

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
03/19/2024

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Mansell, called the work session to order at 5:01 p.m. Commissioner Mansell, acting as Chairman, called the regular meeting to order at 5:28 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 except Commissioner Gardiner, who was absent. EMA director Michael David Smith offered the prayer and led the Pledge of Allegiance. Chairman Mansell declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

Tonya Bass spoke to the Commission regarding a party noise ordinance in her community. Mrs. Bass directed the Commissioners' attention to a building located in the Nitrate City area, which is being rented for private events and is creating a disturbance to her neighbors and herself. She is asking to try to get a nuisance & noise ordinance. Commissioner Barnes stated that it was an ongoing problem for years and that things were being looked at for the possibility to get some licensing. Barnes stated that we will address it further and asked Administrator Creekmore to elaborate. Creekmore stated that the County Commission is not a law-making body but an administrative body. It therefore has no power to enact law. The Sheriff, District Attorney, and Judges all follow the Code of Alabama. The Alabama Legislature is the only body having the authority to amend the Code of Alabama. Creekmore indicated that discussions have taken place with the Association of County Commissions of Alabama to seek help with drafting legislation to address the issue.

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

None

CONSENT AGENDA

Chairman Mansell announced that the business before the Commission was the approval of the consent agenda. Commissioner Bailey 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. Chairman Mansell 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. Approved Minutes of March 05, 2024 Regular Meeting as written.
2. Approved payment of March 19, 2024 bills as presented by the Chief Financial Officer.
3. Approved purchase of full page ad in *Times Daily Explorer* Edition in an amount not exceeding \$1,786.00.

4. Approved request by the County Engineer for 35 mph speed posting on Mill Stream Cove Rd and Mill Stream Trail and 25 mph speed posting on Crown Pointe Dr, Blue Heron Cove, Fox Chapel Place, and Box Turtle Ct., and adopted the following Resolution in relation thereto:

RESOLUTION NUMBER 2024-0019

A RESOLUTION SETTING THE MAXIMUM ALLOWABLE SPEED FOR MILL STREAM COVE ROAD, MILL STREAM TRAIL, CROWN POINT DRIVE, BLUE HERON COVE, FOX CHAPEL PLACE, AND BOX TURTLE COURT

WHEREAS, the Colbert County Commission, pursuant to *Ala. Code* § 23-1-80, et seq. (1975, as amended), is charged with the general superintendence of the public roads, bridges, and ferries within Colbert County so as to render travel over the same as safe and convenient as practicable; and

WHEREAS, Mill Stream Cove Road, Mill Stream Trail, Crown Point Drive, Blue Heron Cove, Fox Chapel Place, and Box Turtle Court, being part of the county road maintenance program, are located Sections 9 and 10, Township 3 South, Range 9 West, Colbert County, Alabama; and

WHEREAS, it is the recommendation of the County Engineer, based upon population, horizontal and vertical curves, passing and stopping distances, shoulder and pavement widths, and/or sight distances specific to the said roads, that the maximum allowable speed for Mill Stream Cove Road and Mill Stream Trail be set at 35 miles per hour; and

WHEREAS, it is the recommendation of the County Engineer, based upon population, horizontal and vertical curves, passing and stopping distances, shoulder and pavement widths, and/or sight distances specific to the said roads, that the maximum allowable speed for Crown Point Drive, Blue Heron Cove, Fox Chapel Place, and Box Turtle Court be set at 25 miles per hour; and

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the posted maximum allowable speed for Mill Stream Cove Road and Mill Stream Trail, each a Colbert County Road located Sections 9 & 10, Township 3 South, Range 9 West, be and is hereby set at 35 miles per hour.

BE IT FURTHER RESOLVED that the posted maximum allowable speed for Crown Point Drive, Blue Heron Cove, Fox Chapel Place, and Box Turtle Court, each a Colbert County Road located Section 10, Township 3 South, Range 9 West, be and is hereby set at 25 miles per hour.

BE IT FURTHER RESOLVED, that the Colbert County Road Department, under the superintendence of the County Engineer, or his designee, be and is hereby authorized and directed to post signs setting the maximum allowable speed at 35 miles per hour along the rights of way of Mill Stream Cove Road and Mill Stream Trail, in such places and in such manner as he deems to be in the best interests of the citizens of Colbert County, Alabama.

