

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
04/20/2021

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairperson Bailey called the work session to order at 5:00 P.M. with the regular meeting following at 6:06 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. Pastor Moshui Knox offered the invocation. Jeremy Robison led the Pledge of Allegiance. Chairperson Bailey declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

None

BOARD APPOINTEE REPORTS

Ty McConnell, Colbert County Appointee to the Northwest Alabama Regional Airport Authority Board, reported to the Commission on recently completed projects at the Muscle Shoals Regional Airport which include resurfacing of both runways, change of directional heading of runway, and new LED lighting.

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

None

CONSENT AGENDA

Chairperson Bailey announced that the business before the Commission was the approval of the Consent Agenda as set during the work session. 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 Barnes. Chairperson Bailey 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 April 6, 2021 minutes and approved the same as written.
2. Approved payment of April 20, 2021 bills as presented by the Chief Financial Officer.
3. Approved Commercial Water Rate Schedule as proposed by County Engineer, with rates to be reviewed during the budget process for FY 2022 by adoption of the following Resolution:

RESOLUTION NUMBER 2021-0032

*A RESOLUTION TO SET RATES FOR HIGH-VOLUME WATER
USERS*

WHEREAS, the County Engineer has proposed a water rate schedule for high-volume customers of the County Water System; and

WHEREAS, the Commission finds that adoption of the proposed water rate schedule will foster economic growth by encouraging high-volume water users to locate facilities in Colbert County and discourage current high-volume customers from relocating elsewhere.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the following changes to the current Colbert County Water System rates are hereby adopted:

Gallons of Water Used Per Month	Rate
Minimum Charge (First 10,000 gallons)	\$88.00
10,001 - 1,000,000	\$5.51 per 1,000 gallons
1,000,001 - 2,000,000	\$4.51 per 1,000 gallons
Over 2,000,000	\$3.51 per 1,000 gallons

BE IT FURTHER RESOLVED that the foregoing rate change shall take effect on May 1, 2021.

BE IT FURTHER RESOLVED that the foregoing rate change shall remain in effect until September 30, 2021.

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4. Approved ABC County Levies for Alcohol Licensing for FY 2021-2022.
 5. Appointed persons to fill vacant positions on the Board of Directors for the Public Building Authority of Colbert County, Alabama, by adoption of the following resolution:

RESOLUTION NUMBER 2021-0033

A RESOLUTION TO APPOINT MEMBERS TO THE BOARD OF DIRECTORS OF THE PUBLIC BUILDING AUTHORITY OF COLBERT COUNTY, ALABAMA

WHEREAS, the terms of all members of the Board of Directors of the Public Building Authority of Colbert County, Alabama have expired and the Commission being desirous of making the necessary appointments to said board; and

WHEREAS, the following individuals were nominated by the Commission for service and are eligible for appointment to fill the pending vacancies:

Harold V. Hughston, Jr.	Jeff Suggs
John Landers	Felice Green
Bobby Denton	

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that Harold V. Hughston, Jr., Jeff Suggs, John Landers, Felice Green, and Bobby Denton be and they are hereby appointed to serve a term on the Board of Directors of the Public Building Authority of Colbert County, Alabama commencing on April 1, 2021 and ending on March 31, 2027.

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

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6. Approved and adopted the following Resolution to authorize the acquisition, financing, and lease of facilities in Colbert County, Alabama for use by the Alabama Department of Human Resources:

RESOLUTION NUMBER 2021-0034

***A RESOLUTION AND ORDER TO AUTHORIZE THE
ACQUISITION, FINANCING AND LEASE OF FACILITIES IN
COLBERT COUNTY, ALABAMA FOR USE BY THE ALABAMA
DEPARTMENT OF HUMAN RESOURCES***

BE IT RESOLVED AND ORDERED BY THE COUNTY COMMISSION OF COLBERT COUNTY, ALABAMA, AS FOLLOWS:

ARTICLE 1

Representations

The Colbert County Commission (the "Commission"), as governing body of Colbert County, Alabama (the "County"), upon evidence duly presented and considered, has found and determined, and does hereby find, determine and declare, as follows:

- (a) Pursuant to Chapter 15 of Title 11 of the Code of Alabama 1975 (the "Enabling Law"):
- (1) The County has heretofore incorporated The Public Building Authority of Colbert County, Alabama (the "Authority") for the purpose of acquisition, construction and financing of buildings and facilities, on real property to be provided by the County therefor, to constitute a "project" under the Enabling Law (the "Project") for lease by the Authority to the County and for sublease by the County, pursuant to Chapter 2 of Title 38 of the Code of Alabama 1975, to the Alabama Department of Human Resources (the "Department") for use thereby in providing services to the citizens of the County.
 - (2) The County shall deliver and perform such agreements, documents, and instruments as shall be necessary or required by law to provide for the Project.
- (b) The best interests of the citizens of the County are served by the acquisition and use of the Project by the Department.

