

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting of the Colbert County Commission 10/15/2019

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Black called the work session to order at 5:03 P.M. with the regular meeting following at 7:27 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 Gardiner offered the invocation and led the Pledge of Allegiance. Chairman Black declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

- Steve Witmer with CWI/PGF Industrial Landfill spoke regarding the possible purchase of his company’s permitted landfill property by the Shoals Solid Waste Authority.
- Members of the Colbert County Animal Control Association Board of Directors came before the Commission at Commissioner Bailey’s request. Board Members present were: Mayor Kerry Underwood, Mayor Ian Sanford, Commissioner Tommy Barnes and Mrs. Tambra Howard. Also present was Association attorney James Marks. Discussion between Board Members and the Commission centered on a desire to foster a better working relationship between the participating governmental entities and to improve the level of service to citizens. On behalf of the Commission, Commissioner Bailey reiterated the Commission’s increase in appropriations to the Association for the current fiscal year and spoke of the need to hire at least one additional Animal Control Officer. Commissioner Hovater suggested that the Association consider the use of outdoor kennels to help alleviate overcrowding issues. CCAC Board members agreed to consider these suggestions.

CONSENT AGENDA

Chairman Black 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. Chairman Black 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. Consented to pay unused Annual Leave in the amount of \$689.76 for Butch Byers.
2. Authorized EMA Director Smith to execute a Match Funding Assurance statement confirming the Commission’s intent to use local, non-federal funds for the required 25% match in the event that the Colbert County Emergency Management Agency is awarded grant funds under Hazard Mitigation Grant Program DR-4426. Any grant funds awarded, along with the required matching funds, will be used to construct a community storm shelter in Southeast Sheffield, as previously approved by the Commission.
3. Adopted the following resolution concerning the County’s application for LWCF grant funds:

RESOLUTION OF THE
COLBERT COUNTY COMMISSION

WHEREAS, the Colbert County Commission has previously applied for federal LWCF grants for use in making improvements to the County's public parks; and

WHEREAS, The Kelley Group, LLC, has previously submitted such grant applications on behalf of the Commission, and continues to advise the Commission regarding LWCF grant applications; and

WHEREAS, the Commission, based on the advice of The Kelley Group, LLC, has determined that the County's chances of being awarded an LWCF grant will be increased by focusing on one, but not both, of the County's public parks in the application to be submitted; and

WHEREAS, the Commission is aware that each of the County's public parks, namely, Rose Trail Park and Colbert Alloys Park, are in need of and could make use of awarded grant funds; and

WHEREAS while recognizing each Park's unique needs, the Commission has determined to instruct and authorize The Kelley Group, LLC to make application for LWCF grant funding solely for Rose Trail Park for the current fiscal year; and

WHEREAS, the Commission has likewise determined that LWCF grant applications submitted for the next fiscal year will focus on obtaining grant funding solely for Colbert Alloys Park.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION, that The Kelley Group, LLC be and hereby is authorized to submit an application seeking LWCF grant funding for use in making improvements to the facilities at Rose Trail Park for the current fiscal year.

BE IT FURTHER RESOLVED, that any LWCF grant applications submitted for the next fiscal year, will seek grant funding for improvements to the facilities at Colbert Alloys Park.

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4. Adopted the following resolution concerning 2020 Severe Weather Preparedness Tax Holiday, Feb. 21-23, 2020:
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RESOLUTION OF THE
COLBERT COUNTY COMMISSION

PROVIDING FOR COLBERT COUNTY'S PARTICIPATION IN THE "SEVERE WEATHER
PREPAREDNESS SALES TAX HOLIDAY" AS AUTHORIZED BY §§ 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 Colbert 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 2020, beginning at 12:01 AM on Friday February 21, 2020 and ending at 12:00 midnight on Sunday February 24, 2020; and

WHEREAS, *Code of Alabama*, 1975, §11-51-210 (e) requires 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 2020 herein adopted by the Colbert County Commission is an amendment to the County's sales and use tax levy warranting notice to the Alabama Department Revenue is provided in *Code of Alabama*, 1975, §11-51-210 (e).

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 §§40-23-233 through 40-23-233, *Code of Alabama*, 1975, beginning at 12:01 AM on Friday, February 21, 2020 and ending at 12:00 midnight on Sunday, February 24, 2020.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of the October 15, 2019 meeting of the Colbert County Commission and a certified copy of this resolution be immediately forwarded to the Alabama Department of Revenue in compliance with §11-51-210 (e) *Code of Alabama*, 1975.

5. Approved an adjustment reflecting a budgeted 2.5% Cost of Living Allowance increase.

REPORTS FROM STAFF

Chairman Black 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

Joshua Robeson was hired as a part time Jailer, effective October 3, 2019 at the pay rate of \$10.26/hr. Austin Evans was hired as a fulltime jailer, effective September 23, 2019 at a salary rate of \$27,661.00. Randy Borden was hired as a fulltime jailer, effective October 9, 2019 at a salary rate of \$27,661.00. Matthew Lee terminated as a part time jailer effective October 10, 2019.

Chief Financial Officer

The 2019 Fiscal Year closed with expenditures being less than budgeted. However reserve funds were required to be used due to ad valorem revenues being collected at a rate less than was projected.

County Attorney

No Report.

EMA Director

No Report.

County Engineer

Two positions were replaced in the Water Dept. Tori Melton transferred from County Road Department and Ray McGee was hired. Mr. Nathan Rikard was promoted to Water Tech 2 step 1. Plans have are being made for next summer’s mowing program. The Asst. Engineer has to be drug tested and receive negative results in order to remove the final contingency from his offer of employment.

NEW BUSINESS

Chairman Black announced that the next order of business before the commission was for consideration of the purchase of a table of 8 for the NAACP Tri County Branch Banquet at a cost of \$320.00.

Motion was made by Commissioner Gardiner, seconded by Commissioner Bendall to purchase table at a cost of \$320.00. Chairman Black asked the County Administrator to call the roll, and a vote was had as follows:

Commissioner Barnes	Yea
Commissioner Black	Yea
Commissioner Gardiner	Yea
Commissioner Bailey	Abstain
Commissioner Bendall	Yea
Commissioner Hovater	Yea

Chairman Black announced that the motion carried.

There being no further business to come before the Commission, upon motion duly made and seconded, Chairman Black announced that the meeting was adjourned.

COMMISSIONER, DISTRICT 1

CHAIRMAN

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6