholes. When asked about the status of CR 85, he stated that the installation of the Soil Nail Wall is complete.

Mr. Broyles requested permission to purchase a forklift to be used in the shop and warehouse. He stated that he had gotten quotes on four different brands and ask for authorization to purchase a Mitsubishi priced at \$29,319 off the source web bid.

Mr. Kuykendall made a motion to approve. Mr. Harris seconded the motion. All members voting affirmatively, motion carried to purchase a new Mitsubishi forklift.

Engineering

Rebuild Alabama—Mr. Luther addressed the commission stating the Rebuild Alabama Legislation requires that on the first meeting in January a report be given by the County Engineer on the funds expended the previous year. Each of the Commission members were given a copy of the report and Mr. Luther stated that it is required that a copy of said report be kept on file for life in the County Engineer’s office, as well as recorded in the commission meeting minutes. Mr. Luther stated that the total spent on Rebuild Projects was \$1,076,878.99. Of this \$705,051.61 was spent with CRAF (6cent gas tax) Funds and \$371,827.38 was spent with FAEF (federal aid exchange) funds. These projects are summarized as follows (for full report see County Commission website or County Engineer’s Office): \$607,231.44 was available during the 2020FY, with \$235,404.06 being carried over. 100% of CRAF funds were expended during the 2020FY:

County Road #	Project length	Description	District	Amount	Funds
667	4.91	BT-JG from CR 126 to SR 117	1	\$66,200.40	CRAF
778	0.57	BT-JG from CR 782 to dead-end	1	\$18,240.00	CRAF
783	0.93	BT-JG from CR 782 to CR 776	1	\$29,760.00	CRAF
776	4.20	BT-G from CR 141 to SR 75	1	\$62,062.50	CRAF
28	2.80	BT-G from CR 34 to SR 68	2	\$53,398.20	CRAF
24	4.80	BT-G from CR 179 to SR 68	2	\$59,424.30	CRAF
46	4.80	BT-G from Justice St to CR 52	2	\$63,440.40	CRAF
52	3.00	Scrub Seal-B from CR 458 to CR 51	3	\$126,008.72	FAEF

88	5.97	BT-JG from CR 52 to CR 835	3	\$245,818.66	FAEF
112	1.83	BT-G from SR 75 to CR 27	4	\$37,076.66	CRAF
578	2.30	BT-G from Graves St to CR 92	4	\$32,938.75	CRAF
11	0.60	BT-G from CR 215 to Rainsville	4	\$11,470.00	CRAF
502	2.52	BT-G from CR 44 to CR 560	4	\$32,938.75	CRAF
273	0.60	BT-G from CR 516 to CR 505	4	\$10,200.00	CRAF
72	1.80	BT-G from CR 50 to Heaton Rd	4	\$32,938.75	CRAF
487	1.10	BT-G from CR 114 to CR 589	4	\$18,700.00	CRAF
822	4.40	BT-G from SR 176 to CR 83	3	\$88,553.44	CRAF
261	1.80	BT-G from CR 78 to SR 75	3	\$27,009.02	CRAF
51	2.20	BT-G from Edwards Bridge to SR 68	3	\$46,606.04	CRAF
Long Hollow Circle	0.22	BT-JG from CR 88 to CR 835	3	\$9,440.00	CRAF
39	1.50	BT-G from CR 51, 1.5 mi South	3	\$516.50	CRAF
87	1.30	BT-JG from CR 39 to CR 51	3	\$2,521.35	CRAF
55	3.00	BT-G from SR 176 to Cherokee line	3	\$1,616.55	CRAF
TOTALS	56.95			\$1,076,878.99	

President Harcrow asked for a motion to make the Rebuild Alabama Report a part of the county's annual reports. Mr. Kuykendall made a motion, seconded by Mr. Harris. All members voting affirmatively, motion carried for the Rebuild Alabama Report to be included in the County's annual reporting and recorded in the minutes.

Speed Limit Resolution—Mr. Luther made a recommendation to set a regulatory speed limit on CR55 between State Rd 176 and CR83 @ 35mph. He stated that Commissioner Kuykendall had brought this to his attention to investigate and agreed for safety concerns that is a necessary step to take.

