

STATE OF ALABAMA )  
COLBERT COUNTY )

Minutes of a Regular Meeting  
of the  
Colbert County Commission  
02/7/2023

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Barnes called the work session to order at 5:00 p.m. with the regular meeting following at 6:03 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 Mansell offered the invocation and led the Pledge of Allegiance. Chairman Barnes declared that a quorum was present for the purpose of the transaction of business.

**PUBLIC COMMENTS**

Steve Witmer of CWI Alabama gave an update regarding operations at the Cherokee Industrial Landfill. Mr. Witmer briefly discussed some of the past issues between CWI and Tri-Cities Solid Waste Disposal Authority and told Commissioners that it is now “time to move forward.” Mr. Witmer estimated that CWI Alabama has spent \$2,000,000 transporting leachate for off-site disposal over the last 15 months. CWI’s efforts to control leachate disposal costs while also lessening the reported odor at the landfill include obtaining a permit issued by the Alabama Department of Environmental Management to allow filtration and treatment of leachate on-site. CWI has implemented a temporary system for leachate treatment until a permanent system is constructed and operational. Mr. Witmer expects that the temporary system should alleviate the landfill’s odor and will operate 365 days per year. Mr. Witmer next addressed the Commissioners’ concerns over damage to Cane Creek Road caused by landfill traffic. Mr. Witmer indicated CWI’s willingness to work together with the Commission to address the road’s condition and to find solutions to mitigate future deterioration to the road’s surface caused by truck traffic entering and exiting the landfill property.

Coroner Justin Gasque thanked EMA director Michael Smith and all others participating in the search effort for fisherman Daniel Hamm.

**PUBLIC HEARING**

Chairman Barnes stated that the next order of business would be a public hearing concerning the application by JALA, Inc. d/b/a White Oak Liquor for an ABC Lounge Retail Liquor – Class II (Package) license and gavelled the public hearing to order.

Chairman Barnes made a call for any person wishing to speak against the issuance of the license to address the Commission. The Chair recognized Mr. Jerry Ford who spoke against issuance of the license. Chairman Barnes made 2 additional calls for persons wishing to speak against issuance of the license, and no other person came forward to be recognized.

Chairman Barnes next asked whether any person in attendance wished to be recognized for the purpose of speaking in favor of issuance. Mr. Suresh Patel, President of JALA, Inc. was recognized and spoke in favor of the license’s issuance. Chairman Barnes made 2 additional calls for persons wishing to speak against issuance of the license, and no other person came forward to be recognized.

Chairman Barnes then declared that the public hearing be closed.

## CONSENT AGENDA

Chairman Barnes announced that the business now 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 January 17, 2023 minutes and approved the same as written.
2. Approved payment of February 7, 2023 bills as presented by the Chief Financial Officer.
3. Approved the award of bid for repainting the District Attorney's office suite to Tommy Davis Painting Inc., in the amount of \$29,500.00 by adoption of the following Resolution:

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### **RESOLUTION NUMBER 2023-0012**

#### *A RESOLUTION TO AWARD BID FOR REPAINTING OF THE DISTRICT ATTORNEY OFFICE SUITE*

WHEREAS, the Colbert County Commission did send out advertisements for bids for repainting the courthouse office suite currently assigned to the office of the District Attorney; and

WHEREAS, bids received were publicly opened on January 20, 2023 at the time and place appointed therefor; and

WHEREAS, that at the appointed time and place the following bids were publicly opened and tabulated as follows:

<b>NAME</b>	<b>AMOUNT</b>
<b>TOMMY DAVIS PAINTING , INC.</b>	\$29,500

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the lowest, responsive and responsible bidder has been determined to be Tommy Davis Painting, Inc. with a total bid price of \$29,500.

BE IT FURTHER RESOLVED that the lowest responsive and responsible bidder, Tommy Davis Painting, Inc., is now awarded the bid for a mobile vaccine trailer pursuant to the specifications as advertised.

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4. Approved request for payment of unused accrued annual leave in the amount of \$1,864.80 to Eric Puryear.
  5. Approved purchase of a table sponsorship at the MLK Scholarship Committee Banquet on February 25, 2023, in the amount of \$320.00.
  6. Approved request by Colbert County Retired and Senior Volunteer Program for 2024 FY funding in the amount of \$16,765.50.
  7. Approved filing of an amendment to the Certificate of Incorporation for the Greater Shoals Broadband Cooperative District by adoption of the following Resolution:

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**RESOLUTION NUMBER 2023-0013**

*A RESOLUTION TO APPROVE THE FILING AN AMENDMENT TO THE  
CERTIFICATE OF INCORPORATION OF THE GREATER SHOALS BROADBAND  
COOPERATIVE DISTRICT*

