

The DeKalb County Commission met in regular session (with minimal attendance due to COVID-19 Social Distancing Restrictions) on Tuesday June 8, 2021 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were President Ricky Harcrow, Shane Wootten, Terry Harris, Chris Kuykendall, and Lester Black.

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

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It was moved by Mr. Wootten, seconded by Mr. Black 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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President Harcrow welcomed everyone and introduced Mr. Fred Couch and Mr. Bill Shugart who represent the Alabama River Trail System. Mr. Couch addressed the audience giving a brief overview of what the Alabama River Trail Program is and how it effects our area. Mr. Couch stated that one of the most important things they are trying to accomplish is to set up official campsites up and down the river and post them to the website notifying campers of available official camp sites rather than having campers setting up on private properties without the permission of landowners. It also enables rescue personnel to better locate distressed campers. He thanked the Commission for allowing him to speak about the program. Mr. Harcrow thanked both Mr. Couch and Mr. Shugart for sharing the information.

### **Road Department**

Update—Mr. Broyles stated that two of the flood roads are now open, CR 34 (Oak Hill) and CR 1004 (Geraldine). CR 453 should be open in about a week. Crews are waiting on NE Water to move a water line before it can be finished. Mr. Broyles said that an excavator has been moved to CR 641 east of Mentone. This is the last road from the Easter flood and should take approximately two weeks to complete. He said that he has kept check on CR 835 (Old Hwy 35) and it is still just too wet to move any equipment around. As soon as it dries up enough crews will be back on that site.

Equipment—Mr. Broyles updated the Commission on the purchase of a Force Feed Loader and has been notified that DOT has received delivery of one and requested to table this decision until the next meeting to give a little more time to gain more information on the machine.

Personnel—Mr. Broyles asked the Commission to accept the resignation of Mike McElhaney (D3) who is retiring.

Mr. Kuykendall made a motion to honor the request. Mr. Black seconded the motion. All members voting affirmatively, motion carried.

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### **Engineering**

#### Damage Claim

Mr. Luther presented a damage claim from William (Bill) Mitchell claiming damage to a tire and wheel due to a hole on the edge of the pavement on Wade's Gap. He requested authorization to forward the claim to CRS for final disposition.

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

Traffic Light Agreement—Mr. Luther presented an agreement giving permission by the County to the City of Fort Payne to install a "Flashing Yellow Warning Light" at the intersection (of Heil Corporation and Gault Ave North (CR137) which will allow safe passage from Heil across Gault Avenue (CR 137) to a new truck chassis storage site. The agreement states that warning light will be a "total cost" for the city to install, maintain and operate. Mr. Luther requested the Commission adopt a resolution giving President Harcrow and Mr. Sharp authority to sign the agreement.

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

State of Alabama  
DeKalb County

RESOLUTION NO. 21-0608-01


**WHEREAS**, the City of Fort Payne has requested permission to install a new  
"Traffic Control/Warning Signal" on County Road 137 (Gault Avenue N) at the new truck chassis  
storage area across from The Heil Co.;


**WHEREAS**, DeKalb County, Alabama, acting by and through its County Commission proposes  
to enter into an Agreement with the City of Fort Payne for the requested installation;

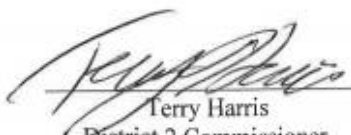
**NOW THEREFORE IT IS RESOLVED**, that the Agreement be executed in the name of the  
County, by the President of the County Commission for and on its behalf;

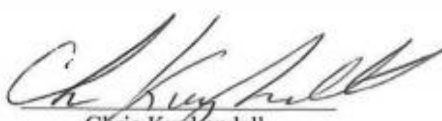
**IT IS FURTHER RESOLVED**, that upon completion of the execution of the Agreement by all  
parties, that a copy of such Agreement be kept of record by the County Administrator.

