

STATE OF ALABAMA )  
COLBERT COUNTY )

Minutes of a Regular Meeting  
of the  
Colbert County Commission  
12/03/2024

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 5:26 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 with the exception of Commissioner David Isom who was absent. Commissioner Gardiner 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

None

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

Chairperson Bailey stated that the next order of business would be a public hearing on the application for Liquor License, The Woods Restaurant Group Inc. / DBA, The Woods at River Road, 020-Restaurant Retail Liquor, and gaveled the public hearing to order.

Chairperson Bailey made a call for any person wishing to speak for the issuance the license to address the Commission. Mr. Nick Franks spoke in favor of the liquor license on behalf of The Woods Restaurant Group, Inc. He stated that he and his business partners own the Pie Factory, On the Rocks, as well as other restaurants, and have liquor licenses at all of their restaurants and have been a responsible vendors of alcohol beverages for all of their career. They just found out yesterday about the resolution regarding the distance from the business to a residence. They have hired 80 employees. They have gotten a lot of support from the local people wanting them to be there.

Chairperson Bailey made 2 additional calls for persons wishing to speak for issuance of the license, there were no additional speakers.

Chairperson Bailey made a call for any person wishing to speak against the issuance of the license to address the Commission. Chairperson Bailey made 2 additional calls for any persons wishing to speak in opposition to the issuance of a license to stand and be heard. No person came forward to speak in opposition of the license.

Chairperson Bailey then declared that the public hearing be closed.

CONSENT AGENDA

Chairperson Bailey announced that the business before the Commission was the approval of the consent agenda. Commissioner Mansell made a motion to adopt and approve the matters placed on the consent agenda during the work session. The motion was duly seconded by Commissioner Gardiner. 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. Approved November 19, 2024, meeting minutes and waived reading of same.
2. Approved December 3, 2024, bills as presented by County C.F.O.
3. Approved the following resolution obligating additional ARPA Funds to Spring Creek EMA Project:

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**RESOLUTION NUMBER 2025-0014**

**A RESOLUTION APPROVING CURRENT ALLOCATION OF AMERICAN REVENUE REPLACEMENT FUNDS FOR THE PROVISION OF GOVERNMENT SERVICES**

WHEREAS, Colbert County, Alabama, (“the County”) has received American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds (“ARPA funds”) from the US Department of Treasury (“Treasury”) totaling \$10,729,917; and

WHEREAS, the Colbert County Commission (the “Commission”) is charged with ensuring that the County’s ARPA funds are expended in accordance with state and federal law; and

WHEREAS, in accordance with the final rule issued by Treasury on January 6, 2022, the County duly elected to take the standard allowance of revenue loss caused by the COVID 19 pandemic and, as a result, as designated \$9,704,139 of the County’s ARPA funds as revenue replacement funds (“ARPA revenue replacement funds”); and

WHEREAS, the balance of the County’s ARPA funds totaling \$1,025,778 have already been obligated and expended for eligible ARPA projects and, as a result, the County’s only remaining ARPA funds consist of ARPA revenue replacement funds; and

WHEREAS, the County may expend ARPA revenue replacement funds to enable the provision of government services; and

WHEREAS, the Commission has identified multiple projects needed to enable, enhance, and improve the delivery of government services to citizens of and visitors to the County, including protected access to the Tennessee River for Emergency Services; and

WHEREAS, the Commission has determined that the construction of an EMA Facility for Spring Creek (the “Project”), would feel the need for Emergency Services Access; and

WHEREAS, the County has issued a solicitation for bids to provide construction services for the Project, which was awarded to H and N Construction in the amount of \$737,850.00; and

WHEREAS, the Commission desires to approve the allocation of ARPA revenue replacement funds to cover a portion of the construction cost and implement this government service.

**NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:**

1. The Commission by resolution at its regularly scheduled meeting on October 1, 2024, approved an allocation of the County's ARPA revenue replacement funds in the amount of \$300,000 to enhance Emergency Access Services on the Tennessee River in Colbert County.
2. The Commission, having deemed that the construction of the EMA Emergency Services Access facility is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds elected to allocate an additional \$117,000.00 of the County's ARPA revenue replacement funds to this project at its regular meeting on November 5, 2024. This action bringing the total ARPA allocation on this project to \$417,000.00.
3. As the Commission realizes the importance of this project to the safety of citizens utilizing the Tennessee River for recreation and commerce activities, the Commission hereby elects to allocate an additional \$15,888.95 of the County's ARPA revenue replacement funds to this project. This will bring the total ARPA allocation to \$432,888.95.
4. Notwithstanding provision to the contrary herein, ARPA revenue replacement funds allocated by this Resolution shall not be expended for any of the following:

- a. To make deposits into a pension fund;
  - b. To service debt or replenish rainy day funds;
  - c. To satisfy settlements and judgments; or
  - d. To fund programs, services, or capital expenditures that undermine efforts to stop the spread of COVID 19.
5. The ARPA Program Director is charged with ensuring that revenue replacement funds allocated and expended to provide these government services will not be used in such a way as to frustrate COVID 19 mitigation guidance issued by the Centers for Disease Control, or for any other use prohibited by the Final Rule or any applicable state or federal law.
  6. Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA revenue replacement funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

IN WITNESS WHEREOF, the Colbert County Commission has caused this Resolution to be executed in its name and on its behalf by its Chair on the 3<sup>rd</sup> day of December 2024.

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4. Approved the following resolution obligating ARPA Funds for purchase of AED devices:
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**RESOLUTION NUMBER 2025-0012**

A RESOLUTION AUTHORIZING THE EXPENDITURE OF AMERICAN RESCUE PLAN / REVENUE REPLACEMENT FUNDS FOR AUTOMATED EXTERIOR DEFIBRILLATOR PURCHASE

WHEREAS, the County has received a coronavirus State and Local Physical Recovery Fund (“SLFRF”) award under the American Rescue Plan Act (“ARPA funds”) from the US Department of the Treasury which have been duly designated as revenue replacement funds; and

WHEREAS, the revenue replacement funds may be used for the purpose of providing government services, including investments in community engagement programs to promote healthier lifestyles for its citizens; and

WHEREAS, the Colbert County Commission recognizes a need for Automated Exterior Defibrillator (“AED”) devices, which could save the lives of individuals suffering cardiac episodes; and

WHEREAS, the Colbert County commission has determined that purchase and deployment of AED devices is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds; and

WHEREAS, meeting in regular session on August 6, 2024, the Colbert County commission allocated the sum of up to \$20,000.00 in American Rescue Plan/Revenue Replacement funds be used for the purchase of AED devices to be property of Colbert County and located in strategic locations with the goal of saving lives.

NOW THEREFORE, BE IT RESOLVED that the Colbert County Commission elects to allocate an additional \$4540.00 from American Rescue Plan/Revenue Replacement funds to be used to purchase additional automated exterior defibrillator devices to be the property of the County and located in strategic locations with the goal of saving lives.

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5. Approved request by Alpha Phi Alpha Fraternity for table sponsorship of MLK Unity Breakfast in the amount of \$1,000.00.
6. Approved 2025 Holiday Schedule and adopted the following resolution:

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**RESOLUTION NUMBER 2025-0013**

A RESOLUTION ADOPTING THE OFFICIAL HOLIDAY SCHEDULE FOR THE  
YEAR 2025

WHEREAS, the Colbert County Commission (the “Commission”) recognizes the importance of establishing an official holiday schedule for the benefit of County employees and the efficient operation of County services; and

WHEREAS, it is necessary to adopt an official schedule to ensure clarity and consistency observance of holidays by County offices and departments; and

WHEREAS, the Commission has reviewed and considered the proposed holiday schedule for the calendar year 2025.

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

1. **Adoption of Holiday Schedule:** The official holiday schedule for the calendar year 2025, as set forth on Exhibit A attached hereto and incorporated herein by reference, is hereby adopted.
  2. **Observance by County Offices:** All County offices and departments shall observe the holidays listed in the official schedule by closing on the designated dates, unless otherwise required by law or specific operational needs.
  3. **Notification to Employees:** the County Administrator is directed to ensure that all County employees are notified of the adopted holiday schedule and that it is prominently displayed in appropriate locations.
  4. **Effective Date:** this Resolution shall take effect immediately upon its adoption.
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7. Approved Request from Drug Task Force to Surplus 2011 Ford F-150, VIN 1FTFW1ETOBKD85309, and adopted the following resolution:
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**RESOLUTION NUMBER 2025-0016**

WHEREAS, the Colbert County Commission has been informed by the Colbert County Sheriff that certain property hereinafter described and previously used in performance of duties in the office of the Colbert County Drug Task Force 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 Colbert County Drug Task Force.

