

The DeKalb County Commission met in regular session on Tuesday October 8, 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 Mr. Harcrow delivering the Invocation, and Mr. Black 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.

President Harcrow welcomed members of DeKalb Homemakers and signed a Proclamation declaring the second week of October as DeKalb Homemakers Week. Ms. Janice Smith along with other members of the group thanked the Commission for recognizing their organization and services to the area.

Road Department

Update—Mr. Young stated that crews are continuing to run patch trucks in all Districts, stating one patch truck is in the shop for repairs. Crews also are also doing routine mowing and bush cutting throughout the county.

Personnel—Mr. Young requested permission to hire Jamie Bates (D3) to replace Terry Wadsworth's position in D2.

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

Equipment Purchase—Mr. Young requested permission to purchase two (2) new Road Graders off the Sourcewell Bid from Cat at \$350,000/each and to sell four (4) older models.

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

Mr. Young requested permission to purchase a Pad Foot Roller off the Sourcewell Bid at \$149,500 to be used on chert roads stating it does a much better job packing than the outdated Grid Rollers.

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

Engineer

CR 565 Speed Limit Resolution

Mr. Luther requested a 20-mph maximum speed limit be set for CR 565 from CR 38 to the Powell Town Limits.

Mr. Black made a motion to approve the request. Seconded by Mr. Saferite. All members voting affirmatively, motion carried to adopt the following resolution setting a maximum speed limit of 20 mph:







RESOLUTION NO. 24-1008-02

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 565 from County Road 38 to the Powell town limits 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 565 from County Road 38 to the Powell town limits 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 565;

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 8th day of October, 2024

 Shane Wootten District 1 Commissioner	 Ricky Harcrow, President	 Tony Harris District 2 Commissioner
 Ron Saferite District 3 Commissioner		 Lester Black District 4 Commissioner
ATTEST:  Matt Sharp County Administrator		

Sunset Trace Phase III Preliminary Plat

Mr. Luther presented on behalf of Mr. Bruce Massey a Phase III Preliminary Plat for Sunset Trace Sub-division located in Geraldine. He stated all requirements have been met for the proposal to add 16 additional lots and three (3) additional roads within the sub-division.

Mr. Luther made the recommendation to the Commission to accept the preliminary plat for further development.

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

Meadow Grove Estates Phase II Preliminary Plat

Mr. Luther presented a Phase II Preliminary Plat for approval for Meadow Grove Estates located in Adamsburg and owned by Mr. Joe McNew. He stated the proposal was to add an additional fifteen lots and two (2) roads. Mr. Luther stated that the proposal meets all county requirements and made the recommendation to the Commission to approve for further development.

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

ALDOT Snow and Ice Removal

Mr. Luther requested the Commission accept the FY24-25 contract for snow & ice removal. He stated that the rates are unchanged and requested permission to quote the same rates as the previous year.

Mr. Wootten made a motion to approve. Seconded by Mr. Harris. All members voting affirmatively, motion carried. Rates listed below:

1. Motorgrader w/Operator	\$170.00/hr
2. Standby Rate for Motorgrader	\$120.00/hr
3. Spreader Truck w/Driver	\$113.00/hr
4. Standby Rate for Spreader Truck	\$ 79.00/hr
5. Loader w/Operator	\$113.00/hr
6. Standby Rate for Loader	\$ 79.00/hr
7. Shadow Vehicle w/Driver	\$ 57.00/hr
8. Standby Rate for Shadow Vehicle	\$ 40.00/hr

Jail

Personnel—Chief Edmondson on behalf of Chief Wright requested the Commission’s approval to hire Cody Dupree to replace Adam Thornton and to promote Kindall (Taylor) Blevins to Sgt to replace Tyse Lawhorne who is returning to the position of Corrections Officer.

Mr. Black made a motion to approve the personnel request. Seconded by Mr. Saferite. All members voting affirmatively, motion carried.

Jail Feeding—Chief Edmondson at the request of Chief Wright requested permission to move forward with terminating the current contracted kitchen service and return to handling the kitchen staffing with inhouse personnel. Approval to hire a kitchen manager included in his request.

County Administrator Matt Sharp stated there has been discussion on the matter for some time and either party may suspend the contract with a thirty-day written notice.

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

Mental Health Officer—Judge Osborn requested the Commission’s approval to hire Cathy Clifton as the County’s Mental Health Officer (MHO) working with Judge Osborn and the Sheriff’s Office Staff. President Harcrow made the recommendation to approve the request stating that Mental Health has been, for a long while a major issue and that hiring an in-house Mental Health Officer will be a tremendous asset to the County benefiting both Judge Osborn’s Court and the Jail.

