

STATE OF ALABAMA )  
COLBERT COUNTY )

**Minutes of a Regular Meeting  
of the  
Colbert County Commission  
05/04/2021**

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 6:48 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. Minister Trinda Owens offered the prayer and led the Pledge of Allegiance. Chairperson Bailey declared that a quorum was present for the purpose of the transaction of business.

**PUBLIC COMMENTS**

Gary Linville presented an insurance packet to the commission regarding life insurance policies. He proposed a group term life payout of \$15,000 with no age reductions and a 3-year rate guarantee, a \$15,000 accidental death and dismemberment policy and a \$15,000 in the line of duty policy.

**BOARD APPOINTEE REPORTS**

None

**AWARDS AND PRESENTATIONS**

Waylon Hugley and Fred Joly issued awards for the Colbert County Community Development Commission. The CCCDC presented checks to the following: 911 & EMA for chairs and materials, Commissioner Bailey for Music Preservation Society, Inc. for tourism support, Rose Trail and Alloys Parks for signage, Commissioner Barnes for the development of the Kayak and Launch Pad, and a check to the Colbert County Firefighters Association for the purchase of a Lucas Life Support CPR machine. They also recognized April Eaton and Emily Benson for being true assets to the organization.

**PUBLIC HEARING**

None

**CONSENT AGENDA**

Chairperson Bailey 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 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 20, 2021 minutes and approved the same as written.
2. Waived reading of April 29, 2021 Special Called Meeting minutes and approved same as written.
3. Approved payment of May 4, 2021 bills as presented by the Chief Financial Officer.

4. Rejected Bid on EMA Renovation from Butler Construction in the amount of \$152,500.00.
5. Approved revised Rules & Regulations for Camp Sites at Alloys Park. A copy of the revised rules is attached hereto as Exhibit "A".
6. Approved the following Resolution for FY 2021 DWSRF Grant / Loan:

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**RESOLUTION NUMBER 2021-0039**

***A RESOLUTION TO AUTHORIZE ENGINEER OF RECORD TO  
MAKE APPLICATION FOR DWSRF LOAN***

WHEREAS, the Colbert County Commission seeks to apply for Drinking Water State Revolving Fund ("DWSRF") assistance from the Alabama Department of Environmental Management ("ADEM") for replacement of water system improvements; and

WHEREAS, the DWSRF loan amount will be \$1,000,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that The Kelley Group be, and is hereby authorized to act on behalf of the Colbert County Commission as the engineer of record in the preparation and submission of a DWSRF Pre-Application and Application to ADEM pertaining to water system improvements.

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7. Approved Robert W. Whitten as architect for Southeast Sheffield Storm Shelter, by adoption of the following Resolution:

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**RESOLUTION NUMBER 2021-0040**

***A RESOLUTION AUTHORIZING THE SELECTION OF AN  
ARCHITECT FOR HMGP PROJECT DR-4426-0009 COMMUNITY  
SAFE ROOM***

WHEREAS, the Colbert County Commission has completed a review of architect qualifications submitted for HMGP Project DR-4426-0009; and

WHEREAS, the Colbert County Commission has satisfied all FEMA rules, regulations, and guidelines in selecting an architect for the project.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the firm of Robert W. Whitten Architect, LLC, is hereby selected and authorized to provide complete architectural services for HMGP Project DR-4426-0009 for a contract price not to exceed \$1,128.00.

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8. Approved request from Essity Professional Hygiene North America, LLC for abatement of certain taxes by adoption of the following resolution:

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**RESOLUTION 2021-0041**

*A RESOLUTION TO AUTHORIZE THE ABATEMENT OF CERTAIN  
TAXES PURSUANT TO CHAPTER 9B, TITLE 40, CODE OF  
ALABAMA*

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 in order to promote local industrial and commercial development, Essity Professional Hygiene North America LLC, a Delaware limited liability company (the "Company"), is proposing to develop, construct, and operate a major addition to its existing manufacturing facility located inside the jurisdiction of the County at 1834 Haley Drive (the "Facility") and equip and install certain items of machinery, equipment, fixtures, and other personal property in connection with the development, construction, and operation of the Facility (the development, construction, and operation of the Facility, along with the equipping and installation of such machinery, equipment, fixtures, and other personal property by the Company hereinafter sometimes collectively referred to as the "Project"); the Project would promote trade and commerce in the jurisdiction of the County and surrounding areas; that it is desirable and appropriate for the Commission to abate certain sales and use taxes and ad valorem taxes with respect to the Project, pursuant to Act No. 92599 enacted during the 1992 Regular Session of the Legislature of Alabama and now codified as Chapter 9B of Title 40 of the Code of Alabama (1975), as amended (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 A and made a part of this resolution as if fully and completely set forth herein); and that in order to further induce the Company to move forward with the Project, 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; and (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. The terms "Construction Related Transaction Taxes" and "Noneducational Ad Valorem Taxes" 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 B 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.

