

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
10/03/2023

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Mansell called the work session to order at 5:04 p.m. with the regular meeting following at 5:38 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 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

Chairman Mansell announced that order of business before the Commission was a Public Hearing for the application of a Liquor License for Infusions Bar and Grille and declared the Public Hearing be convened. Chairman Mansell asked if there were any parties who wished to speak in favor of granting a license to Infusions Bar and Grill. Carnitha King was recognized and spoke in favor of the issuance of a license. Chairman Mansell made two additional calls for anyone speaking in favor with no response. Chairman Mansell then asked if there were any parties wishing to speak against the issuance of a license, after 3 calls for any comments against, there was no response. Chairman Mansell then declared the public meeting be closed.

CONSENT AGENDA

Chairman Mansell 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 Bailey. 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 Minutes for September 19, 2023.
2. Approved payment of October 3, 2023 bills as presented by the Chief Financial Officer.
3. Accepted update on Justice Center given by Lambert-Ezell.
4. Approved Budget Amendment, 2024, as presented by CFO
5. Approved Safety Coordinator Resolution appointing Nicole Creel as coordinator.

6. Approved and adopted the following resolution authorizing the County Attorney to seek, on behalf of the Commission, the opinion of the Attorney General with regard to a provision of Act Number 2023-430 of the Alabama Legislature:

RESOLUTION NUMBER 2024-0001

*A RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO SEEK THE
OPINION OF THE ATTORNEY GENERAL*

WHEREAS, Act Number 2023-0430 of the Alabama Legislature (the “Act”) provides for the expense allowance, annual salary, and other benefits for the coroner of Colbert County, Alabama; and

WHEREAS, the Act specifically provides:

“(c) In addition to the salary provided in subsection (b), the salary of the coroner shall be increased by any uniform increases in compensation granted equally to all county employees by the Colbert County Commission.”

WHEREAS, a question has arisen concerning whether the above-quoted provision of the Act is in conflict with the Omnibus Pay Raise Act codified in § 11-2A-1, et seq., *Ala. Code* (1975, as amended); and

WHEREAS, specifically, the Colbert County Commission wishes to seek the opinion of the Alabama Attorney General as to whether the Act entitles the Colbert County Coroner to the same cost-of-living increase percentage which may be granted in the future to other public officials under the Local Act and the Omnibus Act.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that the County Attorney is authorized to seek the opinion of the Alabama Attorney General on behalf of the Colbert County Commission.

BE IT FURTHER RESOLVED, that, the following statement of facts accurately shows the nature and character of the question for which the opinion is sought:

Pursuant to Act Number 2023-0430 of the Alabama Legislature, the Colbert County Coroner appears to be entitled to a salary increase equal to any uniform increases in compensation granted equally to all county employees by the Colbert County Commission.

BE IT FURTHER RESOLVED, that the question on which the opinion is sought is stated as follows:

Whether the Colbert County Coroner is entitled to receive the same cost-of-living increase percentage which may be granted in the future equally to all county employees by the Colbert County Commission?

7. Approved Request for payment of accrued unused annual leave for Courtney Hunt in the amount of \$344.44.
8. Approved 2024 Severe Weather Tax Holiday for February 23-25, 2024.

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 announced the termination of Courtney Hunt from the Revenue Commissioners Office. Creekmore announced that NACOLG conducted a senior center assessment of East Colbert Senior Center, findings were very favorable. The Probate Judge’s office sent a thank you card, signed by all of the employees, thanking the Commission for the cost-of-

living raise. He announced that there is a DHR board appointment coming up. Creekmore announced that Commissioner Bailey and Tom Heflin's appointment has expired for the Inspiration Landing board. Mr. Heflin does not wish to continue to serve.

Chief Financial Officer:

Chief Financial Officer April Eaton reported that we have completed our end of the year and is starting a new year. Eaton stated that she is hopeful to get the new year rolled over as quickly as possible.

County Attorney:

None

EMA Director:

Director Smith reported that FEMA, FCC Nationwide WEA and EAS tests will be conducted Wednesday, 10/4/23 at 1:00 p.m. They will be testing all cell phones, radios and televisions. DR-4710 Hazard Mitigation funds hosted a hazard committee meeting yesterday. There are no additional projects requested outside of the community shelters. Smith also said he will be submitting a letter of intent to apply for funds for a community shelter. The director announced that Oct 12 will be fire prevention night. The parade starts at 6:00 p.m. and children's activities are to follow on the Courthouse Lawn.

COUNTY ENGINEER:

Chief Engineer Jeremy Robison reported that paving and striping will start in Commissioner Isom's district working East with a crew following putting down shoulder stones. Robison is hoping to be done by the end of the year. He also reported that they have started winter mowing. Robison reported that drainage project at Colbert County High School is nearly completed and should work out great.

NEW BUSINESS

A motion was given by Commissioner Bendall and seconded by Commissioner Bailey for the approval of a retail lounge license for Infusions Bar and Grill. The Chair stated that the matter before the Commission was approval of the license and called for any discussion. Commissioner Barnes asked whether the business would have adequate parking. Commissioner Bailey stated that arrangements for parking had been made and that the business location had previously been put to a similar use. There being no further discussion, Chairman Mansell asked the County Administrator to call the roll and a roll call vote was had as follows:

District 1	Yes
District 2	No
District 3	Yes
District 4	Yes
District 5	No
District 6	Yes

The Chair announced that the motion to approve the license received four (4) votes in favor of approval and two (2) votes against and therefore was adopted. The Chair directed the County Administrator to notify the license applicant and the Alabama Alcoholic Beverage Control of the Commission's action.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Barnes stated that he is interested in the Inspiration Landing board appointment because he lives in that subdivision and knows a good deal about the area and will be an asset to it. Barnes also stated that he is talking to TVA about minimizing the cost for the water line. Commissioner Gardiner commended Sheriff Balentine, the Animal Control director Corey Speegle, and all volunteers regarding the situation in Cherokee. He reported that all animals had been placed. On top of the charges already made the person responsible had 3 more charges added yesterday and an additional 28 counts were added today. Gardiner announced that the

Animal Control needs help with food and cleaning supplies. Bailey added that there was donation of approximately \$7,000 to go towards the cause and more donations were needed.

The Chair recognized Commissioner Bailey who made a motion that the meeting be adjourned. The motion was duly seconded and approved. The Chair then announced that the meeting was adjourned.

COMMISSIONER, DISTRICT 1

CHAIRMAN

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6