BE IT FURTHER RESOLVED, that the Colbert County Road Department, under the superintendence of the County Engineer, or his designee, be and is hereby authorized and directed to post signs setting the maximum allowable speed at 25 miles per hour along the rights of way of Crown Point Drive, Blue Heron Cove, Fox Chapel Place, and Box Turtle Court, in such places and in such manner as he deems to be in the best interests of the citizens of Colbert County, Alabama.

5. Approved job reclassification from Appraisal Valuation Analyst to Administrative Assistant in the Revenue Commissioner's office.
6. Approved request for payment of Circuit Court Clerk's Absentee Election Management in the total of \$9,425.00
7. Approved request for reimbursement payment for Circuit Court Clerk's Absentee Election expense, in the amount of \$155.72.

8. Approved request from Probate Judge Daniel Rosser for certifying voter list for the March 5, 2024 primary election, in the amount of \$2,223.65.
9. Approved and adopted the following Resolution to rescind resolution 2024-0015, special tax election for school district 4:

RESOLUTION NUMBER 2024-0017

A RESOLUTION TO RESCIND RESOLUTION NUMBER 2024-0015

WHEREAS, on February 20, 2024, the Colbert County Commission passed Resolution Number 2024-0015 pertaining to the request for and call of a special election for renewal and continuation of the Levy of the 5.0 mill school tax in school district number 4 (Tuscumbia) in Colbert County; and

WHEREAS, after further consideration and review of the needs and best interests of the residents of Colbert County, it has been determined that rescinding Resolution Number 2024-0015 is necessary.

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

1. **Rescission of Resolution.** Resolution Number 2024-0015 passed by the Commission on February 20, 2024, setting a special election for April 16, 2024, is hereby rescinded, and declared null and void.
2. **Notification.** The appropriate county officials and departments are directed to cease all preparations for the said special election and to notify relevant state and local agencies of this rescission.
3. **Public Notice.** The Commission shall ensure that public notice of this rescission is given in accordance with Alabama law, to inform the residents of Colbert County of the cancellation of the special election originally scheduled for April 16, 2024.
4. **Further Action.** The Commission authorizes and directs affected departments and county officials to take any further action that may be required to effectuate the purposes of this resolution.
5. **Effective Date.** This resolution shall take effect immediately upon its adoption by the Colbert County Commission.

BE IT FURTHER RESOLVED that a copy of this resolution be entered into the minutes of the Commission and that certified copies of the same be forwarded to all relevant parties involved in the preparation of the now rescinded special election.

ADOPTED AND APPROVED by the Colbert County Commission at a duly called and held meeting of the Commission on March 19, 2024, at which a quorum was present and voting.

10. Approved the following resolution for Special School Tax Election for school district 4, setting election date as May 21, 2024:

RESOLUTION NUMBER 2024-0018

PROCEEDINGS PERTAINING TO THE REQUEST FOR AND CALL OF A SPECIAL
ELECTION FOR RENEWAL AND CONTINUATION OF THE LEVY OF THE 5.0
MILL SCHOOL TAX IN SCHOOL DISTRICT NO. 4 (TUSCUMBIA) IN COLBERT
COUNTY

BE IT RESOLVED, ORDERED AND DECREED by the Colbert County Commission (herein called "the Commission") as follows:

Section 1. Findings.

(a) The Commission hereby finds, determines and declares that there has been filed with the Commission the following written request from the Tuscumbia City Board of Education:

TO THE COUNTY COMMISSION OF COLBERT COUNTY, ALABAMA:

We hereby transmit to and file with you the attached copy of a resolution which was duly adopted by the Tuscumbia City Board of Education at a meeting thereof duly convened and held on March 11, 2024. You are hereby requested to cause and call to be held on May 21, 2024, in School District No. 4 in Colbert County, Alabama, a special election as set forth in the said resolution. The boundaries of School District No. 4 in Colbert County are coterminous with the corporate limits of the City of Tuscumbia, Alabama.

