

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
10/18/2022

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Isom called the work session to order at 5:04 p.m. with the regular meeting following at 5:37 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 Barnes 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

None

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

None

PASSING OF THE GAVEL

Commissioner Isom, outgoing Chair, passed the gavel to Commissioner Barnes, incoming Chair, to serve for the next eight months in that position. Chairman Barnes gaveled the meeting to order at 5:37 p.m. All Commissioners answered "present" at the call of the roll. Chairman Barnes announced that a quorum was present for the purpose of transaction of business

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. Waived reading of October 4, 2022 minutes and approved the same as written.
2. Approved payment of October 18, 2022 bills as presented by the Chief Financial Officer.
3. Approved 2023 Severe Weather Preparedness Tax Holiday held on the last full weekend in February by adoption of the following Resolution:

RESOLUTION 2023-0004

*A RESOLUTION PROVIDING FOR COLBERT COUNTY'S PARTICIPATION IN THE
"SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY" AS AUTHORIZED
BY SECTIONS 40-23-230 THROUGH 40-23-233, CODE OF ALABAMA, 1975*

WHEREAS, during its 2012 Regular Session, the Alabama Legislature enacted Act No. 2012-256 (40-23-230 through 40-23-233, *Code of Alabama* 1975), effective April 26, 2012, which provides an exemption of the state sales and use tax for certain purchases related to severe weather preparedness supplies during the first full weekend in February 2012 and the last full weekend of February in subsequent years; and

WHEREAS, 40-23-233, *Code of Alabama* 1975, authorizes the county commission to provide for an exemption of County sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect is adopted at least 30 days prior to the last full weekend in February; and

WHEREAS, the Colbert County Commission has affirmatively voted to grant the exemption of County sales and use taxes on purchases covered by 40-23-230 through 40-23-233 *Code of Alabama* 1975 during the last full weekend of February 2023, beginning at 12:01 AM on Friday, February 24, 2023, and ending at 12 midnight on Sunday, February 26, 2023; and

WHEREAS, *Code of Alabama* 1975, §11-51-210 (e) requires that the County Commission notify the Alabama Department of Revenue of any new local tax or amendment to an existing local tax levy at least 30 days prior to the effective date of the change; and

WHEREAS, the exemption of certain County sales and use taxes for the last full weekend of February 2023 here in adopted by the County Commission is an amendment to the County's sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in *Code of Alabama* 1975, §11-51-210 (c).

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that it does hereby provide for an exemption of the County sales and use tax on purchases of items covered by 40-23-230 through 40-23-233, *Code of Alabama* 1975, beginning at 12:01 AM on February 24, 2023 and ending at 12 midnight on Sunday, February 26, 2023.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the October 18, 2022 meeting of the Colbert County Commission and be immediately forwarded to the Alabama Department of Revenue in compliance with *Code of Alabama* 1975, §11-51-210 (e).

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4. Authorized Commission Chairperson to request allocation from Local Assistance and Tribal Consistency Fund by adoption of the following Resolution:

RESOLUTION 2023-0005

A RESOLUTION AUTHORIZING COMMISSION CHAIRPERSON TO REQUEST ALLOCATION FROM LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

WHEREAS, Colbert County, Alabama (the "County") has been allocated funds in the amount of \$100,000 by the US Department of Treasury ("Treasury") from the Local Assistance and Tribal Consistency Fund ("LATCF"), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021; and

WHEREAS, the LATCF funds allocated to the County may be expended by the County for governmental purposes; and

WHEREAS, to receive the LATCF funds allocated to the County, an authorized representative of the County must submit a request for funding to Treasury on or before January 31, 2023; and

WHEREAS, the Colbert County Commission (the "Commission") has determined that receipt of these funds for expenditure by the County for governmental purposes will inure to the benefit of the citizens of this County.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission as follows:

The Chair of the Commission is hereby authorized to request or to designate another County official to request the County's allocated share of LATCF funds in accordance with the procedures established by Treasury. The authority delegated herein includes the authority for the Chair, or his or her designee, to execute agreements or other documents necessary to request and receive this allocation.

