

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
2/1/2022

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Bendall called the work session to order at 5:00 p.m. with the regular meeting following at 5:51 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. EMA Director Michael Smith offered the prayer and led the Pledge of Allegiance. Chairman Bendall 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

A public hearing was convened at 5:05 P.M. during the course of the Commission work session to hear public comment regarding a petition to vacate a portion of Old Covered Bridge Road. Chairman Bendall stated that notice of the public hearing was given in the manner provided by law and, upon opening the hearing, called for those persons wishing to speak in opposition to the proposed vacation. No person offered comment in opposition. Chairman Bendall then called for those persons wishing to speak in favor of the proposed vacation. Ms. Betsey Frick, the Petitioner, was present and spoke briefly in favor of the public vacation. Chairman Bendall once again asked whether any person present intended to make a comment in favor of or opposed to the petition and hearing none, declared the public hearing to be closed.

CONSENT AGENDA

Chairman Bendall 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 Bendall 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 January 18, 2022 minutes and approved the same as written.
2. Approved payment of February 1, 2022 bills as presented by the Chief Financial Officer.
3. Elected to proceed with negotiations with the Shoals Solid Waste Disposal Authority for transfer of Wastewater Treatment Plant in response to that entity’s resolution presented to the Commission by adoption of the following Resolution:

RESOLUTION NUMBER 2022 – 0025

A RESOLUTION CONCERNING THE SALE OR TRANSFER OF BARTON WASTEWATER TREATMENT FACILITY TO THE SHOALS SOLID WASTE DISPOSAL AUTHORITY

WHEREAS, Colbert County, Alabama is the owner and operator of a wastewater treatment facility as well as force main and pump stations (the “Facility”) located in Barton, Alabama; and

WHEREAS, the Shoals Solid Waste Disposal Authority (“SSWDA”), at a regular monthly meeting held on January 21, 2022, adopted a resolution authorizing its Board of Directors to pursue acquiring the Facility from Colbert County for such price, terms, and conditions agreed upon by Colbert County and the SSWDA; and

WHEREAS, the Colbert County Commission is desirous of reaching an agreement with the SSWDA to provide for the transfer of the Facility to the SSWDA and finds that such transfer would be in the best interests of the citizens of Colbert County; and

WHEREAS, the Colbert County Commission finds that certain conditions should be placed upon the SSWDA so as to ensure that the Facility continues to operate in a manner that continues to serve the tenants of the Barton Riverfront Industrial Park and that ensure the Facility will continue to be operated in a manner consistent with current and future Alabama Department of Environmental Management regulations, and that such transfer to and operation of the Facility by the SSWDA will continue to benefit the citizens of Colbert County, Alabama.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that it enter negotiations with the SSWDA to effect a transfer of the Facility for such price, terms, and conditions as are agreeable to Colbert County and the SSWDA.

BE IT FURTHER RESOLVED, that any agreement to transfer the Facility contain, at a minimum, the following terms and conditions:

1. Title to all property transferred will be vested in the SSWDA and any deed of conveyance should contain a restriction regarding the subsequent transfer of the Facility to any private entity.
2. The SSWDA must agree that subsequent to the transfer, the Facility will at all times be operated by the utility department of the cities of Muscle Shoals, Tusculumbia, or Sheffield.
3. Disposal and/or processing of domestic waste from current tenants of the Barton Riverfront Industrial Park will continue to be prioritized.
4. Any transfer must include all fixtures, appurtenances, systems, and property currently owned and used by Colbert County, Alabama for the disposal, processing, or treatment of wastewater.
5. All Alabama Department of Environmental Management permits shall be transferred out of the name of Colbert County and into the name of such municipal utility as the SSWDA may contract to operate the Facility (subject to the limitations concerning permissible operators contained above).
6. Neither the SSWDA or the municipal utility operating the Facility may accept leachate prior to the transfer or issuance of any permits required to accept such waste in the name of the SSWDA or the municipal utility operating the Facility.
7. The foregoing items are not an all-inclusive list of terms and conditions that may be sought or negotiated by Colbert County or that the Colbert County Commission may determine to be a requirement of any such transfer to SSWDA.

BE IT FURTHER RESOLVED that the County Attorney is hereby authorized and directed to author a draft transfer agreement in cooperation with the SSWDA or its legal counsel.

BE IT FURTHER RESOLVED that the Colbert County Commission reserves final approval of any transfer contemplated by this Resolution until such time as the County Attorney presents to it a written transfer agreement for consideration and approval.

