

STATE OF ALABAMA )  
COLBERT COUNTY )

Minutes of a Regular Meeting  
of the  
Colbert County Commission  
4/5/2022

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Isom called the work session to order at 5:03 p.m. with the regular meeting following at 6:07 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 Mansell offered the prayer and led the Pledge of Allegiance. Chairman Isom declared that a quorum was present for the purpose of the transaction of business.

**PUBLIC COMMENTS**

Elaine Nunley with the Caring Place spoke about adult daycare services for adults with dementia or Alzheimer's. They are open from 7:00 A.M - 6:00 P.M. They have long time care and scholarships. The City of Sheffield gave them the building to operate of at 216 Marengo St., Florence. Nunley states that if one utilizes The Caring Place, the need for nursing home care can be postponed by up to 2 years. She is asking a donation of \$5,000.00 or more to help with the 1<sup>st</sup> year of operations.

Mary Baschab-Haslacker introduced herself to the Commission. She stated that she wanted to let them know that she is qualified for the District Judge position. Her philosophy is that the court belongs to everyone and is equal to them all. She said that she will also be a leader in the community.

**BOARD APPOINTEE REPORTS**

None

**AWARDS AND PRESENTATIONS**

None

**PUBLIC HEARING**

Public hearing, liquor license application by Ford City Station LLC for Retail Beer (Off Premises Only) license transfer was declared open by the Chairman. The Chair made 3 calls for any comments in favor of the license. Hearing no comment, the Chair made 3 calls for any comments in opposition to the issuance of the license. Hearing none, the public hearing was declared closed.

**CONSENT AGENDA**

Chairman Isom 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 Mansell. Chairman Isom 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 March 15, 2022 minutes and approved the same as written.
2. Approved payment of April 5, 2022 bills as presented by the Chief Financial Officer.
3. Approved request for pay increase for election poll workers in the amount of \$25.00 per worker per day by adoption of the following resolution:

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**RESOLUTION NUMBER 2022-0031**

*A RESOLUTION TO INCREASE PAY FOR COLBERT COUNTY ELECTION WORKERS*

WHEREAS, election poll workers in Colbert County are currently paid at the rate of \$125.00 per day for inspectors and \$100.00 per day for other workers; and

WHEREAS, the Probate Judge has requested an increase in pay for all election poll workers in Colbert County, and the Colbert County Commission is desirous of increasing said pay.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that daily pay for all election poll workers in Colbert County be increased by \$25.00 per day per worker.

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4. Approved request for pay increase of \$100.00 per month for Mental Health Officer Mike Booth by adoption of the following resolution:
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**RESOLUTION NUMBER 2022-0032**

*A RESOLUTION TO INCREASE PAY OF COLBERT COUNTY MENTAL HEALTH OFFICER*

WHEREAS, the Colbert County Commission currently provides a salary supplement of \$400.00 for a Colbert County Deputy who serves as mental health officer; and

WHEREAS, the provision of a mental health officer has greatly benefited the citizens of Colbert County; and

WHEREAS, the workload of the mental health officer has increased substantially by the relocation of the mental health unit to Shoals Hospital.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the salary supplement for the Colbert County Mental Health Officer be increased to \$500.00 per month.

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5. Approved Resolution declaring April 2022 as Fair Housing Month, as follows:
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**RESOLUTION NUMBER 2022-0033**

*A RESOLUTION TO DECLARE THE MONTH OF APRIL 2022 AS FAIR HOUSING MONTH*

WHEREAS, the month of April is recognized throughout these United States of America as Fair Housing Month; and

WHEREAS, TITLE VIII of the Civil Rights Act of 1968, as amended, set forth a national policy of fair housing without regard to race, color, national origin, religion, sex, familial status, or disability; and

WHEREAS, the Colbert County Commission continues to affirmatively further fair housing for its citizens.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION, that April 2022 is hereby proclaimed to be Fair Housing Month in Colbert County, Alabama.

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6. Approved Resolution concerning funding for Rose Trail Land and Water Conservation Fund grant as follows:

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**RESOLUTION NUMBER 2022-0034**

*A RESOLUTION CONCERNING GRANT FUNDING AT ROSE TRAIL PARK*

WHEREAS, Colbert County, Alabama (the "County") proposes to improve recreational resources at Rose Trail Park to provide for the health, well-being, and enjoyment of County residents, and national and international tourists; and

WHEREAS, the County has made application to the Alabama Department of Economic and Community Affairs for grant assistance through the Land and Water Conservation Fund State Assistance Program to make such improvements to the said recreational resources; and

WHEREAS, the total proposed project costs total \$500,000.00. The County is applying for Land and Water Conservation Fund assistance in the amount of \$250,000.00, or 50% of the proposed project costs which will be used to improve recreational and visitor facilities at Rose Trail Park.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION, that Colbert County, Alabama will hold in reserve \$250,000.00, or 50% of the proposed project costs for the purpose of matching the Land and Water Conservation Fund assistance.