Mr. Kuykendall made a motion. Mr. Harris seconded the motion. All members voting affirmatively, motion carried to adopt the following resolution posting a regulatory maximum speed on CR55 at 35 mph:

State of Alabama
DeKalb County

RESOLUTION NO. 21-0112-01

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 55 between State Road 176 and County Road 83 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 55 between State Road 176 and County Road 83 is set at 35 miles per hour at all times and no person shall operate a motor vehicle in excess of 35 miles per hour on said County Road 55;

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 12th day of January, 2021


Ricky Harrow, President

Shane Wootten
District 1 Commissioner


Terry Harris
District 2 Commissioner


Chris Kuykendall
District 3 Commissioner

Lester Black
District 4 Commissioner

ATTEST:


Matt Sharp
County Administrator



Damage Claim—Mr. Luther presented a damage claim from Chadwick Hughes stating damage to his vehicle (busted tire) due to hitting a pothole on CR 807.

A motion was made by Mr. Kuykendall to forward the claim to CRS. Mr. Harris seconded the motion. All members voting affirmatively, motion carried to forward the damage claim to the county's insurance carrier, CRS.

Travel/Training—Mr. Luther requested permission for himself and Road Dept. employee Danny Norris to attend Road Supervisors Training in Prattville Monday, January 25-Tuesday January 26.

Mr. Kuykendall made a motion to approve. Mr. Harris seconded the motion. All members voting affirmatively, motion carried.

CPR Devices

Mr. Clifton addressed the commission giving an update on EMA activity the past year which has included working four presidentially declared disasters beginning with Covid-19, the Easter flooding, Hurricane Sally and Hurricane Zeta. He reported that over \$85,000 has been received in Covid-19 reimbursements through FEMA with another \$85,000 requested. He stated that numerous grants have been applied for and they have received funding from several of those which has enabled them to put AED's in the Sheriff's

Office vehicles as well as purchasing message boards and an EOC technical upgrade. He thanked Mr. Posey who was instrumental in writing these grants and administering the FEMA projects.

Following today's meeting a presentation of twenty-three CPR Lucas Devices were made to the area Fire Departments, Rescue Squads and Ambulance. Mr. Clifton explained that these devices replace the human factor of performing CPR, freeing up personnel to do other things. These devices were made available through the CARES Act. Mr. Sharp said the cost of these devices were over \$330,000 and stated it was very good investment for the public safety of County residents.

Sheriff's Office

Personnel—Sheriff Welden asked the commission to approve the following:

- Hire Stephen Berry as patrol deputy (former deputy hired at rate he left at)
- Transfer Levi Bates from jail transport to patrol deputy (not pay change)
- Transfer Nathaniel Bates from patrol sergeant to Narcotics (no change in pay – made available due to the COPS Grant)

Mr. Harris made a motion to approve. Mr. Kuykendall seconded the motion. All members voting affirmatively motion carried.

Sheriff Welden requested permission for the following promotions:

- Promote Weston Fortner from patrol to investigations (made available due to the COPS Grant)
- Promote Josh Hairston to patrol sergeant replacing Nathaniel Bates who transferred to the Narcotics Unit
- Promote Nick Brown to Chief Investigator to replace David Davis who left the department to serve as Fort Payne Police Chief.

Mr. Kuykendall made a motion to approve. Mr. Harris seconded the motion. All members voting affirmatively motion carried.

Courthouse Security - Sheriff Welden requested permission to hire Ken Thomas as PT (salaried) Courthouse Security to fill a long-standing vacant position.

Mr. Harris made a motion to approve. Mr. Kuykendall seconded the motion. All members voting affirmatively motion carried.

Jail Personnel—Sheriff Welden requested permission to promote Dan Jordan to Corrections Sergeant replacing Corrections officer Lee Meadows who was previously promoted to Jail Administration to replace Mickey Bowen who recently passed away.

Mr. Kuykendall made a motion to approve. Mr. Harris seconded the motion. All members voting affirmatively, motion carried.