4. Approved Resolution supporting the creation of a Capital Improvement Cooperative District for the purpose of improving broadband internet infrastructure by adoption of the following:

RESOLUTION NUMBER 2022 - 0021

A RESOLUTION IN SUPPORT OF THE PROPOSED GREATER SHOALS BROADBAND NETWORK

WHEREAS, since the late 1990s, the development of broadband connectivity in Colbert and Lauderdale Counties, undertaken by various commercial entities, has resulted in inadequate and uncompetitive distribution of broadband internet services; and

WHEREAS, broadband internet connectivity is an essential utility and addressing broadband infrastructure requirements of the citizens of Colbert County is of utmost importance to the Colbert County Commission; and

WHEREAS, the Commission has determined that a cooperative legal entity dedicated to developing, governing, and operating internet broadband infrastructure and services will best serve all citizens of Colbert and Lauderdale County, Alabama, in that it will allow for a coordinated voice when competing for coming economic development opportunities and provide for population growth.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION, that it finds the formation of a Capital Improvement Cooperative District to be known as the Greater Shoals Broadband Network to be wise, necessary, and expedient to the future construction of broadband internet infrastructure and the provision of broadband internet services.

BE IT FURTHER RESOLVED, that the Colbert County Commission fully supports the creation of such a Cooperative District with representation through a board of directors to be proposed, as set forth in Section 11-99B-1, et seq., of the *Code of Alabama*.

5. Approved final plat of Waterloo Landing Subdivision, Phase 5, upon recommendation by the County Engineer.
6. Approved request by Nathan Rackard for payment of unused accrued annual leave in the amount of \$5,587.58.
7. Approved final plat of Weinbaum Lots Subdivision, upon the recommendation of the County Engineer.
8. Approved request from the Sheriff's Department to declare a 2015 Chevrolet Tahoe as surplus property by adoption of the Following Resolution:

RESOLUTION NUMBER 2022-0022

A RESOLUTION TO DECLARE CERTAIN PROPERTY AS SURPLUS PROPERTY

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

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 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:

Equipment Description	Equipment ID
2015 Chevrolet Tahoe	1GN5K2EC6FR666549

9. Approved request from Sheriff's Department to salvage 29 obsolete vehicle cages and 21 radio consoles, by adoption of the following Resolution:

RESOLUTION NUMBER 2022-0023

A RESOLUTION TO DECLARE CERTAIN PROPERTY AS SURPLUS PROPERTY

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

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 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:

Equipment Description	Equipment ID
29 vehicle cages for Crown Victoria or Taurus	N/A
21 consoles for radios for Crown Victoria	N/A

10. Approved Resolution in support of HB122 as introduced by Representative Garrett by adoption of the following Resolution:

11.

RESOLUTION NUMBER 2022-0024

A RESOLUTION IN SUPPORT OF LOCAL LEGISLATION TO PROVIDE PROHIBITIONS
AND PROVIDE CIVIL PENALTIES FOR BLOCKING OF RAIL-ROAD HIGHWAY GRADE
CROSSINGS

WHEREAS, the Colbert County Commission recognizes that emergency services, including services provided by law enforcement officers, firefighters and emergency medical services personnel are a primary and essential service to the health and well-being of the citizens of Colbert County; and

WHEREAS, the effective delivery of emergency medical care and the fast response by law enforcement officers and firefighters is often the difference between life and death to those persons in Colbert County making use of such services in emergency; and

WHEREAS, the Colbert County Commission recognizes that the effective delivery of emergency services provided by first responders has been delayed by the blocking of railroad -highway grade crossings.

WHEREAS, the Colbert County Commission is aware of H.B. 122, introduced in the current legislative session by Representative Danny Garrett, which is designed to provide prohibitions on the blocking of a rail-road highway grade crossing under certain conditions and to provide a civil penalty for a violation.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION, that the Commission supports the passage of legislation which would provide prohibitions on the blocking of a rail-road highway grade crossing under certain conditions and to provide a civil penalty for a violation.

11. Approved purchase of advertisement with Colbert County Sports Hall of Fame in the amount of \$500.00.

UNFINISHED BUSINESS

None

REPORTS FROM STAFF

Chairman Bendall 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 shared a communication from the Probate Judge that Kayla Brewer has completed Alabama Certified Licensing Administrator Program and now qualifies for a 5% pay increase. Administrator Creekmore proposed additions to the agenda from the Sheriff's Department for the surplus of a 2015 Tahoe and various obsolete articles. Administrator briefed Commission on H.B. 122, introduced into the Legislature by Representative Danny Garrett, which would address trains blocking on grade rail crossings A support resolution was added to Commission Agenda. Administrator informed Commission of a request for ad from the Colbert County Sports Hall of Fame in the amount of \$500.00, also added to agenda.

Chief Financial Officer:

None.

County Attorney:

Attorney Edgar Black reported that he has the deeds prepared for Faith Church on Hwy 72.

EMA Director:

Director Michael Smith reported that they are continuing mobile vaccines this week. The clinic will be at First Baptist Colbert Height Thursday Feb 3 from 8:00-11:00 A.M. and Locust Shores Vol Fire Department from 1:00-4:00 P.M. He also reported that there will be a Farm Safety Training, grain bin entrapment and rescue workshop Thursday February 17th at the Constellium warehouse in Muscle Shoals.

County Engineer:

Jeremy Robison reported that Road Department has started herbicide spraying and will work while weather permits.

NEW BUSINESS

None

DISCUSSION ITEMS BY COMMISSIONERS

None

C

C

C

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

CHAIRMAN

COMMISSIONER, DISTRICT 6