

Minutes of a Regular Meeting  
of the  
Colbert County Commission  
3/1/2022

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Isom called the work session to order at 5:01 p.m. with the regular meeting following at 5:51 p.m., being the time and place previously scheduled for such work session and regular meeting. All Commissioners answered "present" at the call of the roll. Commissioner Barnes offered the prayer and led the Pledge of Allegiance. Chairman Isom declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

Leland Timmons spoke regarding the landfill issues. Mr. Timmons wanted to know if sludge being dumped from Essity has been tested to see what was in it before dumping. If so, he wanted to know if anything in it was harmful. He also wanted to know how many of the Commissioners had been to the site and noticed the smell as well as its appearance. Commissioner Barnes commented that the ADEM profile did meet the standards to dump. Mr. Timmons wanted to know if anyone checked to see if the property was condemned. He said that Mrs. Jackson, in her 80's, lives on Hwy 72 and another citizen, Bunker Blankenship says that the property was condemned in the 1980's. Mrs. Jackson told him that they got it condemned and that Billy Underwood was the Attorney. Mr. Timmons wanted to know who owned the property. Commissioner Barnes told him that Tri Cities Solid Waste Disposal Authority ("Tri Cities") is the owner of the landfill property but that the landfill property and all facilities located thereon are leased to and operated by CWI Cherokee LF LLC. The Chair then recognized Mr. Robert Timmons who expressed concerns regarding "No Trespassing" signs posted on or near the landfill and further expressed his belief that the waste being disposed into the landfill is not properly covered. According to Mr. Robert Timmons, this has resulted in runoff from the landfill seeping into the ground and entering Cane Creek. Mr. Leland Timmons was again recognized and stated his belief that Tri Cities got \$18 Million in bond money which was used to purchase the landfill from Witmer. He wanted to know why the Commission would buy the landfill from him then turn around and rent it to him. Commissioner Barnes informed him that the Commission does not own and has never owned the property and was not a party to the bond issue. Mr. Robert Timmons was again recognized stated his belief that the county approved the site for the landfill and it was his understanding that Mr. Witmer was supposed to cover the sludge with dirt once a month. Commissioner Bailey stated that all of the Commissioners are concerned about the situation and none of them are happy about it. She stated that she and Commissioner Isom looked at the site and had conversations with Mr. Witmer. Commissioner Bailey reminded Mr. Timmons that ownership of the landfill is vested in Tri Cities, and suggested that he seek to address his concerns to Tri Cities at one of its regularly scheduled public meetings. Mr. Leland Timmons then asked about responsibility for repayment of the bonds in the event that the lease with CWI Cherokee LF LLC was terminated. The Chair recognized Mr. Tom Heflin, attorney for Tri Cities. Mr. Heflin confirmed the ownership of the landfill property and stated that CWI Cherokee LF LLC is obligated to repay the outstanding revenue bonds. County Attorney Edgar Black was then recognized and stated that while the Commission was responsible for local approval of the landfill site, that is only the first step in the permitting process. Mr. Black further informed the Commission and members of the public who were present that Colbert County has no authority to inspect waste streams that may be entering the landfill or to impose any conditions or restrictions upon the landfill operator's activities or otherwise regulate the landfill or its operator. Mr. Black stated that the Alabama Department of Environmental Management is solely responsible for issuing solid waste disposal permits and ensuring that permittees comply with

relevant laws. The Chair then recognized Mr. Dean Goodloe who relayed his concern regarding the smell emanating from the landfill and also his belief that the landfill has caused an increase in the mosquito population.

The Chair next recognized Mr. Kelly Aday gave an update on the ISO Ratings of the County's Volunteer Fire Departments. He also reported that Colbert County will host the Annual AAVFD Conference, July 8 and 9 at the Clarion Hotel in Sheffield and encouraged Commissioners to attend.

## BOARD APPOINTEE REPORTS

None

## AWARDS AND PRESENTATIONS

None

## PUBLIC HEARINGS

With a motion duly made and seconded, Chairman Isom declared a Public Hearing convened to hear public comment on the application for a 011-Lounge Retail Liquor-Class II (Package) license for Rans Business Inc d/b/a Tuscumbia Liquor Store. The Chair made three calls for comments for any persons wishing to speak to oppose the license. Hearing none, the Chair made 3 calls for any party to speak in favor of issuance of a license, no response was made. The Chair then declared the public hearing to be closed.