5. Approved Request Payment, from Emily Benson for the Testing of Voting Machines for the November 8, 2022, General Election, in the amount of \$2,095.00.
6. Approved Alabama Mountain Lakes Board Appointment to Randa Hovator.
7. Approved Proclamation, Farm-City Week to be held November 18-24, 2022.
8. Authorized the Formation of the Leighton Development Cooperative District by adoption of the following Resolution:

RESOLUTION NUMBER 2023-0006

A RESOLUTION AUTHORIZING THE FORMATION OF THE LEIGHTON DEVELOPMENT COOPERATIVE DISTRICT

WHEREAS, the Colbert County Commission, upon evidence duly submitted to and considered by it, hereby finds and determines that an application seeking authorization to incorporate a capital improvement cooperative district to be called the Leighton Development Cooperative District (the "District") has been duly filed with the Commission, that such application was signed by not fewer than 3 natural persons, and that each of said persons is over the age of 21 years and is a duly qualified elector of Colbert County, Alabama;

WHEREAS, the Commission has reviewed and considered such application and determines the formation of the District to be wise, expedient, and necessary.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that it is hereby found and determined to be wise, expedient, and necessary that the applicants may proceed with such steps as are necessary to effectuate the formation of the District.

BE IT FURTHER RESOLVED that the Commission does hereby approve the proposed form of Certificate of Incorporation of the District.

BE IT FURTHER RESOLVED that Commission does hereby grant permission to incorporate the District and does hereby authorize the persons making such application to form said District by filing the proposed Certificate of Incorporation for record in accordance with the provisions of Section 11-99B-4 of the *Code of Alabama* (1975, as amended).

9. Approved Resolution Appointing Members to the Board of Directors of the Leighton Development Improvement District. County Appointees are Tori Bailey, Darol Bendall and Joseph Hogan, as follows:

RESOLUTION NUMBER 2023-0007

A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE LEIGHTON DEVELOPMENT IMPROVEMENT DISTRICT

WHEREAS, the Colbert County Commission is entitled to appoint up to three (3) persons to serve as directors of the Leighton Development Improvement District; and

WHEREAS, the following persons were nominated for service in such capacity:

Tori Bailey

Darol Bendall

Joseph Hogan

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that Tori Bailey, Darol Bendall, and Joseph Hogan be and each hereby is elected and appointed as director of the Leighton Development Improvement District for a term of office ending on the fourth anniversary of the filing for record of the certificate of incorporation of the Leighton Development Improvement District, or until such time as each person's respective successor is elected and qualified in his or her stead.

10. Approved appropriation for Back the Blue Bronze Fundraiser Event in the amount of \$750.

11. Approved allowing County Engineer to proceed with efforts to make Boy Scout Road, passable to emergency vehicles in response to communication received from the Alabama Department of Public Health.

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 Devin Holt was hired as a PT Jailer at the rate of \$12.50/hr. Creekmore reported that the Commission had received a letter from the Alabama Department of Public Health in regard to the condition of Boy Scout Road, a private road. Said road is not in the County. The Department has stated that in the interest of public health, the County may work on the road sufficiently to make it passable for Emergency Vehicles. Attorney Black agrees. Creekmore reported that Lambert Ezell has sent an update on the Justice Center indicting that the target capacity of 300 inmates is possible.

Chief Financial Officer:

CFO April Bearden reported that we are eligible for \$100,000 LATCF Grant. Signatures are needed to open a new bank account at First Metro for the funds. She reported the a few departments have gone over budget in fiscal year 2021 with fuel and postage being the primary reason.

County Attorney:

None

EMA Director:

None

County Engineer:

County Engineer Jeremy Robison requested to bring back some retirees to work some at the Road Department. Because only one has returned, Robison is requesting if the County could increase the budget to keep that person as a PT employee. He also reported that Ray McGee has been promoted within the Water Department.

NEW BUSINESS

None

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner David Isom, EMA Director Michael Smith and Administrator Roger Creekmore have been working on the Special Events Permits. The work has been extended due to certain circumstances.

CHAIRMAN

COMMISSIONER, DISTRICT 2

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6