

The DeKalb County Commission met in regular session on Tuesday April 23, 2024 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were President Harcrow, Shane Wootten, Terry Harris, Ron Saferite, and Lester Black.

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

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

CDBG-COVID CV Amendment Public Hearing & Resolution:

EMA Director Michael Posey addressed the Commission concerning moving the Cartersville Storm Shelter site from the original location just south of the Cartersville Fire Hall due to wetland issues on the site to land recently purchased adjacent to the original site.

He stated that a formal amendment to the grant was required and a public hearing notice was posted at the Cartersville QuikMart, Ider Foodland, Ider Town Hall, DeKalb County Courthouse and DeKalb County Activities Building for today's regularly scheduled meeting. He asked President Harcrow to open the floor for comments or concerns.

There were no comments from the audience. Mr. Posey then requested the Commission to adopt a Resolution requesting a formal amendment to the CDBG-CV Grant.

Mr. Wootten made a motion to approve, seconded by Mr. Harris, all members voting affirmatively, motion carried to adopt the following Resolution:

**RESOLUTION No. 24-0423-01
AUTHORIZING AND APPROVING AMENDMENT
FOR GRANT FUNDS THROUGH
THE STATE OF ALABAMA'S CDBG-CV PROGRAM**

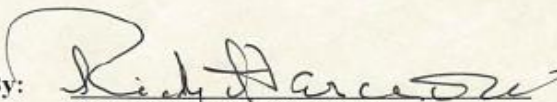
WHEREAS, the DeKalb County Commission has received 2020 Community Development Block Grant (CDBG) Coronavirus (CV) Program funds under Project #CV-NC-20-023 for a pandemic response facility in the Cartersville and Kilpatrick Communities; and

WHEREAS, the County is requesting to formally amend the project to move the Cartersville site to an adjacent property; and


THEREFORE, the DeKalb County Commission is submitting a Formal Amendment request to the Alabama Department of Economic and Community Affairs (ADECA) requesting permission to change the scope of the project by moving the Cartersville site from property just south of the Cartersville Fire Hall to adjacent property approximately 150 feet to the northwest of the Cartersville Fire Hall; and


THAT, Ricky Harcrow, President, is hereby authorized to sign and submit all required documents to ADECA requesting approval of the formal Amendment

ADOPTED THIS THE 23rd DAY OF APRIL, 2024

By: 
Ricky Harcrow, President

ATTEST:


Matt G. Sharp,
County Administrator



Road Department

Update—Mr. Young gave a brief update stating that crews are continuing to do patch work and shoulder clipping. Reclaiming in District 3 is complete. Mr. Young also said that the herbicide contractor is within a few days of completing herbicide treatment.

Personnel—Mr. Young requested authorization to post an open position in District 1 to replace Tony Gorham who recently retired.

Mr. Wootten made a motion to approve. Seconded by Mr. Saferite. All members voting affirmatively, motion carried.

Award Excavator Bid—Mr. Young stated that bids were opened on April 18, 2024 for one (1) used Track Excavator. He stated that two bids were received (Thompson Tractor & Warrior Tractor & Equipment). He made the recommendation to award the bid to Thompson Tractor for a 2022 Caterpillar 330GC (used) for \$200,000.00. Also agreed to trade-in old Track Hoe for \$17,000.00.

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

Employment Contract—President Harcrow addressed the Commission making the recommendation to hire Mr. Tom Broyles who recently retired, as a contract employee for a period of six (6) months to provide assistance for the operation of the County Road Department. This will be an Advisory Role to the Road Superintendent. The term of the contract shall be from May 1, 2024 –October 31, 2024.

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

Animal Adoption-Awning & Donation Organization—Mr. Sharp on behalf of Ms. Ledbetter asked for the Commission’s approval to install an awning/roof extension to the Animal Shelter.

Also, he noted that Christy Noojin with a group called “Friends of DeKalb County” had requested permission to solicit donations to make a “Catio” and a fenced in area for anyone interested in adopting a pet to be able to bring said animal outdoors for interaction with the prospective pet.

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

Mack Truck Financing Resolution—County Administrator Matt Sharp requested the Commission adopt a Resolution authorizing and approving the execution of a contract to enter into agreement with Cadence Bank for the lease-purchase financing of ten (10) Mack G464F Trucks and five (5) new dump bodies at a cost of approximately \$1.9 million.

Mr. Saferite made a motion to approve. Mr. Black second the motion. All members voting affirmatively, motion carried to adopt the following Resolution:

RESOLUTION NO. 24-0423-02

***Resolution Authorizing and Approving Execution of a Contract
With Cadence Equipment Finance, a Division of Cadence Bank***

WHEREAS, the DeKalb County Commission (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 Delivery Order and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit “A” (collectively, the “Contract”) with Cadence Equipment Finance, a division of Cadence Bank (the “Seller”), for the purpose of leasing with an option to purchase the equipment as described therein for the total cost specified therein (the “Equipment”).