With a motion duly made and seconded, Chairman Isom declared a Public Hearing convened to hear public comment on the application for a 050-Retail Beer (Off Premises Only) license for Rans Business Inc d/b/a Tuscumbia Mini Mart. The Chair made three calls for comments for any persons wishing to speak to oppose the license. Hearing none, the Chair made 3 calls for any party to speak in favor of issuance of a license, no response was made. The Chair then declared the public hearing to be closed.

## CONSENT AGENDA

Chairman Isom announced that the business before the Commission was the approval of the consent agenda. Commissioner Gardiner made motion to adopt and approve the matters placed on the consent agenda during the work session. The motion was duly seconded by Commissioner Mansell. Chairman Isom stated that the adoption and approval of a consent agenda comprised of the following items of business was properly before the Commission and stated the matters as follows:

1. Waived reading of February 15, 2022 minutes and approved the same as written.
2. Approved payment of March 1, 2022 bills as presented by the Chief Financial Officer.
3. Approved RSVP Budget Allocation Request in the amount of \$14,400.00 for the current fiscal year and \$24,265 for the fiscal year beginning October 1, 2022 for a total allocation of \$38,665.00.
4. Approved an amendment to the budget for the current fiscal year to allow for Building Fund Bond Payment.
5. Authorized incorporation of the Greater Shoals Broadband Cooperative District and agreed to join as a member of same by adoption of the following Resolution:

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### RESOLUTION NUMBER 2022-0029

**A RESOLUTION APPROVING AN APPLICATION FOR THE COUNTY OF COLBERT TO BECOME A JURISDICTIONAL MEMBER OF THE GREATER SHOALS BROADBAND COOPERATIVE DISTRICT AND AUTHORIZING SUCH INCORPORATION**

WHEREAS, on or around February 18, 2022, three (3) natural persons being Macke Mauldin, Jim Blasingame, and Michael shipper (such persons collectively, the "Applicants") filed with the Colbert County Commission (the "Governing Body") of Colbert County, Alabama (the "Public Entity") and application made under and in accordance with provisions of Chapter 99B of Title 11 of the Act (the "Application"), a copy of which Application is attached hereto as Exhibit A;

WHEREAS, as further set forth in the Application, the Applicants have proposed and requested, among other things, that (a) a public corporation by the name of the "Greater Shoals Broadband Cooperative District" be incorporated pursuant to and in accordance with the relevant provisions of Chapter 99B of Title 11 of the Act to serve as a "capital improvement cooperative district" within the meaning of the Act (the "District"), (b) the Public Entity become and be a member of the District, and (c) that the Public Entity adopt and approve these resolutions for purposes of, among other things, approving and authorizing the matters referenced in this paragraph;

WHEREAS, as further set forth in the Application, each Applicant has certified that he or she is a duly qualified elector of one of the counties with the governing body of which this application is being filed;

WHEREAS, upon receipt and consideration of the Application and related information and evidence, the Governing Body has determined that the Application satisfies the applicable requirements of Chapter 99B of Title 11 of the Act; and

WHEREAS, upon receipt and consideration of the Application and related information and evidence, the Governing Body has determined it to be wise, expedient, and necessary, and in the best interest of the Public Entity and its citizens and users, that the proposed District be formed and that the Applicants proceed to form the proposed District by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-99B-4 of the Act.

NOW, THEREFORE, BE IT:

RESOLVED, the Governing Body has determined it to be wise, expedient, and necessary that the proposed District be formed, and the Applicants are hereby authorized to proceed to form the proposed District by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-99B-4 of the Act; and

FURTHER RESOLVED, that upon formation of the proposed District, the Public come into G will be a member of such District and, in its capacity as a member thereof, the Public Entity is hereby authorized and directed to perform and carry out its rights and obligations in connection therewith.

6. Approved Wastewater Treatment Plant Transfer Agreement to be sent to Shoals Solid Waste Disposal Authority for its approval.
7. Approved Pay Request SRF# FS9810264-01, \$264,195.45.
8. Authorized Chairman Isom to send a letter in substantially the form presented to the Commission on behalf of the Commission demanding rescission of landfill rate increase to CWI Cherokee LF LLC and the Solid Waste Disposal Authority of the Cities of Muscle Shoals, Sheffield, and Tusculmbia, Alabama.
9. Approved Revenue Commissioner Job Request.
10. Approved request by Natasha Stanfield for payment of unused accrued annual leave in the amount of \$814.46.