BE IT FURTHER RESOLVED, that in the event a grant is awarded, Colbert County, Alabama understands that it will sign assurances to comply with all applicable federal and state laws, rules, and regulations, and that the property acquired and/or developed with Land and Water Conservation Fund assistance will be maintained for public outdoor recreation in perpetuity as required by the Land and Water Conservation Fund Act of 1965.

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7. Approved Resolution to apply for Recreational Trails Program Grant for use at Alloys Park and the potential use of ARPA funds to equalize the grant allocations for Alloys as compared to Rose Trail, as follows:

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**RESOLUTION NUMBER 2022-0035**

*A RESOLUTION CONCERNING APPLICATION FOR RECREATIONAL TRAILS PROGRAM GRANT FOR USE AT ALLOYS PARK*

WHEREAS, the Colbert County commission hereby makes application for financial assistance from the recreational trails program for the fiscal year 2022 funding cycle in the amount of \$244,952.45 from the Alabama Department of Economic and Community Affairs (ADECA); and

WHEREAS, the Colbert County Commission hereby pledges to provide a cash match of \$\_\_\_\_\_; and

WHEREAS, the Project is described as adding additional Trailhead Campground improvements at the Colbert County Alloys Park.

NOW THEREFORE, BE IT RESOLVED that David Isom, Chairman, is hereby authorized and directed to execute, deliver, seal, and attest such agreements, undertakings, documents, and certificates and to take such other actions on behalf of the Colbert County Commission as may be necessary or desirable to consummate the execution and delivery of the grant agreements and to carry out fully the transactions contemplated by this resolution.

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8. Approved request for unused accrued annual leave for Au'Kievevana Simpson in the amount of \$391.16
9. Assented to Declaration of Vacation of a portion of unimproved road in ASWHL&H Subdivision by adoption of the following Resolution:

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**RESOLUTION NUMBER 2022-0036**

*A RESOLUTION ASSENTING TO THE VACATION OF A PORTION OF A PUBLIC STREET OR RIGHT OF WAY*

WHEREAS, a declaration in writing, executed and acknowledged by Sarah L. Ware, Susan Ware Henderson, David Murray Gulilly, Sean Michael Gulilly, and William R. Nelson (the "Declarants") has been presented to the Colbert County Commission, proposing vacation of the following described portion of a public street right-of-way in Colbert County, Alabama, to wit:

All that part of a 20' roadway lying West of Lot 1 and lying North of the centerline of Wilson Lake Shores Road as it presently exists in ASWHL & H Subdivision, as the same appears in the office of the Judge of Probate in Colbert County, Alabama in Plat Book 2, Page 559 and said portion to be vacated being more particularly described as follows: Commence at a 1" pipe found, said point having Alabama West State Plane Coordinates of N: 1746773.6272 and E: 1945496.0965 on the Southwest corner of the Southeast ¼ of the Southwest ¼ of Section 10, Township 3 South, Range 10 West; thence North 00° 55' 32" East, 727.18 feet to a point in the centerline of Wilson Lake Shores Road (prescriptive right of way, this section) and POINT OF BEGINNING of the tract of land hereby described; thence leave the centerline of said Wilson Lake Shores Road, North 00° 53' 14" East, 298.24 feet to a PLS 3509 (Charlie Thorp) pin found; thence North 00° 58' 26" East, 238.00 feet ± to a point on the approximate 509.34' contour line of Lake Wilson and a concrete sea wall; thence along said approximate contour line and said sea wall, the following: North 71° 58' 48" East, 8.60 feet to a point; North 79° 10' 29" East, 12.12 feet to a point; thence leave said approximate 509.34' contour and said concrete sea wall, South 00° 55' 32" West, 531.05 feet to a point in centerline of the aforementioned Wilson Lake Shores Road; thence along said centerline, the following: South 62° 47' 06" West, 16.09 feet to a point; South 64° 42' 05" West, 6.48 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.25 acres ± and is subject to ½ of the right of way for Wilson Lake Shores Road off the Southside thereof and is subject to the TVA 519.34' contour line flowage easement and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