1. The Buyer desires to enter into a Contract with the Delivery Order and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (collectively, the "Contract") with Cadence Equipment Finance, a division of Cadence Bank (the "Seller"), for the purpose of leasing with an option to purchase the equipment as described therein for the total cost specified therein (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.

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 G. Sharp, County 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 2024.

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.

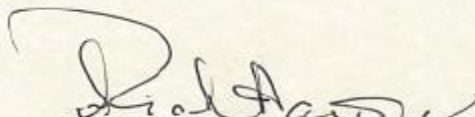
Section 4. No portion of the rental payment identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect 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. 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.

The aggregate face amount of all tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds) issued or to be used by the Buyer and all subordinate entities thereof during the current calendar year is not reasonably expected to exceed \$10,000,000. The Buyer and all subordinate entities thereof will not issue or enter into excess of \$10,000,000 of tax-exempt obligations (including the Contract, but excluding private activity bonds other than qualified 501 (c) (3) bonds) during the current calendar year, without first obtaining an opinion of nationally recognized counsel in the area of tax-exempt municipal obligations acceptable to the Seller that the designation of the Contract as a "qualified tax-exempt obligations" will not be adversely affected.

Following the reading of the foregoing resolution, Mr. Saferite moved that the foregoing resolution be adopted. Mr. Black seconded the motion for its adoption. President Harcrow put the question to a vote. The motion having received the affirmative vote of all members present, President Harcrow declared the motion carried and the resolution adopted this the 23rd day of April, 2024.


Ricky Harcrow, President

ATTEST:


Matt G. Sharp, County Administrator

(SEAL)

Solid Waste Permit Modification Resolution—President Harcrow requested the Commission’s approval to adopt Resolution No. 24-0423-03, which would Amend the current Solid Waste Host Agreement and modify the Solid Waste Site Permit issued to GEK, Inc.

Mr. Sharp stated that Commissioner Saferite and Commissioner Harris were instrumental in the negotiation of this contract which increased the tonnage from 1,500 tons to 2,100 tons/day. The landfill asked for 3,000 tons. It also included increases in the landfill tipping fees received by the County for all new areas, with 5% increases every 3 years. It includes a tipping fee on all waste (except municipal waste), with 5% increases every 3 years. And finally, after the current 10 year plan, all of the tipping fees will rise to the highest existing rate at the time. Mr. Saferite and Mr. Harris thanked landfill representatives for their assistance in reaching this hard-fought agreement.

Mr. Saferite made a motion to approve the request. Seconded by Mr. Harris. All members voting affirmatively, motion carried to adopt the following Solid Waste Permit Modification Resolution:

**STATE OF ALABAMA
COUNTY OF DEKALB**

***RESOLUTION No. 24-0423-03
AMENDMENT TO RESOLUTION
GRANTING MODIFICATION OF SOLID WASTE MANAGEMENT SITE PERMIT
ISSUED TO GEK, INC.***

WHEREAS, GEK, Inc., an Alabama corporation (“Permit Holder”), has a permit to operate a solid waste management site in DeKalb County, Alabama (the “Permit”) located at 3345 County Rd 209, Collinsville, Alabama 35961 (the “Site”);

WHEREAS, the DeKalb County Commission, as the governing body of DeKalb County, Alabama (the “Commission”), passed a resolution on May 12, 1998 with respect to the operation of the Site (the “1998 Resolution”);

WHEREAS, Permit Holder has heretofore filed a request for approval to modify its solid waste management site permit to expand its service area coverage and daily tonnage allowance in accordance with the requirements of Chapter 27 of Title 22 of the *Code of Alabama* 1975, as amended;

WHEREAS, public notice of the request filed by Permit Holder was given by publication of a notice of public hearing in *The Times Journal*, a newspaper of general circulation in DeKalb County, Alabama, on January 13, 2024, and a public hearing was held to consider the request for approval to modify Permit Holder’s solid waste management site Permit on February 13, 2024;

WHEREAS, after consultation with counsel and consideration of comments by the public and of the criteria established by Chapter 27 of Title 22 of the *Code of Alabama* 1975, as amended, and specifically the provisions of Article 3 of Chapter 27 (Solid Waste Management Plan), and Article 1 of Chapter 27 (Solid Wastes Disposal Act), the Commission desires to approve the request and amend the 1998 Resolution as set forth herein;

WHEREAS, the County has also considered needed road maintenance work along portions of County Road 212 as identified in the attached map (Exhibit A), which road, among other things, provides access to Permit Holder’s solid waste management site;

THEREFORE, BE IT RESOLVED by the Commission that it hereby grants to Permit Holder a modification to its Permit, amending the 1998 Resolution as follows:

1. **Amendment of Section 1 of the Resolution**. Section 1 of the 1998 Resolution is hereby replaced in its entirety with the following:

The maximum service area covered by the permit shall be limited to the following counties: Blount, Calhoun, Cherokee, Clay, Cleburne, DeKalb, Etowah, Jackson, Limestone, Madison, Marshall, Morgan, Randolph, Saint Clair, and Talladega, all in the State of Alabama; Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Dade, DeKalb, Douglas, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Haralson, Murray, Paulding, Pickens, Polk, Walker, and Whitfield, all in the State

of Georgia; and Bradley, Hamilton, and Marion, all in the State of Tennessee, including any transfer stations contained therein (the "Maximum Service Area").

