

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
08/31/2023

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Mansell called the work session to order at 5:01 p.m. with the regular meeting following at 5:35 p.m., being the time and place previously scheduled for such work session and regular meeting. All Commissioners answered “present” at roll call, with the exception of Commission Gardiner who was absent. Commissioner Barnes offered the prayer and led the Pledge of Allegiance. Chairman Mansell declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

None

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

None

CONSENT AGENDA

Chairman Mansell announced that the business before the Commission was the approval of the consent agenda. Commissioner Barnes made a motion to adopt and approve the matters placed on the consent agenda during the work session. The motion was duly seconded by Commissioner Barnes. Chairman Mansell 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. Approved reading of August 1, 2023 minutes and approved the same as written.
2. Approved payment of August 31, 2023 bills as presented by the Chief Financial Officer.
3. Approved to set budget hearings dates for Tuesday after regular Commission -meeting September 5th, Thursday the 7th and Monday the 11th at 4:30 P.M. in the Commission chambers.
4. Approved to award TVA watermain bid TJ Construction in the amount of \$1,176,673.85. TVA will join the project to extend to Complex D, assuming full responsibility for additional cost estimated at \$260,362.00 and will agree to a Memorandum of Understanding.
5. Approved award of the Commercial Garbage bid to Waste Connections of Alabama at the recommendation of the Solid Waste Manager.
6. Approved award of DWSRF #FS010264-02 water meter replacement PH II bid to UWS Inc., (Labor Only) in the amount of \$435,750.00 and Empire Pipe and Supply, (Materials Only) in the amount of \$47,560.90.

7. Approved request from the Probate Judge to designate Helen Keller Public Library as the Voting Place for Voting Precinct 2, Box 1, by adoption of the following Resolution:

RESOLUTION NUMBER 2023-0036

A RESOLUTION TO CHANGE THE VOTING PLACE DESIGNATION FOR
PRECINCT 2, BOX 1

WHEREAS, pursuant to § 17-6-2 *Code of Alabama* (1975, as amended), the County Commission of Colbert County, Alabama, is authorized to designate and select a Voting Place for each Voting Precinct; and

WHEREAS, the currently designated Voting Place for Voting Precinct 2, Box 1 is Calvary Baptist Church, located at 601 N Main St, Tuscumbia, Alabama; and

WHEREAS, the Probate Judge of Colbert County has requested that the Commission change the location of the Voting Place for Voting Precinct 2, Box 1 and designate the Helen Keller Public Library, located at 511 N Main St, Tuscumbia, Alabama, as the Voting Place for Voting Precinct 2, Box 1.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that pursuant to the authority granted to it by § 17-6-4 of the *Code of Alabama* (1975, as amended), the Commission does hereby designate the Helen Keller Public Library, located at 511 N Main St, Tuscumbia, Alabama, as the Voting Place for Voting Precinct 2, Box 1.

BE IT FURTHER RESOLVED that, as required by §§ 17-6-1 through 17-6-9 of the *Code of Alabama* (1975, as amended) that the County Administrator of Colbert County, Alabama, upon adoption of the foregoing Resolution, will hand deliver and file certified copies of this Resolution with the Office of the Judge of Probate of Colbert County, Alabama and the Office of the Board of Registrars of Colbert County, Alabama.

BE IT FURTHER RESOLVED that, as required by §§ 17-6-1 through 17-6-9 of the *Code of Alabama* (1975, as amended) that the County Administrator of Colbert County, Alabama, upon adoption of the foregoing Resolution, will send certified copies of this Resolution via United States Postal Service Certified Mail to the Reapportionment Office of the State of Alabama.

BE IT FURTHER RESOLVED that the County Administrator is authorized to take such further action as he may deem to be necessary, advisable, and convenient to affect the provisions of this Resolution and to provide notice of its adoption to those persons or entities entitled to notice thereof.

BE IT FURTHER RESOLVED THAT, pursuant to *Shelby County Alabama v. Holder*, 570 U.S. 529 (2013), this instrument is not subject to Section 5 of the Voting Rights of 1965 (42 USC § 1973c), as amended.

BE IT FURTHER RESOLVED that this Resolution shall supersede any previous Resolution heretofore approved by the County Commission of Colbert County, Alabama regarding the subject matter hereof.

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8. Approved request to surplus, 2018 Chevrolet, VIN 1FTEWIE57JKF62725.
 9. Approved request to surplus, 2018 Dodge Charger VIN 2C3CDXXHG3JH236834.
 10. Approved to surplus 2018 F150 VIN 1FTEWIE50JKF62725.
 11. Approved request to surplus various computer components in the Revenue Commissioner Office.
 12. Approved request for unused annual leave for Bradley Skipworth in the amount of \$8,421.60.
 13. Approved speed limit posting of 25 m.p.h. on Elledge Loop and Green Acres Dr.
 14. Approved Donnegan Cove Subdivision final plat.

