

STATE OF ALABAMA   )  
COLBERT COUNTY     )

## **Minutes of a Regular Meeting of the Colbert County Commission 5/7/2019**

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Barnes called the work session to order at 5:00 P.M. with the regular meeting following at 6:51 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 Bendall offered the invocation and led the Pledge of Allegiance. Chairman Barnes declared that a quorum was present for the purpose of the transaction of business.

### **PUBLIC COMMENTS**

Chairman Barnes stated that the Commission would hear comments from the public. The following persons were recognized and spoke to the Commission:

1. Mary Stevens, Sheffield, Alabama, voiced the need for a storm shelter within of Sheffield City Council District 4. There are already shelters in county District 4.
2. Sonny Isbell, Colbert County. Mr. Isbell voiced concern regarding retiree health insurance coverage for his wife and how Medicare and Blue Cross each said the other was responsible for medical bills incurred. Mr. and Mrs. Isbell were asked to meet with the County Attorney regarding the matter.
3. Rilly Winkle and Judy Nichols gave a report on issues surrounding funding for the Colbert County Animal Shelter
4. Charlie Burgess was not at meeting but voiced his concern with Mrs. Bearden about trash and litter strewn about a vacant or abandoned property on Cobb Road.
5. Mary Reynolds. Ms. Reynolds voiced her concern with customer service provided by Comcast with regard to a damaged line serving her residence on Burton Road.

### **CONSENT AGENDA**

Chairman Barnes 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 Barnes 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. Waive reading of the minutes of the April 16 2019 regular meeting and approve the same as presented;
2. Approve payment of bills as presented;
3. Approve request by Mary Isom for payment of unused annual leave in the amount of \$4,955.74;
4. Approve request by Pat Johnson for payment of unused annual leave in the amount of \$6,141.08;
5. Approve request by Christian Zak for payment of unused annual leave in the amount of \$224.48;
6. Approve purchase of coin-operated washer and dryer unit for installation at Rose Trail Park;
7. Approve resolution of support in pursuing grant funds for Coast Guard Building;
8. Declare unused metal detector as surplus property and approve transferring the metal detector to the City of Sheffield without cost;
9. Approve proposal from First Southern Bank as lowest responsive, responsible respondent to previous request for loan proposals. The County Administrator and/or CFO is authorized to execute all such documents deemed necessary and advisable to effect a loan to Colbert County, Alabama, to be secured by anticipated revenue from a gasoline tax, and not to become a general obligation of the County, said loan to be in the amount of \$4,000,000 at an interest rate of 3.15% per annum.
10. Approve the following resolution regarding a request for tax abatement by NextEra Energy Resources Development, LLC:

**BE IT RESOLVED** by The County Commission (the "Commission") of **COLBERT COUNTY, ALABAMA** (the "County"), as follows:

Section 1. Findings. The Commission does hereby find, declare and ascertain that NextEra Energy Resources Development, LLC, a Delaware limited liability company (the "Company"), is considering the acquisition, development, construction, equipping, and operation of a new solar farm located in the County, a description of which is attached hereto as Exhibit A (the "Project"); that the Project would promote trade and commerce in the State of Alabama (the "State"), and in the jurisdiction of the County and surrounding areas; that it is desirable and appropriate for the Commission to abate certain sales and use, ad valorem and mortgage and recording taxes with respect to the Project, pursuant to Chapter 9B of Title 40 of the Code of Alabama (1975), as amended (herein called the "Tax Abatement Act"), as provided in the "Form CO:CAA Application to Granting Authority for Abatement of Taxes" presented to the meeting at which this resolution is adopted (such application is attached hereto as Exhibit B and made a part of this resolution as if fully and completely set forth herein); and therefore that it is desirable and appropriate for the County to grant said tax abatements.