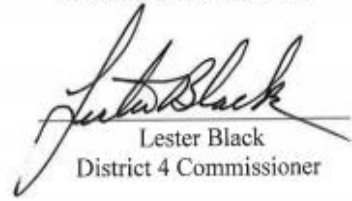
**ADOPTED** this the 8<sup>th</sup> day of June, 2021

  
 Shane Wootten  
 District 1 Commissioner


  
 Ricky Harcrow, President

  
 Terry Harris  
 District 2 Commissioner

  
 Chris Kuykendall  
 District 3 Commissioner

  
 Lester Black  
 District 4 Commissioner

ATTEST:

  
 Matt Sharp  
 County Administrator

ALDOT Funding Agreements-CRs 26/83 Federal Aid Funding

Mr. Luther presented Federal Aid Funding Agreements for the resurfacing of CR 26 from the Marshall County Line to Hwy 227 and CR 83 from the Cherokee County Line to Hwy 176. He requested the Commission adopt a resolution giving President Harcrow and Mr. Sharp authority to enter into and sign the agreement between the State of Alabama and DeKalb County.

Mr. Kuykendall made a motion to adopt the resolution authorizing President Harcrow and Mr. Sharp to sign the necessary documents for the funding agreement. Mr. Harris seconded the motion. All members voting affirmatively, motion carried:

The Funding Source of this project is as follows:

FA Funds (FY 2017)	\$	26,433.42
FA Funds (FY 2018)		369,470.79
FAEF Funds (FY 2021)		98,976.05
County Funds		0.00
Total Funds	<b>\$</b>	<b><u>494,880.26</u></b>

BE IT RESOLVED, by the DeKalb County Commission as follows:

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

**Resurfacing on CR-26 from the Marshall County line to SR-227;  
Project# RASTPNU-2520(252); DCP 25-26-20; CPMS Ref# 100072799.**

Which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman for and on its behalf and that it be attested by the County Clerk and the official seal of the County be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the County.

I, the undersigned qualified and acting Clerk of DeKalb County, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the County named therein, at a regular meeting of such Commission held on the 8th day of June, 20 21, and that such resolution is on file in the County Clerk's Office.

ATTESTED:

  
\_\_\_\_\_  
County Clerk

  
\_\_\_\_\_  
Chairman

8th day of June, 20 21, and that such resolution is of record in the Minute Book of the County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the County on this 8th day of June, 20 21.

  
\_\_\_\_\_  
County Clerk

#### **Sheriff/Jail**

Jail Personnel—CO Chief David Smith asked for the Commission's approval to hire the following Corrections Officers: Zach Bell (replaces Hunter Miller) and Michelle Prater (replaces Hope Gamez). Both hires are budget neutral.

Mr. Black made a motion to approve. Mr. Wootten seconded the motion. All members voting affirmatively, motion carried.

Sheriff's Office Personnel—Chief Deputy Brad Gregg requested the Commission's approval to transfer Christine Whitcomb from FT Dispatch to PT Dispatch (as needed), Transfer Sebastian Gamez from PT Dispatch to FT Dispatch, Hire Brianna Monroe, PT Dispatch (as needed).

Mr. Wootten made a motion to accept the Sheriff's Office personnel changes. Mr. Harris seconded the motion. All members voting affirmatively, motion carried.

Training—Chief Gregg also requested permission to send six officers for SRO training and stated that the County would only pay for three with the Board of Education paying for the other three.

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

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**COA/RPT**

Rural Public Transportation and Cares Act Application—Ms. McCamy presented the Commission with the annual Rural Transit Program Application and asked the Commission adopt resolutions authorizing President Harcrow to execute the agreements.

Mr. Kuykendall made a motion to approve. Mr. Wootten seconded the motion. All members voting affirmatively authorizing President Harcrow to execute the following Resolutions on behalf of the DeKalb County Commission:

**Authorizing Resolution (CARES Act Section 5311)**

**Resolution No. 21-0608-04**

**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 accordance 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 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.
2. 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.
3. 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.
4. That Ricky Harcrow, President of DeKalb County Commission 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.

**Section 5311 Authorizing Resolution**

**Resolution No. 21-0608-03**

**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 of DeKalb County Commission 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.

**"SECTION 5311 RURAL 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 include a local match of 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 Rural Area Public Transportation Program.

NOW, THEREFORE, BE IT RESOLVED, that the **DeKalb County Commission** hereby commits the amount of **\$34,788.00** as local non-federal match for operations, administration, planning, and capital expenditures under the Section 5311 Rural Area Public Transportation Program during Fiscal Year 2022.

Passed and adopted this the 8th day of June, 20 21.