Yours very truly,

TUSCUMBIA CITY BOARD OF EDUCATION

By: s/ Russell I. Tate
Its Secretary

There was attached to the said request a certified copy of the following resolution:

BE IT RESOLVED by the Tuscumbia City Board of Education (herein called "the Board"), in the State of Alabama, as follows:

Section 1. Findings. Preliminary to the adoption of this resolution, the Board has caused an investigation to be made of the facts set out in the following statements and, on the basis thereof, the Board has found and does hereby declare as follows:

(a) *Colbert County (herein called "the County") is currently levying a special district tax for public school purposes at the rate of fifty cents on each one hundred dollars (or 5.0 mills on each dollar) of the assessed value of taxable property in the special school district in the County known as School District No. 4 (herein called "District No. 4") and consisting of all the area lying within the corporate limits of the City of Tuscumbia, which special district tax has been authorized by the electors of District No. 4 to be levied annually until and including the levy for the tax year beginning October 1, 2024 (for which tax year the tax will become due and payable on October 1, 2025), being the tax that was originally authorized and provided for in Amendment No. 170 to the Constitution of Alabama of 1901, and an election held on August 23, 1994.*

(b) *All the area lying within District No. 4 is subject to the jurisdiction and control of the Board.*

(c) *The Board has determined that it is necessary and desirable that the special district tax now being levied in District No. 4 be continued after the expiration of the period for which the said tax is currently authorized to be levied in order for the public school system in the City to render adequate educational services to the citizens thereof.*

(d) *Petition to County Commission. The Board does hereby respectfully petition and request the Colbert County Commission to call an election to be held on May 21, 2024, in District No. 4 to determine whether or not a special district tax of fifty cents on each one hundred dollars (5.0 mills on each dollar) of the assessed value of the property subject to taxation in District No. 4 shall be levied annually for public school purposes within District No. 4 for a period of thirty (30) consecutive years commencing with the tax year that will begin on October 1, 2024 (for which first tax year the tax will become due and payable on October 1, 2025); the said levy, if authorized, not to operate to increase the presently existing 5.0 mill district school tax in District No. 4 but to be in renewal and continuation of the 5.0 mill district school tax now being levied in District No. 4.*

Section 2. Delivery of Request. The Secretary of the Board shall be and hereby is directed and instructed to prepare and deliver a certified copy of this resolution to the Colbert County Commission, accompanied by a written request that the said County Commission call the aforesaid election pursuant to the provisions of this resolution.

(HERE ENDS THE RESOLUTION OF THE BOARD OF EDUCATION)

(b) The Commission hereby further finds, determines and declares that said petition complies in all respects with the applicable provisions of Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975, and that the findings set out in Section 1 of the resolution adopted by the Board are true and correct.

Section 2. Call of Election. An election shall be and hereby is called to be held in School District No. 4 in the County (herein called "the District") on May 21, 2024, between the legal hours for holding elections and at the regular voting places in the District, for the purpose of submitting to the electors of the District the question of whether the County shall be authorized to renew and continue the annual levy, for a period of thirty (30) consecutive years beginning with the levy for the tax year that will begin on October 1, 2024 (for which first tax year taxes will become due and payable on October 1, 2025), a special ad valorem tax for public school purposes in the District at the rate of 5.0 mills on each dollar of the assessed value of the taxable property in said District, being the tax that was originally authorized and provided for in Amendment No. 170 to the Constitution of Alabama, it being intended that the said special tax to be voted on at the said election shall constitute a continuance and renewal of the said tax and shall not constitute an increase in the rate of taxation presently authorized in the District.

Section 3. Voting Places. The said election called shall be held and conducted at the regularly established voting places in the District except as to the casting of ballots of absent voters as hereinafter provided.

Section 4. Notice of Election. The sheriff of the County is hereby directed to give notice of said election in the manner prescribed by law, by publication in the Colbert County Reporter, a newspaper published in the County and having general circulation in the District, once a week for three consecutive weeks prior to the date fixed for said election, the first publication of such notice to be at least thirty days before the date of the said election, and also by posting a written notice of said election at three public places within the District, each of which shall be posted not less than thirty days prior to the date fixed for said election. The said notice to be so published and posted shall be in substantially the following form:

**NOTICE OF SPECIAL ELECTION FOR RENEWAL
AND CONTINUATION OF THE LEVY OF THE
5.0 MILL DISTRICT SCHOOL TAX IN SCHOOL
DISTRICT NO. 4 (CITY OF TUSCUMBIA)
IN COLBERT COUNTY**

Notice is hereby given that the Colbert County Commission has called and ordered a special election to be held in School District No. 4 on May 21, 2024, at which there will be submitted to the qualified electors of said district, for their determination by ballot, the question of whether a special district tax of fifty-five on each one hundred dollars (equal 5.0 mills on each dollar) of the assessed value of the taxable property located within the said school district shall be levied for public school purposes for a period of thirty (30) consecutive years commencing with the tax year that will begin on October 1, 2024 (for which first tax year the tax will become due and payable on October 1, 2025), which levy shall be in renewal and continuation of the 5.0 mill school district tax now being levied in the district.

