

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
07/07/2020

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Gardiner called the work session to order at 5:00 P.M. with the regular meeting following at 5:46 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 Hovater offered the invocation and led the Pledge of Allegiance. Chairman Gardiner declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

Mr. Courtney Morris addressed the commission regarding his dismissal from the County Road Department.

CONSENT AGENDA

Chairman Gardiner announced that the business before the Commission was the approval of the consent agenda. Commissioner Barnes made motion to adopt and approve the matters placed on the consent agenda during the work session. The motion was duly seconded by Commissioner Bendall. Chairman Gardiner 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 June 16, 2020 minutes and approved the same as written.
2. Approved payment of July 7, 2020 bills as presented by the Chief Financial Officer.
3. Approved expenditure from General Fund in the amount of \$779.40 for purchase of advertisement promoting Colbert County in Times Daily “Living Here” Ad.
4. Approved a Cooperative Agreement between Colbert County and the Northwest Alabama RC&D Council for the provision of State of Alabama Community Support Funds in the amount of \$5,000 to implement a project known as “Alloys Park Boat Ramp” and set forth in detail in the County’s application for the grant awarded. Further, Authorized County Administrator Roger Creekmore to execute the Cooperative Agreement on behalf of the County.
5. Approved a proposal submitted by Integrated Corporate Solutions, Inc., for replacement of certain computer or IT hardware that ceased to function unexpectedly. The proposal also included hardware and software maintenance for certain of the County’s computer systems for a period of sixty (60) months. The cost of the repairs and upgrades is \$17,676.60 to be paid from Revenue Commissioner Reappraisal funds.
6. Approved request for payment in the amount of \$1,635.00 to Emily Benson for the testing of voting machines in preparation for the July 14, 2020 Primary Run-off Election..

7. Adopted the following Resolution declaring certain County property to be surplus and authorizing means for its disposition:

RESOLUTION NUMBER 2020 – 0030

*A RESOLUTION TO DECLARE CERTAIN PROPERTY OF
COLBERT COUNTY TO BE SURPLUS PROPERTY AND TO
PROVIDE
FOR DISPOSITION OF THE SAME*

WHEREAS, the Colbert County Commission has been informed by the County Administrator that certain property hereinafter described and previously used in performance of duties in the office of the County Administrator is no longer required for use by county personnel; and

WHEREAS, the Commission has determined that such property is surplus property and the County has no further use of such property due to the age and condition thereof, and it would be of no economic benefit for the county to retool or refit the property in order that it be able to be returned to service in the office of the County Administrator.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the following described property be declared surplus property and be disposed of by the County Administrator in a manner that will require no further expenditure by the County or expose the County to any liability in the further use of or operation of such property and the County Commission does hereby authorize the County Administrator to dispose of said property in such manner. The Commission finds that the following constitutes surplus property:

Equipment Description	VIN
2003 Ford Truck	1FTRF17233NB35 385

ADOPTED AND APPROVED this the 7th day of August, 2020.

CHAIRMAN, COLBERT COUNTY COMMISSION

ATTEST:

COUNTY ADMINISTRATOR

OLD BUSINESS

Chairman Gardiner stated that the Commission would now consider old business. Chairman Gardiner asked for any motions regarding the same. Commissioner Barnes was recognized and made a motion to form the Colbert County Commission Offender Reentry Committee (“Reentry Committee”) with members to be appointed by the Commission for the purpose of advising the Commission as to matters of policy and manner of regulation, if any, regarding reentry programs located within Colbert County and serving persons who were recently

released from confinement in prison by the Alabama Department of Corrections and who are making the transition back into society. The motion was duly seconded by Commissioner Bendall. Commissioner Gardiner asked whether any Commissioner wished to discuss the pending motion. Comments made by Commissioners Bailey and Black went on record in opposition to the motion, stating concerns that Colbert County was venturing into an area requiring actions not consistent with the majority of Alabama's 67 counties, and that the Commission would be made responsible for oversight of legal matters which do not currently fall under the area of responsibility of an Alabama County Commission. Chairman Gardiner stated that the Commission would vote by call of the roll and asked the County Administrator to call the names of Commissioners by District, and roll call vote was had as follows:

Commissioner Barnes	Yea
Commissioner Black	Nay
Commissioner Gardiner	Yea
Commissioner Bailey	Nay
Commissioner Bendall	Yea
Commissioner Hovater	Yea

Chairman Gardiner announced that the motion carried with four votes in favor and two votes against. Chairman Gardiner asked whether the Commission wished to nominate and appoint a slate of nominees or service upon the Reentry Committee. After discussion among the Commissioners, the following names, being duly qualified electors of Colbert County, were submitted as nominees for appointment to the Reentry Committee: Commissioner Tommy Barnes, Commissioner Jimmy Gardiner, Roger Creekmore, Jim Hefernan, and Edgar Black. Chairman Gardiner then asked whether there was a motion to appoint all the nominees as inaugural members of the Reentry Committee. Upon motion made by Commissioner Barnes and duly seconded, Chairman Gardiner asked for a voice vote and stated that all persons wishing to vote in favor of the slate of nominees indicate by stating "Yea" and those persons opposed to indicate by stating "Nay." After a vote of the Commission, Chairman Gardiner announced that the slate of nominees was approved and that those persons were thus appointed to serve on the Reentry Committee.