2. **Amendment of Section 2 of the Resolution**. Section 2 of the 1998 Resolution is hereby replaced in its entirety with the following:

The average daily tonnage amount of solid waste to be disposed of at the solid waste management site shall be limited to solid waste generated in DeKalb County, Alabama and in the Maximum Service Area, and shall in no event exceed an average total daily tonnage amount of two thousand one hundred (2100) tons. Notwithstanding the foregoing, the site is hereby required to accept and dispose of all solid waste generated in DeKalb County, Alabama, which is submitted, presented or offered to be submitted or presented to the site. It is the intent of this resolution that the average daily tonnage amount shall be two thousand one hundred (2100) tons, including those amounts submitted, presented or offered from DeKalb County.

3. **Amendment of Section 4 of the Resolution**. Section 4 of the 1998 Resolution is hereby amended to add the following:

Effective January 1, 2025, Permit Holder shall pay the aforementioned tipping fees on all tonnages within the service area of the solid waste management site as it existed on May 12, 1998.

Beginning on the date the revised DeKalb County Solid Waste Management Plan is approved by the Alabama Department of Environmental Management, Permit Holder shall pay \$2.00 per ton on tonnages within the expanded Maximum Service Area as described above in Section 1.

The aforementioned tipping fees shall increase by five (5) percent every three (3) years, with the first increase occurring January 1, 2028, and subsequent increases occurring every three (3) years thereafter.

Beginning ten (10) years from the date of passage of this Amendment, all tipping fees shall be equivalent and set at the higher tipping fee rate in effect at that time.

4. **Addition of Provisions Regarding County Road 212**.

a. Permit Holder shall reimburse the County for its reasonably necessary, recorded and one-time paid costs (to include costs incurred for supplies and services, materials, direct labor, and direct travel) to resurface, to a reasonably safe condition for travel, the stretches of County Road 212 identified on the attached Exhibit A as Area 1 and Area 2, including but not limited to those portions intersecting County Road 51 North and County Road 209. All paving shall be appropriate for the anticipated vehicle usage.

b. During its operation and management of the solid waste management site, Permit Holder shall regularly maintain the section of County Road 212 between County Road 51 North and County Road 209, including sweeping and controlling litter.

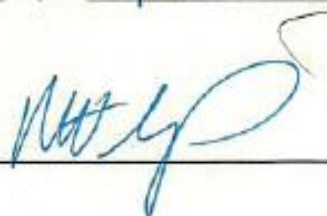
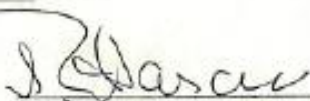
c. Permit Holder's responsibilities under this Section shall not in any way affect or alter existing ownership or superintendence of any road or road structures.

5. **Conflicting Terms**. In the event of a conflict between the terms or provisions of this Resolution and the terms and provisions of (a) any resolution or parts thereof (including the 1998 Resolution) or (b) any permit, license, approval or authorization or parts of thereof which conflict with this Resolution, such terms and provisions are repealed and superseded by this Resolution so that the terms and provisions of this Resolution control and prevail.

6. **Ratification**. Except as specifically provided in this Resolution, the 1998 Resolution shall be unamended and all terms and provisions of the 1998 Resolution remain in full force and effect and are hereby ratified by the Commission in all respects.

7. **Effectiveness**. The changes to the Permit effected by this Resolution shall become effective upon the passage of this Resolution by the Commission and acceptance by the Permit Holder in as provided below and upon approval by the Alabama Department of Environmental Management or as otherwise provided by law.

DONE this 23rd day of April, 2024.

ATTESTED BY:  
Ricky Barrow, President

President Harcrow addressed the Commission stating an item was accidentally left off the agenda and requested a move and second to amend the agenda to add the omitted item.

Mr. Wootten made a motion to grant the request. Mr. Black seconded the motion. All members voting affirmatively motion carried to amend the Agenda to add the item.

Land Purchase—President Harcrow addressed the Commission and requested the authority to purchase approximately 80 acres of land that joins the Collinsville Chert Pit for approximately \$200K. He stated this was an opportunity to expand the Chert Pit and provide chert to the County Road Department for many years to come.

Mr. Harris made a motion to approve the request. Mr. Wootten seconded the motion. All members voting unanimously, motion carried to make the purchase and to give President Harcrow, County Administrator Matt Sharp and County Attorney Jeff McCurdy authorization to sign the necessary documents.

President Harcrow notified the audience that the next meeting will be on May 14, 2024 and asked for a motion to adjourn.

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

Ricky Harcrow, President

Shane Wootten, Commissioner District I

Terry Harris, Commissioner District II

Ron Saferite, Commissioner District III

Lester Black, Commissioner District IV