WHEREAS, the Declarants state that they are the sole owners of the lands abutting the portion of the streets or alleys to be vacated; and

WHEREAS, the Declarants seek the Commission's assent to said vacation pursuant to §35-2-54, Code of Alabama, 1975; and

WHEREAS, the Declarants state that the vacation of the above described public street right-of-way will not affect the means of ingress and egress to and from the property owned by others in that tract or tracts of land embraced by the same map or plats, and that convenient means of ingress and egress to and from all other property in the tract of land embraced in the map, plat, or survey of ASWHL & H Subdivision, either by the remaining streets and alleys dedicated by such map, plat, or survey, or by other streets or alleys dedicated to the public.

NOW THEREFORE, BE IT RESOLVED, by the Colbert County Commission that the assent of the Commission is hereby given to the declaration of vacation executed by Sarah L. Ware, Susan Ware Henderson, David Murray Gulilly, Sean Michael Gulilly, and William R. Nelson, of the following public street right-of-way, to wit:

All that part of a 20' roadway lying West of Lot 1 and lying North of the centerline of Wilson Lake Shores Road as it presently exists in ASWHL & H Subdivision, as the same appears in the office of the Judge of Probate in Colbert County, Alabama in Plat Book 2, Page 559 and said portion to be vacated being more particularly described as follows: Commence at a 1" pipe found, said point having Alabama West State Plane Coordinates of N: 1746773.6272 and E: 1945496.0965 on the Southwest corner of the Southeast ¼ of the Southwest ¼ of Section 10, Township 3 South, Range 10 West; thence North 00° 55' 32" East, 727.18 feet to a point in the centerline of Wilson Lake Shores Road (prescriptive right of way, this section) and POINT OF BEGINNING of the tract of land hereby described; thence leave the centerline of said Wilson Lake Shores Road, North 00° 53' 14" East, 298.24 feet to a PLS 3509 (Charlie Thorp) pin found; thence North 00° 58' 26" East, 238.00 feet ± to a point on the approximate 509.34' contour line of Lake Wilson and a concrete sea wall; thence along said approximate contour line and said sea wall, the following: North 71° 58' 48" East, 8.60 feet to a point; North 79° 10' 29" East, 12.12 feet to a point; thence leave said approximate 509.34' contour and said concrete sea wall, South 00° 55' 32" West, 531.05 feet to a point in centerline of the aforementioned Wilson Lake Shores Road; thence along said centerline, the following: South 62° 47' 06" West, 16.09 feet to a point; South 64° 42' 05" West, 6.48 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.25 acres ± and is subject to ½ of the right of way for Wilson Lake Shores Road off the Southside thereof and is subject to the TVA 519.34' contour line flowage easement and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed and recorded with the declaration of vacation by the Declarants in such manner as meets the requirements imposed by §35-2-54, Code of Alabama, 1975.

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10. Assented to Declaration of Vacation of a portion of the right-of-way of Lakeview Drive by adoption of the following resolution:
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**RESOLUTION NUMBER 2022-0037**

*A RESOLUTION ASSENTING TO THE VACATION OF A PORTION OF A PUBLIC STREET OR RIGHT OF WAY*

WHEREAS, a declaration in writing, executed and acknowledged by William R. Nelson (the "Declarant") has been presented to the Colbert County Commission, proposing vacation of the following described portion of a public street right-of-way in Colbert County, Alabama, to wit:

Part of the original right of way for Lakeview Drive, said portion of said right of way also abutting Lot 42 of Wilson Lake Shores No. 3, as same the same appears in the Office of the Judge of Probate in Colbert County, Alabama in Map Book 3, Page 179, being more particularly described as follows: BEGIN at a PLS #3509 (Charlie Thorpe) pin found on the Southeast corner of Lot 42 of the aforementioned Wilson Lake Shores No. 3; thence along a line, said line being the East line of Lot 42 extended and along the West line of a 20' additional right of way per recorded plat line, S 02° 54' 50" W, 94.90 feet to a PLS #3509 (Charlie Thorpe) pin found; thence along a curve to the left, said curve having a radius of 87.62 feet and an arc length of 105.60 feet, a chord bearing and distance of N 60° 22' 40" W, 99.32 feet to a PLS #3509 (Charlie Thorpe) pin found; thence N 02° 40' 34" W, 6.82 feet to a 1" pipe found 11.00 feet Northeasterly from the Southwest corner of the aforementioned Lot 42; thence along the South line of the aforementioned Lot 42, N 66° 56' 54" E, 85.40 feet to a crimp top pin found; thence N 67° 11' 02" E, 14.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.08 acre ± and is subject to any and all easements and restrictions of record or unrecorded affecting said property.