The boundaries of School District No. 4 are coterminous with the corporate limits of the City of Tuscumbia, Alabama.

The said election will be held at the voting places regularly established for County elections in School District No. 4 between the legal hours for the holding of elections.

SHERIFF OF COLBERT COUNTY, ALABAMA

Section 5. Form of Ballot. The form of official ballot to be used at said election shall be in substantially the following form, except that there shall appear on the envelope accompanying each ballot for absent voters an affidavit substantially equivalent to the applicable form of affidavit prescribed for absent voters by law:

OFFICIAL BALLOT

**SCHOOL DISTRICT NO. 4
COLBERT COUNTY, ALABAMA**

**SPECIAL ELECTION FOR RENEWAL AND
CONTINUATION OF THE LEVY OF THE**

5.0 MILL SCHOOL DISTRICT TAX

(Amendment No. 170, Constitution of Alabama of 1901)

May 21, 2024

Shall the governing body of Colbert County, Alabama, be authorized to levy a special district tax of fifty cents on each one hundred dollars (equal to 5.0 mills on each dollar) of the assessed value of the taxable property located within School District No. 4 in said county, the area comprising the said district being all the area lying within the corporate limits of the City of Tuscumbia in Colbert County, for public school purposes for a period of thirty (30) consecutive years commencing with the tax year that will begin on October 1, 2024 (for which tax year the tax will become due and payable on October 1, 2025), which levy shall be in renewal and continuation of the 5.0 mill school district tax now being levied in the said school district?

() FOR proposed taxation

() AGAINST proposed taxation

The voter shall make a cross mark (X) before the proposition that expresses his or her choice.

Section 6. Ballots for Absent Voters. The form of the ballots for absent voters to be cast at the election shall be the same as that provided above except as follows:

(a) In lieu of the words "Official Ballot" at the heading of the ballot there shall be substituted the words "Official Absentee Ballot";

(b) In lieu of the instructions to voters appearing at the end of the Official Ballot there shall be substituted the following:

Instructions to Voters

The voter shall record his or her choice, whether for or against the said special tax, by placing a cross mark before or after the words expressing his or her choice.

(c) Each absentee ballot shall be accompanied by an envelope on which there shall be printed an affidavit in the form prescribed by law for absent voters for elections held in this state.

Section 7. Conduct of Election. The special election to be held in the District on May 21, 2024, shall be held and the results of such election shall be declared in the same manner and by the same officers as the results of regular elections for county officers, under the general election laws of the state.

11. Approved request to pay unused accrued annual leave to Joshua Bradford in the amount of \$1,836.48.

12. Approved request to pay unused accrued annual leave to Kali Terry in the amount of \$123.23.

UNFINISHED BUSINESS

None

REPORTS FROM STAFF

Chairman Mansell 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 made the following reports: Brandi Howell has been hired to fill the part-time position of Tobacco Tax, Junk Ordinance & License Inspector at a pay rate of \$15.00/hr. with no benefits. Creekmore also announced the resignation of Joshua Bradford and Kali Terry, both from the Sheriff's Department.

Chief Financial Officer:

No Report

County Attorney:

No Report

EMA Director:

No Report

County Engineer:

County Engineer Jeremy Robison reported as follow: Two paving crews are finishing up on the river and will be starting on 6th Street area.

NEW BUSINESS

None

DISCUSSION ITEMS BY COMMISSIONERS

None

Commissioner Barnes made motion to Adjourn, seconded by Commissioner Bailey. The Chair called for voice vote and all Commissioners voted in favor. The Chair announced the meeting to be adjourned at 5:30 pm.

At the close of the meeting, the Chair of the Colbert County Commission passed to Commissioner Jimmy Gardiner.

CHAIRMAN

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6