

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 5:05 p.m. with the regular meeting following at 5:31 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 with the exception of Commissioner Barnes who was absent. Commissioner Gardiner 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

Mr. Harold Kimbrough presented the Commission with an original oil painting of the Colbert Courthouse painted in 1969 before the 1974 annex addition. Mr. Kimbrough stated that he wanted everyone to enjoy it and he felt that it was the right thing to do. The Commission thanked Mr. Kimbrough for his generous gift.

The Commission presented Chrys Landers, Josuah Ledlow and Riley Reed with a Resolution recognizing their heroic action taken in rescuing Mr. Russell Marlar from a fire at his residence on September 20, 2023. Chairman Mansell stated that the bravery shown in rescuing Mr. Marlar serves as a testament to each person’s parents and mentors.. The Chair then presented the following Resolution:

RESOLUTION NUMBER 2024-0002

*A RESOLUTION RECOGNIZING HEROIC ACTIONS TAKEN BY CHRYS LANDERS,
JOSHUA LEDLOW, AND RYLIE REED*

WHEREAS, on September 20, 2023, Chrys Landers in performance of her duties as a bus driver observed flames coming from at home on the 2400 Block of Cottontown Lane; and

WHEREAS, Chrys Landers stopped her bus and saw Mr. Russell Marlar in his motorized wheelchair, trapped in the carport, surrounded by flames; and

WHEREAS, Chrys Landers, without regard to her personal safety, left the bus and ran to try and extricate Mr. Marlar from the flames; and

WHEREAS, Colbert County High School Students Joshua Ledlow and Rylie Reed, passengers on the bus were immediately there to assist; and

WHEREAS, Chrys Landers, Joshua Ledlow, and Rylie Reed were able to pull Mr. Marlar from the flames to safety; and

WHEREAS, as a result of the quick thinking and heroic actions of these individuals, Mr. Marlar is now recovering from his injuries.

NOW THEREFORE, BE IT RESOLVED, the Colbert County Commission publicly recognizes the selfless and heroic actions taken by Chrys Landers, Joshua Ledlow, and Rylie Reed for saving the life of Russell Marlar and expresses the appreciation of the Commission and Citizens of Colbert County.

PUBLIC HEARING

None

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 October 3, 2023.
 2. Approved payment of October 17, 2023 bills with corrections.
 3. Approved Resolution Recognizing Heroic Action taken by Chrys Landers, Joshua Ledlow and Rylie Reed.
 4. Approved Bid Award for a generator for the new EMA building to Generator Bid to Kimbrough Automotive in the amount of \$47,066.00, and adopted the following Resolution:
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RESOLUTION NUMBER 2024-0003

A RESOLUTION TO AWARD BID FOR CDBG CV PROJECT #CV-NC-20-022

WHEREAS, the Colbert County Commission has duly advertised and received Generator bids for CDBG CV Project #CV-NC-20-022; and

WHEREAS, Kimbrough's RV has submitted the bid for this project; and

WHEREAS, this contractor has been determined not to be on the List of Ineligible Contractors.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that it does hereby authorize its Chairperson, Tyrus Mansell, to sign contract documents with the above-mentioned contractor for the completion of CDBG CV Project # CV-NC-20-022 for a contract amount of \$47,066.00.

5. Approved Inspiration Landing Board Appointments of Commissioner Tory Bailey and Commissioner Tommy Barnes, terms to end March 15, 2027, and adopted the following Resolution:
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RESOLUTION NUMBER 2024-0004

*A RESOLUTION TO APPOINT MEMBERS TO THE BOARD OF DIRECTORS OF
THE INSPIRATION LANDING DEVELOPMENT COOPERATIVE DISTRICT*

WHEREAS, the term of a member of the Inspiration Landing Development Cooperative District Board has expired and the Commission being desirous of making the necessary appointment to said board; and

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for membership to said board; and

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Tori Bailey

Tommy Barnes

WHEREAS, Tori Bailey and Tommy Barnes were determined to be the most qualified applicants by the Commission; and

WHEREAS, a roll call vote was had by the Commission as follows:

Commissioner Barnes
Commissioner Mansell
Commissioner Gardiner
Commissioner Bailey
Commissioner Bendall
Commissioner Isom

Abstain
Tori Bailey, Tommy Barnes
Tori Bailey, Tommy Barnes
Abstain
Tori Bailey, Tommy Barnes
Tori Bailey, Tommy Barnes

WHEREAS, Chairman Mansell announced that Tori Bailey and Tommy Barnes had received a majority of the votes cast.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that Tori Bailey and Tommy Barnes be and they are hereby appointed to serve a term on the Inspiration Landing Development Cooperative District Board commencing with the passage of this Resolution and ending on March 15, 2027.

The County Administrator is hereby directed to notify the above-named persons of their appointments and further to notify the respective board of said appointments.