WHEREAS, the Declarants state that they are the sole owners of the lands abutting the portion of the streets or alleys to be vacated; and

WHEREAS, the Declarants seek the Commission's assent to said vacation pursuant to §35-2-54, Code of Alabama, 1975; and

WHEREAS, the Declarants state that the vacation of the above described public street right-of-way will not affect the means of ingress and egress to and from the property owned by others in that tract or tracts of land embraced by the same map or plats, and that convenient means of ingress and egress to and from all other property in the tract of land embraced in the map, plat, or survey of Wilson Lake Shores #3 Subdivision, either by the remaining streets and alleys dedicated by such map, plat, or survey, or by other streets or alleys dedicated to the public.

NOW THEREFORE, BE IT RESOLVED, by the Colbert County Commission that the assent of the Commission is hereby given to the declaration of vacation executed William R. Nelson, of the following public street right-of-way, to wit:

Part of the original right of way for Lakeview Drive, said portion of said right of way also abutting Lot 42 of Wilson Lake Shores No. 3, as same the same appears in the Office of the Judge of Probate in Colbert County, Alabama in Map Book 3, Page 179, being more particularly described as follows: BEGIN at a PLS #3509 (Charlie Thorpe) pin found on the Southeast corner of Lot 42 of the aforementioned Wilson Lake Shores No. 3; thence along a line, said line being the East line of Lot 42 extended and along the West line of a 20' additional right of way per recorded plat line, S 02° 54' 50" W, 94.90 feet to a PLS #3509 (Charlie Thorpe) pin found; thence along a curve to the left, said curve having a radius of 87.62 feet and an arc length of 105.60 feet, a chord bearing and distance of N 60° 22' 40" W, 99.32 feet to a PLS #3509 (Charlie Thorpe) pin found; thence N 02° 40' 34" W, 6.82 feet to a 1" pipe found 11.00 feet Northeasterly from the Southwest corner of the aforementioned Lot 42; thence along the South line of the aforementioned Lot 42, N 66° 56' 54" E, 85.40 feet to a crimp top pin found; thence N 67° 11' 02" E, 14.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.08 acre ± and is subject to any and all easements and restrictions of record or unrecorded affecting said property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed and recorded with the declaration of vacation by the Declarants in such manner as meets the requirements imposed by §35-2-54, Code of Alabama, 1975.

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11. Approved Alabama Association of Volunteer Fire Departments State Conference sponsorship for \$5,000.00.

12. Approved payment to Daniel Rosser for certifying absentee voter list in the amount of \$2,145.25.
13. Approved bid for janitorial supplies with sole bidder American Paper & Twine.
14. Approved Resolution in support of RAISE Grant application by the Shoals MPO for the engineering of a railway overpass in the vicinity of Montgomery Ave. in Sheffield, as follows:

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**RESOLUTION NUMBER 2022-0038**

*A RESOLUTION SUPPORTING APPLICATION FOR RAISE GRANT FOR RAILROAD OVERPASS*

WHEREAS, the Northwest Alabama Council of Local Governments (NACOLG) is the organization designated by the Governor of the State of Alabama as recipient of Shoals Urbanized Area planning funds for the Shoals Area Metropolitan Planning Organization (MPO), and who is responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by the FAST Act, Sections 1201 and 1202, December 2015); 42 USC 2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

WHEREAS, the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, "Bipartisan infrastructure Law," or "BIL") authorized and appropriated \$1.5 billion to be awarded by the Department of Transportation ("DOT") for FY 2022 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. This Notice of Funding Opportunity (NOFO) solicits applications for projects to be funded under Local and Regional Project Assistance Program, known as the RAISE Grants program, including any additional funding appropriated for the RAISE Grants program under the FY 2022 Appropriations Act; and

WHEREAS, there exists an urgent need for a new railroad overpass in Colbert County in the city of Sheffield that will not only eliminate severe traffic congestion and safety concerns at existing railroad crossings in the cities of Muscle Shoals, Sheffield, and Tusculumbia but also aid in the economic development of the entire region; and

WHEREAS, the affected cities' and county's governments have joined together to assist the Shoals Area Metropolitan Planning Organization in the facilitation of this project; and

WHEREAS, the Shoals Area Metropolitan Planning Organization approved a resolution on March 2, 2022 in support of the Northwest Alabama Council of Local Governments (NACOLG) submitting for a National Infrastructure Investment (i.e., the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program) application on behalf of the Shoals Area Metropolitan Planning Organization; and

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Colbert County that the Commission supports the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Planning Grant application submitted by the Northwest Alabama Council of Local Governments.