REPORTS FROM STAFF

Chairman Gardiner 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:

Administrator Roger Creekmore reported that the elevator system runs on hydraulics and the problem is a mechanical problem that is not covered under the contract. The part needed for repair is obsolete; the cost to retrofit and repair the hydraulic pump unit only is \$26,579.00. The

cost to replace all working mechanisms with the exception of the elevator car will be approximately \$60,000.00. Funds to replace all working mechanism will be taken out of Capital Improvement. ICS will no longer support our e-mail platform necessitating a move to Microsoft Exchange cost will be \$12,554.00. This amount is also covered in budget. It was decided that the NACO Scholarship would be given to Keith Reeves of EMA. The NA Mountain Lake Board of Directors meeting will be held July 21, 2020 in Cullman. USS Battleship is open for tours and would like to be considered for a \$75.00 donation. Renovation of the Grand Jury room is proceeding very well.

Chief Financial Officer:

CFO April Bearden stated that the 2018 Audit has started and got 2019 Financial Statements completed. The County has finished the 3rd quarter in the fiscal year and we are in good shape thus far. We are starting the new budget and Appropriation letters will be mailed out by the end of next week.

County Attorney:

No Report.

EMA Director:

No Report.

County Engineer:

No Report.

NEW BUSINESS

Chairman Gardiner announced that the next item of business before the Commission was to fill an upcoming vacancy due to the expiration of the term of Mr. Garey Austin who currently serves as the County's representative on said board. Chairman Gardiner asked County Administrator Creekmore whether the vacant position had been advertised to members of the public, and asked Administrator Creekmore to present to the Commission the names of those persons having made application and being qualified to serve.

Administrator Creekmore stated the following individuals made proper application and met the requirements for appointment and are eligible for appointment to fill the pending vacancy:

Mike Melton

Garey Austin

Chairman Gardiner then asked Administrator Creekmore to call the roll of Commissioners so that each Commissioner could state the name of the candidate he or she favors for appointments to the pending vacancy. A roll call vote was had as follows:

Commissioner Barnes	Austin
Commissioner Black	Melton
Commissioner Gardiner	Austin
Commissioner Bailey	Melton
Commissioner Bendall	Austin
Commissioner Hovater	Melton

Upon conclusion of voting, Chairman Gardiner announced that no nominee had received a majority of the votes cast, there being three votes in favor of Mr. Melton and three in favor of Mr.

Austin. Chairman Gardiner stated that therefore no person had been appointed to the pending vacancy and that Mr. Austin, the incumbent, will continue to serve as member of the Colbert County E-911 Board until such time as his successor is duly appointed.

Chairman Gardiner then requested that Administrator Creekmore notify Mr. Melton and Mr. Austin of the results of the roll call vote and further that Mr. Creekmore request of Mr. Austin to continue serving in his current position until such time as his successor is appointed by the Commission.

Chairman Gardiner stated that the Chair would now entertain a motion to enter Executive Session for discussion with legal counsel regarding pending litigation. Commissioner Barnes made motion that the Commission into into executive session for the purpose of discussing pending litigation with the Commission's legal counsel. And said motion was duly seconded. The Chair recognized the County Attorney and asked that he state for the record whether in his legal opinion the Alabama of an meetings act permitted the Commission to convene an executive session to conduct the proposed discussion. The County Attorney answered in the affirmative and presented the Chair with a letter stating such. The Chair ordered that a copy of such letter be spread upon the minutes of this meeting. After receiving the opinion of the County Attorney, the Chair stated that the Commission would vote on the main motion by call of the roll and asked the Administrator to call the names of Commissioners by District number. The vote of the Commissioners was as follows:

Commissioner Barnes	Yea
Commissioner Black	Yea
Commissioner Gardiner	Yea
Commissioner Bailey	Yea
Commissioner Bendall	Yea
Commissioner Hovater	Yea

Chairman Gardiner announced that the motion to enter executive session had to carried. Chairman Gardiner stated that the Commission would not reconvene at the close of the executive session. The Commission then entered executive session, with adjournment of the public portion of the meeting.

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISRTICT 2

CHAIRMAN

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6