Section 2. Abatements. Pursuant to the provisions of the Tax Abatement Act, the Commission hereby grants to the Company abatements of (i) Construction Related Transaction Taxes associated with the Project to the fullest extent allowed under the Tax Abatement Act, except such taxes levied pursuant to Act 2007-351 in the amount of 0.5% which cannot be abated, (ii) Noneducational Ad Valorem Taxes for a period of ten (10) years for each piece of property obtained by the Company for the Project, said abatement to start on a property-by-property basis on the October 1st following the date on which such property is or becomes owned, for federal income tax purposes, by the Company, and to be administered at the rate of one hundred percent (100%) of such Noneducational Ad Valorem Taxes imposed by the State for years 1 through 10 and at the rate of one hundred percent (100%) of such Noneducational Ad Valorem Taxes imposed by the County for years 1 through 5 and at the rate of fifty percent (50%) of such Noneducational Ad Valorem Taxes imposed by the County for years 6 through 10 of the abatement, and (iii) Mortgage and Recording Taxes relating to mortgages, deeds, leases, memoranda of lease and any other

documents relating to issuing or securing obligations and conveying title or leasehold interests into or out of a Public Authority. The terms “Construction Related Transaction Taxes,” “Noneducational Ad Valorem Taxes,” “Mortgage and Recording Taxes” and “Public Authority” shall have the same meaning herein as in the Tax Abatement Act.

Section 3. Tax Abatement Agreement. In order to induce the Company to develop, construct, install, equip, and operate the Project in the County, the Chairman or the Vice Chairman of the Commission is hereby authorized to execute and deliver, for and in the name and behalf of the County, a so-called “Tax Abatement Agreement,” to provide for the Tax Abatement Act abatements granted in Section 2 above between the County and the Company in substantially the form presented to the meeting at which this resolution is adopted (which form is attached hereto as Exhibit C and made a part of this resolution as if fully and completely set forth herein) with such changes, not inconsistent with the provisions hereof, as the Chairman or the Vice Chairman of the Commission shall determine to be necessary or desirable in order to consummate the transactions authorized by this resolution and the Secretary or the Assistant Secretary of the Commission is hereby authorized to affix the seal of the County to said Tax Abatement Agreement and to attest the same.

Section 4. General Authorization. The Chairman and Vice Chairman of the Commission and the Secretary or the Assistant Secretary of the Commission are hereby further authorized and directed to execute, deliver, seal, and attest such other ancillary documents and certificates as may be necessary to effect the transaction authorized by this resolution.

Section 5. Severability Provisions. The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this resolution.

Section 6. Contract. The terms of this resolution shall be deemed a contract with the Company, and may not be rescinded or amended by the County without the express, written consent of the Company.

11. Approve the following resolution regarding a Road Repair agreement by and between Colbert County and NextEra Energy Resources Development, LLC:

**BE IT RESOLVED** by The County Commission (the “Commission”) of **COLBERT COUNTY, ALABAMA** (the “County”), as follows:

Section 1. Findings. The Commission has granted a requested tax abatement to NextEra Energy Resources Development, LLC, a Delaware limited liability company (the “Company”), in connection with the acquisition, development, construction, equipping, and operation of a new solar farm located in the County (the “Project”), and the Project will require the transportation of construction material and equipment over certain County roads during the construction phase of the project. The County and the Company have come to an agreement regarding potential damage to portions of (i) North Pike / County Road 21, (ii) Cross Lane, and (iii) Smokey Road, and the responsibility for correcting said damage from the construction phase of the Project.

Section 2. Road Repair Agreement. In order to provide for the proper repair of any damage to such road during the construction phase of the Project, the Chairman or the Vice Chairman of the Commission is hereby authorized to execute and deliver, for and in the name and behalf of the County, a so-called “Road Repair Agreement,” in substantially the form presented to the meeting at which this resolution is adopted (which form is attached hereto as Exhibit A and made a part of this resolution as if fully and completely set forth herein) with such changes, not inconsistent with the provisions hereof, as the Chairman or the Vice Chairman of the Commission shall determine to be necessary or desirable in order to consummate the transactions authorized by this resolution and the Secretary or the Assistant Secretary of the Commission is hereby authorized to affix the seal of the County to said Road Repair Agreement and to attest the same.

Section 3. General Authorization. The Chairman and Vice Chairman of the Commission and the Secretary or the Assistant Secretary of the Commission are hereby further authorized and directed to execute, deliver, seal, and attest such other ancillary documents and certificates as may be necessary to effect the transaction authorized by this resolution.

Section 4. Severability Provisions. The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this resolution.

Section 5. Contract. The terms of this resolution shall be deemed a contract with the Company, and may not be rescinded or amended by the County without the express, written consent of the Company.