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**UNFINISHED BUSINESS**

None

**REPORTS FROM STAFF**

Chairman Isom 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 reported that a Resolution of support for the MPO RAISE Grant application should be added to the agenda. As discussed in previous meeting, the lap top computers have been ordered and will be paid with the CDBG-CV Grant money. The total cost will be about \$85,000. IT upgrades will be using ARPA funds. The 2<sup>nd</sup> phase of upgrades to the network and WIFI will cost about \$100,000.00 not the \$200,000.00 as discussed in previous meeting. Creekmore announced Karen Crowe as the new Auburn Extension County Coordinator. She will attend the April 19<sup>th</sup> Commission meeting to introduce herself. Dale Stanley will be the new PT officer at the Water St. entrance starting pay @ \$10.26 with no benefits. On April 29<sup>th</sup>, Lance Cabiness will successfully complete the academy and will receive pay in the amount of \$32,170.32 annually. The Payroll department is adjusting pay to James Whitaker and Ryan Green due to paperwork not going through the proper channels. The American Legion has 3 available spaces in its building. The Commission may possibly occupy all three spaces fronting Main Street. The cost to occupy will be about \$800.00/ month with utilities being approximately \$4000.00/year split with the City of Tuscumbia. Creekmore and the Mayor suggested that if the City and the County proceed with the plan to open a Museum / Archives, a non-profit, governing board consisting of members appointed by the Commission and the City Council to govern the operation.

### **Chief Financial Officer:**

CFO April Eaton reported that a new account had to be opened for ARPA Revenue Replacement Funds. She also reported that she will have the financial report @ the next Commission meeting and that the premium pay payment will be ready on April 15<sup>th</sup>.

### **County Attorney:**

None

### **EMA Director:**

Mr. Jody Hitt reported that the NOAA weather radio giveaway and storm spotter training will be April 21, 2022. The giveaway will be 4 P.M. to 6 P.M. and the storm spotter training will be 6 P.M. to 8 P.M. at the Alabama Music Hall of Fame Banquet Hall. Concerning the mitigation grant match adjustments funding from disasters that occurred from 2020-2021, federal match will be 90%, leaving 10% for local. This affects these projects; DR4546 which is the Muscle Shoals Community Storm Shelter and DR4503 which are new EMA and Road Dept. generators and Hurricane Glass in the New EMA building. Updates for project DR4503 - generator request for new Jail/Justice Center determined ineligible. They are unable to obtain historical damage and power outage data for the Reservation, therefore unable to complete a BCA. We will move application to be a %% initiative project where the State decides who receives the awards rather than the Federal. Pertaining to Legislative updates, House Bill 3 (HB3) classifies EMA as Public Safety signed by Governor Ivey and will go into effect on June 1<sup>st</sup>. HB414 classifies public safety telecommunicators as first responders and sets minimum training standards statewide set to be voted on in Senate today.

### **County Engineer:**

Assistant Engineer Charles King reported that the winter mowing is finishing up and they are starting on spring mowing. He also reported that the water meter installation started yesterday.

## **NEW BUSINESS**

A motion was given by Commissioner Gardiner and seconded by Commissioner Mansell for approval of Times Daily Explorer Ad Purchase Request. The Chair stated that the matter before the Commission was approval of the Ad and called for any discussion. Hearing none, Chairman Isom asked the County Administrator to call the roll and a roll call vote was had as follows:

District 1	Aye
District 2	Aye
District 3	Aye
District 4	Aye

District 5                      Nay

District 6                      Nay

A motion was given by Commissioner Gardiner and seconded by Commissioner Bailey for approval of Liquor License Application. The Chair stated that the matter before the Commission was approval of a beer only transfer Ford City Station LLC Liquor License application and called for any discussion. Hearing none, Chairman Isom asked the County Administrator to call the roll and a roll call vote was had as follows:

District 1                      Aye

District 2                      Nay

District 3                      Aye

District 4                      Aye

District 5                      Nay

District 6                      Aye

The Chairman announced that the motion was approved.

## DISCUSSION ITEMS BY COMMISSIONERS

None

There being no further business to come before the meeting, upon motion made and duly seconded, the meeting was adjourned at 6:20 p.m.

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COMMISSIONER, DISTRICT 1

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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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CHAIRMAN