ARTICLE 2

Authorization of Financing Documents and Project

Section 2.01 Authorization of Financing Documents and Project

- (a) The Commission does hereby approve, authorize, and direct the following:
- (1) The acquisition, construction, financing and lease of the Project;
 - (2) The terms and provisions of, the representations and warranties of the County set forth in, the obligations and transactions to be undertaken by the County pursuant to, and the execution and delivery by the County of, the following agreements, contracts, documents, and instruments to be delivered by the County (collectively, the "Financing Documents"):
 - (i) The Mortgage and Deed of Trust dated the first day of the month of delivery (the "Mortgage") by the Authority and Regions Bank, as trustee;
 - (ii) The Lease Agreement dated the first day of the month of delivery by the Authority, as lessor, and the County, as lessee, with respect to the Project;
 - (iii) The Sublease Agreement dated the first day of the month of delivery by the County, as lessor, and the Department, as lessee, with respect to the Project;

(iv) The Official Statement with respect to the Warrants (the "Warrants");

(3) The issuance of the Warrants by the Authority for the Project.

(b) The Financing Documents are approved in substantially the form and of substantially the content as the Financing Documents presented to and considered by the Commission, with such changes or additions thereto or deletions therefrom as the officer of the County executing those of the Financing Documents to which the County is a party signatory thereto (herein collectively, the "County Documents") shall approve, which approval shall be conclusively evidenced by his executing the County Documents as hereinafter provided.

(c) The Financing Documents presented to, considered and adopted by the County shall be filed in the permanent records of the County.

Section 2.02 Authorization of Execution of Financing Documents

The Chair of the Commission is hereby authorized and directed to execute, acknowledge and deliver the County Documents for and on behalf of and in the name of the County. The County Administrator is hereby authorized and directed to attest the same. Any prior execution of the County Documents by any of the aforesaid officers is hereby ratified and confirmed.

ARTICLE 3

General Authorization, Election and Ratification

Section 3.01 General Authorization

The Chair of the Commission and the County Administrator are hereby authorized and directed to take such actions, and to execute, deliver and file such agreements, documents, instruments and notices, as may be necessary or desirable to carry out the provisions of this Resolution and Order or complete the financing herein authorized.

Section 3.02 Ratification

All actions previously taken, and all agreements, contracts, documents and instruments previously executed and delivered with respect to the Financing Documents and the transactions hereby approved, by any officer of the Commission, are hereby approved, ratified and confirmed.

ARTICLE 4

Provisions of General Application

Section 4.01 Other Proceedings

Any resolution, order, ordinance, or part thereof, in conflict or inconsistent with the provisions of this Resolution and Order is hereby, to the extent of such conflict or inconsistency, repealed.

Section 4.02. Effect of this Resolution

This Resolution and Order shall take effect immediately.

After said Resolution and Order had been discussed and considered in full by the Commission, it was moved by Commissioner Gardiner that said Resolution and Order be now placed upon its final passage and adopted. The motion was seconded by Commissioner Barnes. The question being put as to the adoption of said motion and the final passage and adoption of said Resolution and Order, the roll was called with the following results:

Ayes: Tori Bailey – District 4, Chair
 Tommy Barnes, District 1
 W. Tyrus Mansell – District 2

Jimmy Gardiner – District 3

Darol Bendall – District 5

David C. Isom – District 6

Nays: None

The Chair thereupon declared said motion carried and the Resolution and Order passed and adopted as introduced and read.

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- 7. Declared G.I.S. Mapping System as surplus property at the request of the Revenue Commissioner by adoption of the following Resolution:

RESOLUTION NUMBER 2021-0035

A RESOLUTION TO DECLARE CERTAIN PROPERTY USED IN THE OFFICE OF THE REVENUE COMMISSIONER AS SURPLUS PROPERTY

WHEREAS, the Colbert County Commission has been informed by the Office of the Revenue Commissioner that certain property hereinafter described and previously used in performance of duties in the office of the Revenue Commissioner 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 Revenue Commissioner.

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 Sheriff 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 Sheriff to dispose of said property in such manner. The Commission finds that the following constitutes surplus property:

Equipment Description	Equipment ID
GIS Mapping System	N/A

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- 8. Declared 2013 Impala as surplus property at the request of the Revenue Commissioner by adoption of the following Resolution:

RESOLUTION NUMBER 2021-0036

A RESOLUTION TO DECLARE CERTAIN PROPERTY USED IN THE OFFICE OF THE REVENUE COMMISSIONER AS SURPLUS PROPERTY

WHEREAS, the Colbert County Commission has been informed by the Office of the Revenue Commissioner that certain property hereinafter described and previously used in performance of duties in the office of the Revenue Commissioner 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 Revenue Commissioner.