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6. Approved removal of 2018 Dodge Charger, VIN 2C3CDXHG3JH236834, from surplus property for the Colbert County Sheriff's Department.
 7. Proclaimed November 17-23, 2023, to be Farm City Week 2023 in Colbert County as follows:

RESOLUTION 2024-0005

*A RESOLUTION PROCLAIMING NOVEMBER 17-23, 2023, AS FARM CITY WEEK IN
COLBERT COUNTY*

For nearly 65 years, the American people have joined together during Thanksgiving week to observe Farm-City Week, a time set aside to express gratitude for the bounty with which God has blessed our land. Throughout the week, Americans recognize the hard work and achievements of the farmers, rural townspeople, and city residents who make our nation's agricultural production and distribution system so successful. This cooperation between rural and city dwellers for mutual benefit truly helps ensure our country's well-being.

America’s farmers have provided nutritious food and fiber to sustain our people through many decades of progress. Farmers’ productivity has increased steadily, thanks largely to their initiative in supporting and adopting science-based methods and materials. Because of this productivity, American farmers are able to meet the needs of our nation and a growing world.

American agriculture—and the many service industries that depend upon it—is a story of extraordinary labor creating extraordinary abundance. The American farmer has an impact on every aspect of life, from big cities to small towns and all of the routes in between. At this time of year, it is only fitting that all Americans offer a special sign of thanks to those who grow, harvest, and bring the fruits of the sun, seed, and soil to our nation’s tables.

NOW, THEREFORE I, Tyrus Mansell, Chairman of the Colbert County Commission, by virtue of the authority vested in me do hereby, proclaim the week of November 17 through November 23, 2023, as Alabama Farm-City Week. I call upon citizens in rural communities and cities alike to join in recognizing the accomplishments of our productive farmers and of our urban residents, who cooperate to create abundance, wealth, and strength for our Nation.

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8. Approved Resolution for the use of ARPA/Revenue Replacement Funds for the 2023 - 2024 Road Paving Project as follows:
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RESOLUTION NUMBER 2024-0006

A RESOLUTION TO APPROVE THE USE OF ARPA FUNDS FOR 2023 - 2024 ROAD REPAVING PROJECT

WHEREAS, Colbert County Alabama (the “County”) has received title American Rescue Plan Act fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS ARPA Revenue Replacement Funds may be used to cover the cost of expenses for necessary investments in County Road Maintenance Projects; and

WHEREAS, the Colbert County Commission (the “Commission”) has identified, with assistance from an independent consultant, eligible ARPA/Revenue Replacement Road projects to serve the County’s citizens; and

WHEREAS, the Commission has determined that the Road projects are a necessary, eligible, and reasonable use of these funds.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION as follows:

1. A duly bid road project package was awarded to _____ at a regularly scheduled meeting of the Colbert County Commission on _____, as the 2003 - 2004 County Roads Repaving Project.
 2. The County shall use ARPA funds to cover up to \$1,500,000.00 as part of the 2023 - 2024 Road Repaving Project.
 3. Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the ARPA infrastructure project that are not obligated on or before December 31, 2024, and expended on or before December 31, 2026.
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9. Approved cancellation of bid award to Empire Pipe, due to inability to perform within timeline and award bid to Ferguson Enterprises in the amount of \$42,234.50 for Replacement of Water Meters Phase II and adopted the following Resolution:
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RESOLUTION NUMBER 2024-0007

A RESOLUTION REGARDING STATE REVOLVING FUND WATER SYSTEM IMPROVEMENTS PROJECT #FS010264-02

WHEREAS, the Colbert County Commission awarded Contract 2: Replacement of Water Meters Phase II (Materials Only) on August 31, 2023, in the amount of \$47,560.90, to Empire Pipe & Supply Company, as part of the Drinking Water State Revolving Fund Water System Improvements Project #FS010264-02; and

WHEREAS, Empire Pipe & Supply Company did not uphold their contractual duties to provide materials within the timeline for which they were guaranteed to be delivered; and

WHEREAS, the second place bidder, Ferguson Enterprises, LLC dba Ferguson Waterworks, has confirmed they will honor their bid prices submitted on August 8, 2023, and can provide all materials required for the installing Contractor to begin work by November 6, 2023.

NOW THEREFORE, BE IT RESOLVED that the Colbert County Commission does hereby cancel the award made on August 31, 2023, to Empire Pipe & Supply Company in the amount of \$47,560.90, and does hereby authorize and award Contract 2: Replacement of Water Meters Phase II (Materials Only), based upon the contingency of ADEM's approval and authorization, as follows:

Contract 2:	Replacement of Water Meters Phase II (Materials Only)
Supplier:	Ferguson Enterprises, LLC dba Ferguson Waterworks
Award:	\$42,234.50

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 that the Sheriff Department will be hosting their 1st annual Halloween Festival Oct 31, 2023 from 5:00 P.M. to 8:30 P.M. on the Courthouse lawn. Creekmore read a thank you note from the Sheriff's Department thanking the Commission for the cost of living raise as well as a 2% raise for those receiving certifications.

Chief Financial Officer:

None

County Attorney:

None

EMA Director:

County Engineer:

County Engineer Jeremy Robison gave any update on the Rebuild Alabama paving project.

NEW BUSINESS

DISCUSSION ITEMS BY COMMISSIONERS

COMMISSIONER, DISTRICT 1

CHAIRMAN

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6