WHEREAS, the undersigned, acting as a duly authorized representative of the Colbert County Commission (the "Governing Body") of the **County of Colbert, Alabama** (the "Public Entity"), acting subject to and in accordance with the relevant provisions of the Code of Alabama of 1975, as amended (the "Code"), does hereby consent to the adoption of the following resolutions:

WHEREAS, the Public Entity is a founding member of the Greater Shoals Broadband Cooperative District, a public corporation incorporated pursuant to and in accordance with the relevant provisions of Chapter 99B of Title 11 of the Code (the "Act") to serve as a "capital improvement cooperative district" within the meaning of the Act (the "District"); and

WHEREAS, the Board of Directors of the District (the "Board") approved a First Amendment to the Certificate of Incorporation of the District on January 20, 2023, reflecting the withdrawal of the City of Tuscumbia, Alabama; the City of Muscle Shoals, Alabama; and The Muscle Shoals Electric Board as members of the District.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body:

1. The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.
2. The Governing Body hereby authorizes the filing of the First Amendment to the Certificate of Incorporation of the Greater Shoals Broadband Cooperative District, in the form attached hereto as Exhibit "A," all in the manner provided by the Act.

IN WITNESS WHEREOF, the undersigned, having full right and authority to do so, has caused these resolutions to be duly executed and adopted for, on behalf of, and as the valid and binding act of the Governing Body of **Colbert County, Alabama**, effective as of the 7<sup>th</sup> day of February 2023.

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8. Appointed Mr. John Reese and Mr. Jeb Myles to vacant board seats on the Board of Directors of the Greater Shoals Broadband Committee for a term beginning February 8, 2023.

## **UNFINISHED BUSINESS**

None

## **REPORTS FROM STAFF**

Chairman Barnes 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 informed the Commission the we are in the process of IT upgrades which will be paid with ARPA funds. Creekmore reported that the computers are in and installation is moving forward. From the office of the Probate Judge, Serengeti Young has been promoted to 2<sup>nd</sup> Assistant Motor Vehicle Supervisor with a paygrade of Grade 6, Step 1 or 5%, whichever is greater. On February 23<sup>rd</sup>, ALDOT Director Cooper will be at ALDOT office in Huntsville to meet with officials. Creekmore reported that the Judge's Chambers in Courtroom 1 have been found to be in poor condition after the retirement for Judge Hatcher, informing Commissioners that if there were no objections, he would like to do an additional painting bid for the Judges chambers and courtroom 1. There were no objections.

**Chief Financial Officer:**

None

**County Attorney:**

None

**EMA Director:**

EMA Director Michael Smith handed out a packet regarding the boating accident at Singing River Bridge. They have worked the accident for 10 days with 93 personnel, 22 of which provided food and snacks. Smith reported that they've been working hard and help came from surrounding 40 agencies as well as federal response from TVA, putting in a total of 2044 manhours.

**County Engineer:**

County Engineer Jeremy Robison reported that mowing is still in progress. They have completed everything east of Hwy 43 and are now working areas off Hwy 72. Robison reported that they have also started herbicide spraying and is working with the County CFO on paving project.

**NEW BUSINESS**

Chairman Barnes stated that the next A item of business before the commission was the consideration of an application for ABC Lounge Retail Liquor - Class II (Package) license by JALA, Inc. d/b/a White Oak Liquor. Commissioner Bailey moved for the approval of the application. Commissioner Isom seconded the motion. The Chair stated that approval of the license was properly before the Commission and called for any discussion. After a brief debate, the Chair put the question to roll call vote. The County Administrator called the roll and a roll call vote was had as follows:

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

The Chair announced that the application for ABC Lounge Retail Liquor - Class II (Package) license submitted by JALA, Inc. d/b/a White Oak Liquor received three votes in favor and two votes against. The Chair stated that the application received a favorable report from the Commission and directed the County Administrator to communicate that fact to the Alabama Alcoholic Beverage Control Board.

**DISCUSSION ITEMS BY COMMISSIONERS**

Chairman Barnes stated that he recently made a request to the Colbert County School Board that the board hire an independent agency to evaluate the physical condition of school buildings and other structures. Chairman Barnes also wished to remind members of the public that the Colbert County Commission does not appropriate funding for the County school system but rather distributes tax revenues received using a formula set forth by the *Code of Alabama*. Lastly, Chairman Barnes stated his expectation that by the end of 2023 all County citizens would have the opportunity to subscribe to broadband Internet service.

Upon motion made by Commissioner Mansell, which was duly seconded and unanimously approved, the meeting was adjourned at 6:25 PM.

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CHAIRMAN

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COMMISSIONER, DISTRICT 2

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COMMISSIONER, DISTRICT 3

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COMMISSIONER, DISTRICT 4

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COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6