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 Sheriff 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 Sheriff to dispose of said property in such manner. The Commission finds that the following constitutes surplus property:

Equipment Description	Equipment ID
2003 Chevrolet Impala	2G1WF55K439374050

9. Approved the sale of two Mack Dump trucks at auction with guaranteed sale price as recommended by the County Engineer. Two new dump trucks will be ordered simultaneously, and will be paid for by the Road Department with a loan from the County General Fund. Loan will be repaid as soon as the County receives the monies from the auction company from the sale of the auctioned trucks. In addition, if the revenue from the sale of trucks falls short of the price of the new trucks by \$5,000.00, County Engineer will report to the County Commission on the shortfall.

OLD BUSINESS

Chairperson Bailey announced that the next order of business was the appointment of a member to the Colbert County Emergency Management Communications Board of Directors, and the following Resolution was before the Commission for consideration:

RESOLUTION NUMBER 2021-0037

A RESOLUTION TO APPOINT A MEMBER TO THE COLBERT COUNTY EMERGENCY MANAGEMENT COMMUNICATIONS BOARD OF DIRECTORS

WHEREAS, the term of a member of the Colbert County Emergency Management Communications Board of Directors 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:

Beth Pirtle	Doris Knox
Moshui	Thomas G. Berryman
Knox	

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

Commissioner Barnes	Beth Pirtle
Commissioner Mansell	Beth Pirtle
Commissioner Gardiner	Beth Pirtle
Commissioner Bailey	Abstain
Commissioner Bendall	Beth Pirtle
Commissioner Isom	Beth Pirtle

WHEREAS, Chairperson Bailey announced that Beth Pirtle had received a majority of the votes cast.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that Beth Pirtle be and she is hereby appointed to serve a term on the Colbert County Emergency Management Communications Board of Directors commencing on May 1, 2021 and ending on April 30, 2025.

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

REPORTS FROM STAFF

Chairperson Bailey 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 a letter was received from the Revenue Commissioner informing the Commission that Selena Corona was hired, effective May 3 2021, as a part-time, contract employee in the Assessing Department. Pay will be set at \$10.00 per hour, 30 hour per week maximum, no benefits. Judge Daniel Rosser informed the Commission via letter that Vickie Kirk has been hired as a Tag Clerk effective April 26, 2021, entry level Grade 4, \$22,970.72 annual salary. Judge Daniel Rosser also informs the Commission via letter of the following promotions within the Probate Office; Lauren Bishop to Election Assistant, Salary Grade 5, Reginia Springer to Conservation Clerk, Salary Grade 5 and Julie Campbell to Assistant Driver License Clerk, Salary Grade 5.

Chief Financial Officer:

CFO April Eaton prepared a mid-fiscal year financial report for the Commissioners. Most of the County Departments are under 50% of annual budget.

County Attorney:

No report

EMA Director:

Director Michael David Smith reported 29% of the Alabama population has received one COVID vaccination shot, 31% in Colbert County. He reported that Helen Keller Hospital is doing an outstanding job getting out vaccine to the community. We are awaiting CBDG state funding for the Mobile Unit.

County Engineer:

Chief Engineer Jeremy Robison reported that the Road Department has finished with winter ROW mowing and will start mowing again in May. Robison met with Vulcan regarding the bypass road at Pride landing. Vulcan has performed approximately 60% of construction, within the next week the Road Department will attempt to finish the project and make the bypass road operational. County Engineer informed the Commission that it was time to sell the Mack dump trucks at auction and asked that this item be added to the meeting agenda. Robison informed the Commission that the Woodmont drive re-paving project should begin on or about May 01.

NEW BUSINESS

Commissioner Bendall recognized Ms. Angela Jackson with the Moving Leighton Forward in Unison organization. Ms. Jackson requested that the Commission sell, lease or allow MLFU to use a parcel of property at the intersection of Leon Douglas and 1st Street in Leighton, described on the Revenue Commissioners map as Parcel number 37815, for a Community Garden. After discussion, Commissioner Gardiner offered a motion to lease the said parcel to MLFU, renewable annually, at a rate of \$1.00 per year. The motion was duly seconded by Commissioner Bendall, and with all Commissioners voting AYE, the motion carried.

Chairperson Bailey announced that there was no further business to come before the Commission. Upon motion duly made by Commissioner Gardiner and seconded by Commissioner Mansell, Chairperson Bailey announced that the meeting was adjourned.

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

COMMISSIONER, DISTRICT 3

CHAIRPERSON

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6

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