Ricky Harcrow, President of DeKalb County Commission

ATTEST:

  
Clerk

**Aging Program Update**—Ms. McCamy gave an update on the current status of the Aging program stating most of the Senior Centers are slowly reopening with many of the activities now available. She stated that there is an additional Center opening soon in Henagar and also the number of clients across the County have increased tremendously since the beginning of the pandemic.

**Revenue Commission**

**Final Tax Settlement**—Mr. Wilks presented the listing to the Commission of the final settlement for Insolvents, Errors and Taxes in Litigation for 2020.

**INSOLVENTS, ERRORS AND TAXES IN LITIGATION FOR 20\_\_\_ AND  
UNCOLLECTED INSOLVENTS AND TAXES IN LITIGATION FOR PREVIOUS YEAR(S)**

**THE STATE OF ALABAMA**

DeKalb County

BE IT REMEMBERED, That at the meeting of the Board of County Commissioners of said County, held on this 8th day of June, 2021

Tyler Wilks, Tax Collector of said County, made his report of "Insolvents", "Errors in Assessment" and "Taxes in Litigation" on taxes for the current year 2020, as required by Code of Ala. 1975, Section 40-5-23. And after a careful and rigid examination of said reports by said Board, it was considered and adjudged that said collector be allowed credit on his final settlement with the Comptroller for the following amounts:

Insolvents: State Taxes—General .....	\$	227.80
—Soldier .....	\$	91.12
—School .....	\$	273.36
Errors in Assessments: State Taxes—General .....	\$	(51,527.75)
—Soldier .....	\$	(20,611.10)
—School .....	\$	(61,833.30)
Taxes in Litigation: State Taxes—General .....	\$	789.35
—Soldier .....	\$	315.74
—School .....	\$	947.22

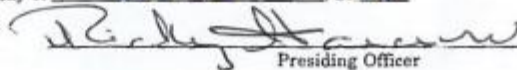
And said Collector has also made his report for final allowance of the uncollected balances of Insolvent Taxes for the previous year 20\_\_\_, as required by Code of Ala. 1975, Section 40-5-29; and the Board thereupon made the following allowances to said Collector of such Insolvent Taxes as he may have been unable to collect, as follows:

State Taxes—General .....	\$	182.65
—Soldier .....	\$	73.06
—School .....	\$	219.18

And said Collector is also allowed credit for the following taxes in litigation for the previous year(s) which he has been unable to collect as follows:

	General	Soldier	School
Fred's Discount Store #2740	\$ 50.25	\$ 20.10	\$ 60.30
Modern Poultry Systems LLC	\$ 185.75	\$ 74.30	\$ 222.90
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Given under my hand this 8th day of June, 2021

  
Presiding Officer

See Code of Ala. 1975, Sections 40-5-23, 40-5-24 and 40-5-25 as to taxes of current year and Sections 40-5-26, 40-5-28 and 40-5-29 as to insolvent taxes and taxes in litigation of previous year(s).

Personnel—Mr. Wilks, requested the Commission’s approval to hire Mandy Noojin (replaces Megan Hall who recently resigned). He also stated that he has three others who will be retiring or resigning soon reducing the workforce at the Rainsville office. Mr. Wilks stated that he will need to close that office from June 24 through Oct. 1 in order to hire and train employees to replace those positions. (NOTE: It was later determined that the Rainsville Office would not close during this period).

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

## **Probate**

Personnel—On behalf of Judge Osborn, Mr. Sharp requested the Commission’s transfer Rita Bryant from the Revenue Commissioner’s Office to the Probate Office to fill in for one of his employees who is out on maternity leave and to replace Trudy Raye who is retiring next Spring.

Mr. Wootten made a motion to approve the transfer. Mr. Black seconded the motion. All members voting affirmatively, motion carried.

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Express Vote Ballot Marking Devices—On behalf of Judge Osborn, Mr. Sharp notified the Commission that Judge Osborn had requested and received a check in the amount of \$125,000 from the State for the purchase of 50 ExpressVote Ballot Marking Devices to be used for disabled voters requiring a secure electronic ballot marking system in upcoming elections and requested the Commission’s authorization to use the funds from the Secretary of State’s Office for that purpose.