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 or his designee 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:

<b>Equipment Description</b>	<b>Equipment ID</b>
<b>Black 2011 Ford F-150</b>	<b>1FTFW1ETOBKD85309</b>

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8. Approved Amended Funding Agreement with Colbert County Board of Education for use of ARPA funds on the Hatton Ballfield Project.

9. Approved the following resolution to rescind the November 17, 1981 Resolution of the Colbert County Commission which established requirements for liquor license:

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**RESOLUTION NUMBER 2025-0015**

**A RESOLUTION TO RESCIND A PRIOR RESOLUTION OF THE COMMISSION**

WHEREAS, on November 17, 1981, this Commission adopted a resolution imposing certain prerequisites for the approval of applications for licenses to sell alcoholic beverages in Colbert County; and

WHEREAS, the Commission now desires to rescind the 1981 resolution in its entirety.

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

1. The resolution adopted by the Colbert County Commission on November 17, 1981, relating to alcoholic beverage sales and the approval of applications for licenses to sell alcoholic beverages in Colbert County is hereby rescinded in its entirety.
  2. This resolution shall take effect immediately upon its adoption.
10. Approved Monday, December 23, 2024, as an additional County Holiday.

The Chair called for voice vote on the motion, and all Commissioners voted aye. The Chair announced that the motion had carried.

**UNFINISHED BUSINESS**

None

**REPORTS FROM STAFF**

Chairperson Bailey 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: Effective December 16, 2024, John Reese has been hired as I.T. Manager with an annual salary of \$52,134.54. Effective December 16, 2024, Christopher Scot McKinney has been hired as County Maintenance Technician I with an annual salary of \$28,516.80. From the Revenue Commissioner, Kaley Frederick has accepted the position of Real Property Appraiser Trainee, effective December 1, 2024, her pay scale will move to Grade 7, Step 1. Creekmore forwarded to Commission a request from employees that an additional County Holiday be granted for December 23, 2024. Commission consented to add this item to the agenda.

**County CFO:**

No report

**County Attorney:**

Attorney Black reported as follows: Attorney Black has drafted the ROW use agreement to allow ALDCNR to use County right-of-way to install a pumping station and water line for Freedom Hill headquarters. The agreement contained a provision whereby the DCNR would indemnify and hold the County harmless from suit. Black stated that the State does not agree to indemnity contracts but, he was able to get them to leave it in as long as it states to the extent allowed by law and to add standard state clauses.

**E-911/EMA Director:**

No report

**County Engineer:**

Chief Engineer Jeremy Robison reported as follows: Announced that on December 18 at 11:00 A.M. will be LO Bishop's Christmas lunch and is inviting the Commission as well as Jake Flanagan and the HHG crew.

**NEW BUSINESS:**

A motion was made by Commissioner Barnes and seconded by Commissioner Gardiner for the approval of an application for The Woods Restaurant Group Inc / DBA, The Woods at River Road, 020-restaurant retail liquor. The Chair stated that the matter before the Commission was approval of said liquor license and called for any discussion. There being no further discussion, Chairperson Bailey asked the County Administrator to call the roll and a roll call vote was had as follows:

District 1	Yes
District 2	No
District 3	Yes
District 4	Yes
District 5	No
District 6	Absent

Chairperson Bailey announced that a majority vote of the Commission was in favor of the issuance of a license and the motion carried. The Chair directed the County Administrator to inform the Alabama Alcoholic Beverage Control of this action.

**DISCUSSION ITEMS BY COMMISSIONERS**

Commissioner Barnes announced that ACCA's, Sunny Brassfield, will be speaking at NACOLG for a lunch meeting Thursday at 11:00 a.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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CHAIRPERSON

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COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6