Upon having read the items comprising the consent agenda, Chairman Barnes called for those in favor of adoption thereof to vote “aye” and for those opposed to adoption to vote “nay”. Chairman Barnes announced the adoption of the consent agenda with all Commissioners voting “aye”.

## **REPORTS FROM STAFF**

Chairman Barnes announced that the Commission would now hear reports from staff.

Upon being recognized by the Chair, the following reports were heard by the Commission:

### **County Administrator**

[Report given by Ms. Bearden, CFO]. Reported that Devin Holt began working full time in Booking Department, replacing Devan Johnson. Reported that Deborah Robinson is set to begin work as tag clerk in the Probate Office on May 20, 2019 to replace Lacey Ricks. Presented a letter from District Court Judge Chad Coker requesting that the Commission consider moving the Juvenile Probation Office to the Water Street Property should the purchase of same be finalized. Reported a vacancy on the Colbert County Department of Human Resources Board effective June 2, 2019 for the place currently held by Judson Emmons. Notified Commissioners of the upcoming Helen Keller Spring Dinner on Friday May 17, 2019 and informed Commissioners that those wishing to go may obtain a ticket from the County Administrator.

### **Chief Financial Officer**

Reported the results of Requests for Proposal of a \$4,000,000 loan to be secured by anticipated gas tax proceeds. First Southern Bank responded with the lowest interest rate, same being 3.15% per annum for 4.5 years.

### **County Engineer**

Reported that construction had begun on the department’s new office building. Reported on progress made to repair county road along Wheeler Mountain. Reported that the Road Department will soon start the advertisement process to obtain bids for resurfacing of various county roads. Once bids are received, the Engineer will determine which, if any, resurfacing projects to undertake.

### **EMA Director**

Reported that the next round of mitigation grants would be up for application in June.

### **County Attorney**

No report offered.

## **NEW BUSINESS**

Chairman Barnes stated that the next item before the Commission was to fill a vacancy on the Inspiration Landing Development Cooperative District Board, and the following resolution was put forth for consideration:

WHEREAS, the Inspiration Landing Development Cooperative District (the “District”) has caused to be filed an amendment to its Certificate of Incorporation providing for a board of directors composed of seven (7) members; and

WHEREAS, the District’s amended Certificate of Incorporation provides that two (2) additional board members should be appointed by the Colbert County Commission; and

WHEREAS, the Commission has previously appointed one (1) of the two additional members and, has sought application for appointment from residents of Colbert County; and

WHEREAS, the following persons were nominated by the Commission and were found to meet the requirements for appointment, and are eligible for appointment to serve on the District’s board of directors:

Kerry Underwood

Charles L. Mullaley

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

Commissioner Barnes:	Charles L. Mullaley
Commissioner Black:	Kerry Underwod
Commissioner Gardiner:	Kerry Underwood
Commissioner Bailey:	Kerry Underwood
Commissioner Bendall:	Charles L. Mullaley
Commissioner Hovater:	Kerry Underwood

WHEREAS, Chairman Barnes announced that Kerry Underwood had received a majority of the votes cast,

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that it does hereby appoint the following named person to serve as set forth herein:

APPOINTEE	BOARD	EXPIRATION OF TERM
Kerry Underwood	Inspiration Landing Development Cooperative District	March 15, 2023

The County Administrator is hereby directed to notify the above-named person of his appointment and to further notify the respective board of said appointment.

Chairman Barnes announced that the next item of business was consideration of the appointment of County Engineer to replace Mr. Bedford upon his retirement. Commissioner Bendall made motion to appoint Jeremy Robison to the position of County Engineer effective with Mr. Bedford’s retirement. Commissioner Hovater seconded the motion. Chairman Barnes called for those in favor of the motion to indicate by saying “aye” and those opposed to so indicate by saying “nay”. Upon vote being had, Chairman Barnes announced that the motion carried.

There being no further business to come before the Commission, upon motion duly made and seconded, and upon all Commissioners voting in favor thereof, Chairman Barnes announced that the meeting was adjourned.

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CHAIRMAN

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COMMISSIONER, DISTRICT 2

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COMMISSIONER, DISTRICT 3

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COMMISSIONER, DISTRICT 4

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COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6