Mr. Black made a motion to approve the MHO position. Seconded by Mr. Saferite. All members voting affirmatively, motion carried.

Tower Bid—On behalf of EMA Director Michael Posey, Mr. Sharp requested the Commission’s approval to approve the initiation of a Tower Bid on the Ricky Little site. This will be for the P25 Radio System. Bids will be sent out on October 31st and opened on November 27th. The plan is to pay for a portion of this with ARPA funds.

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

Cadence Equipment Finance Resolution—County Administrator Matt Sharp requested the Commission adopt a Resolution for lease-purchase financing of Mack Trucks/Equipment with Cadence Bank for \$4.4 million @ 5.22% interest. Mr. Sharp noted that Cadence will lower the interest rates if the Federal Reserve lowers rate before the delivery date of the equipment.

Mr. Saferite made a motion to approve. Seconded by Mr. Wootten. All member voting affirmatively, motion carried to renew the contract and adopt the following Resolution:

RESOLUTION NO. 24-1008-03

***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").
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 2025.

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.


Section 7. The Buyer desires to designate the Contract as a "Qualified tax-exempt obligation" of the buyer, as defined in Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

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. Wooten 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 8th day of October 2024.


Ricky Harcrow, President

ATTEST:


Matt G. Sharp, County Administrator

Tax Abatement Resolution—Mr. Jimmy Durham, Executive Director of the DeKalb County Economic Development Authority addressed the Commission presenting a Tax Abatement request for an additional 5-yr noneducational property tax abatement for The Children’s Place, Inc. President Harcrow asked for a motion granting the request. Mr. Harris indicated that most Counties only approve a 10-yr abatement. Mr. Durham noted that their original 10yr-abatement was going off and would provide over \$500,000 in property taxes to the State, Education, County and municipalities within DeKalb County. He also mentioned that there would be a \$53M investment by Children’s Place and would be creating 150 new jobs.

Mr. Saferite made a motion to approve. Seconded by Mr. Wootten. All members voting affirmation to adopt the following Tax Abatement Resolution:

Resolution Number 24-1008-01

This Resolution is made this 8th day of October, 2024 by the DeKalb County Commission (the Granting Authority), to grant a noneducational property tax abatement to The Children’s Place, Inc. (the Company). The abatements are for years 11 – 15 of a 15-year abatement. The granting of years 11 – 15 will be in conjunction with the City of Fort Payne and the State of Alabama also granting the abatement of noneducational property taxes for an additional 5 years. This will grant the total period of noneducational property taxes for a total of 15 years, to follow the statutory abatements for sales & use and noneducational property taxes by the City of Fort Payne.

WHEREAS, the Company has announced plans for a (check one):

New project or

Major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act) the Company has requested from the Granting Authority an Abatement of (check all that apply):

all local county noneducational property taxes,

all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

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WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a total period of 15 years, the passing of this resolution will be for years 11 – 15 of the initial abatement in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request;

WHEREAS, the Granting Authority has found the information contained in the Company’s application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$53,000,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all local county noneducational property taxes,
- all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- all mortgage and recording taxes; and

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period total 15 years, this resolution grants an additional 5 years, which will be years 11 – 15 after the placing in service of expansion project as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

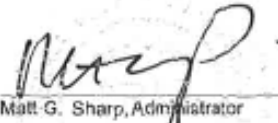
Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the DeKalb
County Commission at a meeting held on the 8th day of October, 2024


Ricky Harcrow, President
DeKalb County Commission

ATTESTED BY:


Matt G. Sharp, Administrator

DAS/Hospital Board Appointments—President Harcrow made the recommendation and ask for a motion to approve the following DAS/Hospital Board appointments for a 5-year term beginning January 1, 2025 and expiring December 2029.

Doug Crowe	Replaces Michael Posey	District 1
Tony Taylor	Reappointed	District 2
David Bowen	Replaces Mike Leath	District 3
Kyle Williams	Replaces Sam Phillips	District 4
Paul Cagle	Replaces Patti Pope	At-Large

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

President Harcrow notified the audience that the next meeting will be on Wednesday, November 13, 2024. He stated this will be an organizational meeting required by law eight (8) days after the General Election. Mr. Harcrow stated that today will be the last meeting for Commissioner Terry Harris. The Commission and staff thanked him for his service to the county over the last four years. Mr. Harris said he was very thankful for the opportunity to serve the citizens of DeKalb County.

President Harcrow 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