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9. Approved preliminary subdivision plat of Waterloo Estates.

10. Approved request from North American Lighting, Inc., for abatement of certain taxes by adoption of the following Resolution:

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**RESOLUTION NUMBER 2021-0042**

***A RESOLUTION TO AUTHORIZE THE ABATEMENT OF CERTAIN TAXES PURSUANT TO CHAPTER 9B, TITLE 40, CODE OF ALABAMA***

This Resolution is made this 4<sup>th</sup> day of May 2021 (the Effective Date) by the Colbert County Commission (the Granting Authority), Colbert County, Alabama, to grant a tax abatement for North American Lighting, Inc. (the Company).

**WHEREAS**, the Company has announced plans for a new expansion project; that being, the construction of an industrial facility and the purchase and installation of a new manufacturing machinery and personal property by (the Project), located at 265 Wright Drive, Muscle Shoals, Colbert County, Alabama, within the jurisdiction of the Granting Authority; and

**WHEREAS**, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an abatement of all state and local noneducational property taxes and all construction-related transaction taxes, except those local construction-related transaction taxes levied for educational purposes or for capital improvements for education and except the 0.5% general sales and use taxes levied by Colbert County, which pursuant to Alabama Act No. 2007-351 cannot be abated; and

**WHEREAS**, the Company has requested that the abatement of state and local noneducational property taxes be extended for a period of ten (10) years, in accordance with the Act; and

**WHEREAS**, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

**WHEREAS**, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

**WHEREAS**, the construction of the project will involve a capital investment of \$29,750,000; and

**WHEREAS**, the Company is duly qualified to do business in the State of Alabama and has powers to enter into and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

**WHEREAS**, the Granting Authority represents and warrants to the Company that is has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement;

**NOW, THEREFORE**, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted for all state and local noneducational property taxes and all construction-related transaction taxes, except those local construction-related transaction taxes levied for educational purposes or for capital improvements for education and except the 0.5% general sales and use taxes levied by Colbert County, which pursuant to Alabama Act No. 2007-351 cannot be abated, as the same may apply to the fullest extent permitted by the ACT.

Section 2. The period of abatement for the noneducational property taxes shall extend for a period of ten (10) years measured as provided in the Act unless the Company ceases operation for which these property tax abatements are granted. Should the Company cease operation the abatements granted herein are considered null and void.

Section 3. The Granting Authority hereby does not assess a fee associated with the granting of these abatements.

Section 4. The governing body of the Granting Authority is authorized to enter into a Tax Abatement Agreement with the Company to provide for the abatement granted in Section 1.

Section 5. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 6. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this Resolution.

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11. Approved payment of unused accrued annual leave for Byron Bubba Graves in the amount of \$13,723.20.

12. Approved request by the Revenue Commissioner to declare certain county property to be surplus property by adoption of the following Resolution:

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***RESOLUTION NUMBER 2021-0043***

***A RESOLUTION TO DECLARE AUTOMARK VOTING MACHINES  
TO BE 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 Revenue Commissioner 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 Revenue Commissioner to dispose of said property in such manner. The Commission finds that the following constitutes surplus property:

<b>Equipment Description</b>	<b>Equipment ID</b>
<b>Thirty-nine (39) AutoMark Voting Machines</b>	<b>4960 - 4798</b>

13. Approved request from Road Department to solicit bids for repair of Poplar Creek Bridge on County Line Road.

## **OLD BUSINESS**

The Commission previously solicited bids for alterations and renovations to be made to the Colbert County EMA Office. The Commission received 1 bid for the project in the amount of \$152,500 from Butler Construction. Administrator Creekmore stated that an attempt was made to negotiate with Butler Construction to perform the work for a price more in line with the amount budgeted for the project. The negotiations were unsuccessful. Administrator Creekmore suggested that the Commission reject the bid of Butler Construction. Administrator Creekmore stated his belief that the County can complete the project using County personnel and costs should stay within budgetary limits.

## **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 announced Steve Copher as a new hire with the night shift maintenance department with an hourly pay rate of \$9.88 /hr. Tyler Evans has been promoted to Lieutenant, with a 5% salary increase in line with promotion. William Barnett has been rehired in the Sheriff's Department as an APOST certified Deputy with an annual salary of \$30,638.40. The Auburn Extension Office has received a CCCDC grant in the amount of \$4000.00 To be used for the beautification of floral areas around the Courthouse. DAR would like to be involved and is asking to have a memorial garden on the North West Corner on Water Street. The Colbert County BOE is requesting to be allowed to place gravel on part of the lot adjacent to their offices on HWY 72. This area will be used for additional parking. Administrator Creekmore announced that he will be attending the ACCA meeting Thursday at 9:00 in Morgan County and will report back. On Monday May 17, 2021, Morrison's Funeral Home and The Cattlemen's Association will be providing lunch for first responders.