Bond Issue—Mr. Sharp addressed the Commission requesting the Commission to adopt a resolution engaging Raymond James to be the underwriter on the bond for the jail edition / road project

Mr. Kuykendall made a motion to grant the request. Mr. Harris seconded the motion. All members voting affirmatively, motion carried to adopt the following Resolution:

RESOLUTION No. 21-0112-02

BE IT RESOLVED, ASCERTAINED, ORDAINED AND DECREED by the DeKalb County Commission (the "Commission") as follows:

Section 1. Findings. The Commission has found and ascertained and does hereby declare as follows:

(a) it is necessary, desirable and in the public interest that DeKalb County, Alabama (the "County"), acquire, construct, equip and install various public capital improvements in the County, including, without limitation, jail and public road improvements (the "Improvements");

(b) it is also necessary, desirable and in the public interest that the County achieve debt service savings by refunding and retiring the following outstanding obligations of the County: (i) General Obligation Warrants, dated September 28, 2011, presently outstanding in the aggregate principal amount of \$3,025,000; (ii) General Obligation Warrants, dated May 23, 2012, presently outstanding in the aggregate principal amount of \$3,195,000; and (iii) General Obligation Warrants, Series 2013, dated October 1, 2013, presently outstanding in the aggregate principal amount of \$1,780,000;

(c) in order to provide approximately \$5,500,000 for the Improvements, and to provide funds for the said refundings and for paying the costs of issuing the Warrants hereinafter described, the County proposes to issue within the next 6 months one or more series of its general obligation warrants (the "Warrants"); and

(d) the Commission has determined to engage Raymond James & Associates, Inc. ("Raymond James"), as underwriter, and Bradley Arant Boult Cummings LLP ("Bradley Arant"), as bond counsel, for the Warrants, and to direct that such firms work with the Chairman of the Commission, the County Administrator and such other officers of the County as shall be necessary respecting issuance of the Warrants.

Section 2. Engagement of Underwriter and Bond Counsel. The Commission does hereby engage Raymond James as underwriter for the Warrants and Bradley Arant as bond counsel for the Warrants. The Chairman of the Commissioners and the County Administrator are each hereby authorized and directed to execute such agreements or documents and to take such other actions as may be necessary or desirable to effect the provisions of this resolution.

DONE THIS 12th DAY OF JANUARY 2021.


Ricky Harcrow, President



COUNTY SEAL

Matt G. Sharp, Administrator

Dogtown Voting Location—Mr. Kuykendall stated that notice has been given to cease using the Masonic Lodge in Dogtown (Precinct 03-02) as a voting location due to insurance concerns and maintenance issues. He stated that he appreciated being able to have used the facility and the County is currently investigating a site for future use.

Severe Weather Preparedness Tax Holiday—President Harcrow notified the audience that the Severe Weather Tax Holiday is Feb. 26-28 and solicited a motion to submit the proper documentation to participate in the upcoming Severe Weather Tax Holiday.

Mr. Harris made a motion to approve and to adopt the following resolution for the Severe Weather Preparedness Tax-Free Holiday February 26-28, 2021. Mr. Kuykendall seconded the motion. All members voting affirmatively, motion carried:

**RESOLUTION NO. 21-0112-03
RESOLUTION PROVIDING FOR DeKALB COUNTY'S
PARTICIPATION IN THE "SALES TAX HOLIDAY"
AS AUTHORIZED BY ACT NO. 2012-256**

WHEREAS, during its 2012 Regular Session, the Alabama Legislature enacted Act No. 2012-256, effective April 26, 2012, which provides an exemption of the state sales and use tax for certain non-commercial purchases related to severe weather preparedness supplies during the first full weekend in July of 2012 and the last full weekend in February of each successive year; and

WHEREAS, Act No. 2012-256 authorizes the County Commission to provide for an exemption of county sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect is adopted at least thirty (30) days prior to the last full weekend in February; and

WHEREAS, the DeKalb County Commission has affirmatively voted to grant the exemption of county sales and use taxes on purchases covered by Act No. 2012-256 during the last full weekend of February 2021, beginning at 12:01 a.m. on February 26 and ending at twelve midnight on Sunday, February 28, 2021, the last full weekend of February in 2021; and

WHEREAS, *Code of Alabama 1975, § 11-51-210(c)* requires that the County Commission notify the Alabama Department of Revenue of any new local tax or amendment to an existing local tax levy at least thirty (30) days prior to the effective date of the change; and

WHEREAS, the exemption of certain county sales and use taxes for the last full weekend of February 2021 herein adopted by the County Commission is an amendment to the county's sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in *Code of Alabama 1975, § 11-51-210(c)*;

WHEREFORE BE IT RESOLVED BY THE DeKALB COUNTY COMMISSION that it does hereby provide for an exemption of the county sales and use tax on purchases of items covered by Act No. 2012-256 beginning at 12:01 a.m. on February 26 and ending at twelve midnight on Sunday, February 28, 2021.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 12, 2021, meeting of the DeKalb County Commission, and be immediately forwarded to the Alabama Department of Revenue in compliance with *Code of Alabama 1975, § 11-51-210(c)*.