## UNFINISHED BUSINESS

NONE

**REPORTS FROM STAFF**

Chairman Isom announced that the Commission would hear reports from staff. Upon being recognized by the Chair, the following reports were heard by the Commission:

**County Administrator:**

Administrator Roger Creekmore reported that it was suggested by Commissioner Bailey that the Commission purchase an online Times Daily portal for department heads. The cost is \$12.00 the first 3 months then \$12.00 per month thereafter. There are 2 accesses with 1 subscription. CFO Eaton suggested that the Commissioners could all share access. Creekmore informed the Commission that he had written notification approving the purchase of laptop computers to replace old ones in the Sheriff's Department including along with laptops for essential personnel. Administrator reported that he, I.T. manager Eugene Rikard and Chairman Isom had a meeting with the auditors and were informed that the Department of Public Examiners will now include Cyber Security in County audits. This will necessitate changes and additions to our system. Rikard will be getting estimates for upgrades. A copy of request for proposal for the architect on the Justice Center will be looked over, prepared, vetted and should be ready for consideration at the next Commission meeting.

**Chief Financial Officer:**

CFO April Eaton reported that 6 employees are not eligible for the Temporary Premium Pay because they are over the cap amount and one employee who can only receive a partial amount.

**County Attorney:**

None

**EMA Director:**

None

**County Engineer:**

Chief Engineer Jeremy Robison reported that we received 7 inches of rain last week. There are still a lot of areas that are retaining water. The speed bumps for Blue Rd. have been delivered. He is now waiting on the flashing warning lights. Robison had a conference call with Sheffield Utilities and installation of the new water meters will begin soon.

**NEW BUSINESS**

A motion was given by Commissioner Gardiner and seconded by Commissioner Tori Bailey for approval of application for a 011-Lounge Retail Liquor-Class II (Package) license for Rans Business Inc d/b/a Tuscumbia Liquor Store. The Chair stated that the matter before the Commission was approval of the application and called for any discussion. Hearing none, Chairman Isom asked the County Administrator to call the roll and a roll call vote was had as follows:

District 1	Aye
District 2	Nay
District 3	Aye
District 4	Aye
District 5	Nay
District 6	Aye

Chairman Isom declared the motion had carried and the license approved. The Chair then asked Administrator Creekmore to give notice of the same to the Alabama Alcoholic Beverage Control Board.

A motion was given by Commissioner Gardiner and seconded by Commissioner Tori Bailey for approval of application for a 050-Retail Beer (Off Premises Only) license for Rans Business Inc d/b/a Tuscumbia Mini Mart. The Chair stated that the matter before the Commission was the approval of the application and called for any discussion. Hearing none, Chairman Isom asked the County Administrator to call the roll and a roll call vote was had as follows:



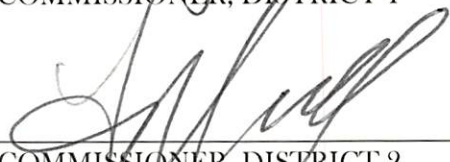
District 1	Aye
District 2	Nay
District 3	Aye
District 4	Aye
District 5	Nay
District 6	Aye

Chairman Isom declared the motion had carried and the license approved. The Chair then asked Administrator Creekmore to give notice of the same to the Alabama Alcoholic Beverage Control Board.

DISCUSSION ITEMS BY COMMISSIONERS

NONE

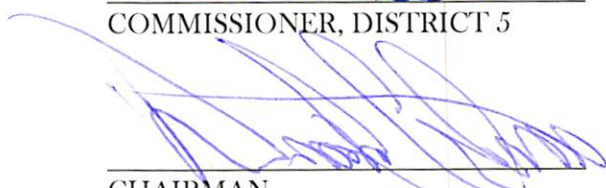
  
COMMISSIONER, DISTRICT 1

  
COMMISSIONER, DISTRICT 2

  
COMMISSIONER, DISTRICT 3

  
COMMISSIONER, DISTRICT 4

  
COMMISSIONER, DISTRICT 5

  
CHAIRMAN