### **Chief Financial Officer:**

CFO April Eaten requested having the AutoMark voting machines declared surplus added to the agenda. They will be traded in. The State will refund the money which will in turn be given to ES&S as payment.

### **County Attorney:**

No report

### **EMA Director:**

Director Michael David reported that Dr. Landers said that 40,000 of Alabama's population have taken at least one dose of the Covid-19 vaccine. She would like to speak with the Commission

sometime next week. Constellium contacted the EMA Office and has offered an 8,000 sq. ft. building to house equipment free of charge.

Director Smith will supply an additional map of where the County owned Storm Shelters are located throughout the County compared to where population resides.

**County Engineer:**

Chief Engineer Jeremy Robison reported that they were awarded a FY 2021 DWSRF Grant / Loan and requested a resolution for acceptance be added to the agenda. He reported that Poplar Creek Road needs to be repaired to increase the legal weight limit and requested the Commission allow the road department to bid the project, and this also be added as an agenda item. Colbert County High School will pay \$600.00 for materials and the Road Department will assist in construction of a much-needed driveway at the score board. He also reported that 4 out of 5 employees passed the herbicide test and summer mowing has started. Mr. Robison will be attending the ACCA meeting being held next week.

**NEW BUSINESS**

Chairperson Bailey announced that there being no further business to come before the Commission, upon motion duly made and seconded, Chairperson Bailey announced that the meeting was adjourned.

**COMMISSIONER COMMENTS**

Commissioner Barnes extended thanks to Helen Keller Hospital for last week's Reels, Wheels, and Meals program. He also expressed thanks to SSWA for efforts toward recycling. Commissioner Barnes also commented on railroad crossings being blocked by trains for an extended period and the continued need for an overpass in Sheffield.

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COMMISSIONER, DISTRICT 1

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COMMISSIONER, DISTRICT 2

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COMMISSIONER, DISTRICT 3

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6

## EXHIBIT "A"

### RULES & REGULATIONS FOR CAMP SITES AT ALLOYS PARK

1. The maximum amount of time a campsite may be rented is 30 days.
2. If a camper reaches the maximum duration that camper must be absent from the park an amount of time equal to the maximum stay, before returning to any Alloys Park campsite.
3. If there are vacancies in the park, and a camper has reached the maximum stay, the County Administrator may, upon request, issue an extended term rental.
4. No campsite may remain unattended for more than eighteen continuous hours during the rental period.
5. . Equipment permitted on campsites must be limited to units designed for camping. No mobile home units are allowed. No installation of porches, decks, equipment storage sheds, appliances, roofs, or other similar structures will be allowed.
6. Parks operated by Colbert County will close completely for a two-week period each year to provide time for necessary inspections and maintenance. Where applicable, the county will give advance notice to ADECA for performance of compliance check.
7. Each park operated by Colbert County will employ a full-time Park Manager who will reside on site.
8. All park facilities operated by Colbert County will be made available to all members of the general public without distinction, and there will be no discrimination based on race, color, religion, gender, national origin, handicap, or age.
9. Colbert County will be fully responsible for maintenance of the grounds, bathrooms, dumping station, pavilions and other structures located at the park property.
10. Fees for the use of camp sites both Monthly and Daily will be set by the Colbert County Commission and posted at park. Said fees will remain in accordance with rates charged at public or private parks for comparable services.
11. Colbert County will take reasonable precautionary measures to help prevent and suppress fires within the park boundaries.
12. The Park Manager employed by the County will be responsible for notifying the proper authorities when necessary to maintain safety for campers and to secure the area inside the park boundaries.
13. Colbert County will adhere to all requirements by the local Health Department in operating the park areas in a safe and healthful manner.
14. The use of mobile homes, campers, boats, or other structures will not be permitted to be used as residences except in the case of the Park Manager and with the advance approval of ACECA. No Campers are allowed to claim campground address as a permanent residence.



## EXHIBIT "A"

15. Colbert County will obtain ADECA's written permission prior to the construction of new facilities, structural modification of existing facilities, or significant operational changes.

16. Where and when applicable, Colbert County will obtain all licenses permits and approvals as required by Federal, State, or local statutes, regulations or ordinances including TVA and the U.S. Army Corps of Engineers.