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

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Garbage Exemption—Mr. Sharp presented and made the recommendation to accept the County’s 2021 Arrow Disposal (Garbage) Exemption List and the Town of Powell’s Exemption list. He requested the Commission accept this recommendation (List on file in Solid Waste Officer’s Office).

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

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Water Project—Mr. Kuykendall requested and made a motion for the County to assist with the cost of extending public water service to a constituent who lives on CR 223 near the landfill. He stated that the water in that area is not safe to drink. He requested the Commission approve sharing the cost by purchasing the materials to extend public water to the location and stated the Ft. Payne Water Works Board would provide the labor for the project. He stated that the Tipping Fee Fund would be used for this purchase.

Mr. Wootten seconded the motion to approve providing materials for the project. All members voting affirmatively, motion carried.

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Property Purchase—President Harcrow addressed the Commission requesting approval for he and Mr. Sharp to investigate the possibility of purchasing property near the second exit off I59. The property, if purchased, would be the new site for the Tourist Association building and possible multi-use facility at a later date if necessary.

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

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ACCA Agreement—President Harcrow requested the Commission’s approval to enter into an agreement between the County and the ACCA (IAC – Investing in Alabama Counties) for legal/consulting services, etc., as may be necessary to assist with the appropriation of Federal funding under the American Rescue Program Fund.

Mr. Kuykendall made a motion to honor the recommendation. Mr. Wootten seconded the motion. All members voting affirmatively, motion carried.

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2021 Sales Tax Holiday—President Harcrow notified the audience that the 2021 “Back-to-School” Sales Tax Holiday will be July 16-18, 2021. Mr. Harcrow made the recommendation and requested the Commission’s approval to participate.



Mr. Black made a motion, Mr. Harris seconded the motion, all members voting affirmatively to adopt the following resolution to participate in the 2021 Sales Tax Holiday:

**RESOLUTION NO. 21-0608-07**  
**RESOLUTION PROVIDING FOR DeKALB COUNTY'S**  
**PARTICIPATION IN THE "SALES TAX HOLIDAY"**  
**AS AUTHORIZED BY ACT NO. 2006-574 AND**  
**AMENDED BY ACT 2017-120**

**WHEREAS**, during its 2006 Regular Session, the Alabama Legislature enacted Act No. 2006-574, effective July 1, 2006, which provides an exemption of the state sales and use tax for certain non-commercial purchases related to school clothing and supplies during the first full weekend in August of each year; and

**WHEREAS**, Act No. 2017-120 amended Act No. 2006-574 to move the date of the tax holiday from the first full weekend in August to begin on the third Friday in July of each year; and

**WHEREAS** Act No. 2006-574 and Act No. 2017-120 authorizes the county commission to provide for an exemption of county sales and use taxes for purchases of items covered by the Acts 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 days prior to 12:01 a.m. on the third Friday in July; 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. 2006-574 and Act No. 2017-120 during the third Friday weekend of July 2021, beginning at 12:01 a.m. on July 16, 2021 and ending at twelve midnight on Sunday, July 18, 2021, the third Friday weekend of July 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 30 days prior to the effective date of the change; and


**WHEREAS**, the exemption of certain county sales and use taxes for the third Friday weekend of July 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);

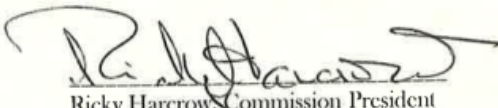
**WHEREFORE BE IT RESOLVED BY THE DeKALB COUNTY COMMISSION** that it does hereby provide for an exemption of the county sales and use tax on purchases of items covered by Act No. 2006-574 and Act No. 2017-120 beginning at 12:01 a.m. on July 16, 2021 and ending at twelve midnight on Sunday, July 18, 2021.

**BE IT FURTHER RESOLVED** that a copy of this resolution be spread upon the minutes of the June 8, 2021, meeting of the DeKalb County Commission, and be 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 8th day of June, 2021.

ATTEST

  
Matt G. Sharp, County Administrator

  
Ricky Harcrow, Commission President

President Harcrow notified the audience that the next meeting will be on Tuesday, July 13, 2021 and asked for a motion to adjourn.

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

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Ricky Harcrow, President

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Shane Wootten, Commissioner District I

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Terry Harris, Commissioner District II

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Chris Kuykendall, Commissioner District III

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Lester Black, Commissioner District IV