15. Approved lake Ridge Subdivision preliminary plat.
16. Approved Memorandum of Understanding with the Administrative Office of Courts for a \$15,000.00 grant for District Judge employees.

UNFINISHED BUSINESS

None

REPORTS FROM STAFF

Chairman Mansell 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 the NACOLG Board has 4 appointments upcoming which will be on the September 19 Commission Agenda. He also reported that both SEDA and 911 boards have appointments expiring October 1, 2023. Creekmore announced an invitation from the Shoals Area Labor Council to the Labor Day Festivities to be held in Spring Park September 4. Parade will begin at 10:00 a.m. downtown Tuscumbia with festivities to follow in Spring Park at 11:00 a.m. Also there will be an informal dinner held at the IBEW # 558 Union Hall September 3rd at 5:00 p.m. honoring Commissioner Tori Bailey as the Shoals Area Labor Council, Friend of Labor.

Chief Financial Officer:

Chief Financial Officer April Eaton reported in the audit exit meeting, there were no findings. She stated that it went really well and we hope to keep getting good reports. Eaton also reported that at the ACCA Conference, Administrator Roger Creekmore received his Certificate in County Administration.

County Attorney:

None

EMA Director:

Director Michael David reported about Hazard Mitigation Funds availability as authorized by Disaster Declaration DR4710 March 2023. \$1.3 Million will be allocated statewide. EMA will convene the Local Hazard Mitigation Committee to discuss possible projects. A Master Letter of Intent is required, with all projects prioritized in order of importance. This letter must be submitted by October 26, 2023. Director Smith also reported on the North Alabama Mutual Assistance Association quarterly meeting. Colbert County will host the next NAMAA meeting Thursday, September 14, 2023 at 10:00 a.m. at the Rattlesnake Saloon. He also reported that a full-scale exercise will be Tuesday, September 19, 2023 at 6:30 p.m.

County Engineer:

Engineer Jeremy Robison reported that the Road Department has finished summer mowing. 2024 paving projects will start on or about September 11. He reported that Road Department will be getting one new dump truck next Tuesday and will sell one in September. Also, they will get another dump truck in October and will sell one in December. Robison stated that the closing on rebuild Alabama loan tonight.

NEW BUSINESS

Chairman Mansell stated that the next item of business before the commission was the consideration of a resolution to appoint County Attorney Edgar Black as additional counsel to represent the County and the Colbert County Board of Equalization in two ad valorem tax appeals currently pending in the Colbert County Circuit Court filed by Essity Professional Hygiene North America, LLC. Commissioner Isom moved for adoption of the following Resolution:

RESOLUTION NUMBER 2023-0037

A RESOLUTION TO APPOINT LEGAL COUNSEL IN CERTAIN TAX APPEAL
CASES

WHEREAS, there are currently pending two (2) taxpayer appeals in the Colbert County Circuit Court concerning the taxable value fixed by the County Board of Equalization, said cases being styled as follows:

Essity Professional Hygiene North America, LLC v. Colbert County Board of Equalization; Case No. CV-2022-900167.00; and

Essity Professional Hygiene North America, LLC v. Colbert County Board of Equalization; Case No. CV-2-23-900152.00; and

WHEREAS, the County Commission is responsible for securing legal counsel, in consultation with the local tax official, to represent the state and county in such cases; and

WHEREAS, the County Commission is currently represented by legal counsel provided pursuant to coverage under a self-insurance fund and intends to continue utilizing such counsel, but is desirous of appointing additional counsel specifically to represent it in the above-styled cases.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission as follows:

1. The County Commission, in consultation with the Colbert County Revenue Commissioner hereby appoints D. Edgar Black as additional counsel to represent its interests in the above-styled cases, at the hourly rate of \$250.00 per hour.

2. Pursuant to *Ala. Code* § 40-7-68, the cost of such representation shall be paid from the County's budget for reappraisal maintenance or otherwise prorated by the Commission to each agency therein on the basis of the proportion of the moneys received by each agency in the county to the total amount received by all agencies of the county.

Commissioner Bendall seconded the motion. The Chair stated that approval of resolution was properly presented before the Commission and called for any discussion. Hearing none, the Chair put the question to roll call vote. The County Administrator called the roll and a roll call vote was had as follows:

District 1	Abstain
District 2	Yes
District 3	Absent
District 4	Yes
District 5	Yes
District 6	Yes

The Chair announced that the resolution carried with four votes in favor and one abstention. The Chair stated that the resolution was adopted.

DISCUSSION ITEMS BY COMMISSIONERS

None

COMMISSIONER, DISTRICT 1

CHAIRMAN

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6