IN WITNESS WHEREOF, the DeKalb County Commission has caused this Resolution to be executed in its name and on its behalf by its President on this the 12th day of January 2021.

ATTEST


Matt G. Sharp, County Clerk




Becky Harcrow, Commission President

Contract Renewal

Town of Powell Sanitation—President Harcrow requested authorization to extend the Town of Powell Sanitation Contract through June 2022 stating that they were in agreement with all terms of the contract.

Mr. Kuykendall made a motion to approve. Mr. Harris seconded the motion. All members voting affirmatively, motion carried to approve and grant authorization for President Harcrow and Mr. Sharp to sign the following Agreement between the County Commission and the Town of Powell for Residential Waste Collection.

**FRANCHISE AGREEMENT
FOR RESIDENTIAL WASTE COLLECTION SERVICE**

**DeKALB COUNTY, ALABAMA
and TOWN OF POWELL**

AMENDMENT to February 1, 2002 AGREEMENT

The DeKalb County Commission and Town of Powell agree to renew the February 1, 2002 Agreement for an additional one and one-half years, effective January 1, 2021 through June 30, 2022 to coincide with the County Contract. Included with the renewal are the following changes/clarifications of terms:

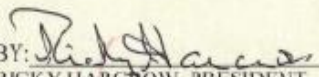
RATES AND PAYMENT

The Town of Powell will provide "free" service to the "exempt" residents in the areas outside the incorporated limits of the Town of Powell at no cost to the County. Rates shall not be greater for those in the unincorporated areas as the rate charged by the County Contract. No new areas shall be authorized without express permission by the governing body of the County.

This agreement shall automatically renew for an additional three-year term beginning July 1, 2022, unless either party gives a ninety (90) day written notice.

DeKALB COUNTY, ALABAMA

ATTESTED BY:

BY: 
RICKY HARCROW, PRESIDENT


MATT SHARP, ADMINISTRATOR

FRANCHISEE (TOWN OF POWELL)

ATTESTED BY:

BY: 
EUGENE BYRUM, MAYOR


SUSIE WILBOURN, CLERK

2021 Holiday Calendar—President Harcrow presented the 2021 Holiday Calendar and requested the Commission’s approval to honor the Calendar submitted.

Mr. Harris made a motion to accept. Mr. Kuykendall seconded the motion. All members voting affirmatively, motion carried to accept the following 2021 Holiday Calendar:

New Year’s Day	Friday, January 1	State/Federal Holiday
MLK/REL Day	Monday, January 18	State/Federal (MLK) Holiday
President’s Day	Monday, February 15	State/Federal Holiday
Confederation Memorial Day	Monday, April 26	State Holiday
Memorial Day	Monday, May 31	State/Federal Holiday
Independence Day (Observed)	Monday, July 5	State/Federal (July 4) Holiday
Labor Day	Monday, September 6	State/Federal Holiday
Columbus Day	Monday, October 11	State/Federal Holiday
Veteran’s Day	Thursday, November 11	State/Federal Holiday
Thanksgiving Day	Thursday, November 25	State/Federal Holiday
Day After Thanksgiving	Friday, November 26	County Holiday Only
Christmas Eve	Friday, December 24	County Holiday Only
Christmas Day (Observed)	Monday, December 27	State/Federal (Dec 25) Holiday

President Harcrow notified the audience that the next meeting will be on Tuesday February 9, 2021 and asked for a motion to adjourn.

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

Ricky Harcrow, President

ABSENT (DUE TO COVID-19)
Shane Wootten, Commissioner District I

Terry Harris, Commissioner District II

Chris Kuykendall, Commissioner District III

ABSENT (DUE TO COVID-19)
Lester Black, Commissioner District IV