

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
04/02/2024

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Gardiner called the work session to order at 5:02 p.m. with the regular meeting following at 5:49 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 Mansell who was absent. Chairman Bendall offered the prayer and led the Pledge of Allegiance. Chairman Gardiner declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

A presentation, by General Manager John Peek with Huntsville Madison Co Railroad Authority, was given. Peek stated that his job is to help develop property and is his purpose is to work out a deal with Freight Car America facility and Rocket Shoals.

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

None

CONSENT AGENDA

Chairman Gardiner announced that the business before the Commission was the approval of the consent agenda. Commissioner Barnes 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 Gardiner 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 March 19, 2024 Minutes of the County Commission Meeting.
2. Approved payment of April 2, 2024 bills as presented by the Chief Financial Officer.
3. Approved payment to Daniel Rosser for the certification of absentee voter list in the amount of \$343.20.
4. Proclaimed April, 2024 to be Fair Housing Month and adopted the following Resolution:

RESOLUTION NUMBER 2024-0021

A RESOLUTION TO PROCLAIM APRIL 2024 AS FAIR HOUSING MONTH

WHEREAS, the month of April is recognized throughout the United States of America as Fair Housing Month; and

WHEREAS, Title VII of the Civil Rights Act of 1968, as amended, set forth a national policy of fair housing without regard to race, color, national origin, religion, sex, familial status, or disability; and

WHEREAS, the Colbert County commission continues to affirmatively further fair housing for its citizens; and

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that April 2 024 is hereby proclaimed as Fair Housing Month.

5. Approved the following Resolution designating Colbert County as an additional rail service area in which the Huntsville Madison Co. Railroad Authority may operate:
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RESOLUTION NUMBER 2024-0020

RESOLUTION OF THE COUNTY COMMISSION OF COLBERT COUNTY,
ALABAMA, DESIGNATING COLBERT COUNTY, ALABAMA,
AS AN ADDITIONAL RAIL SERVICE AREA IN WHICH
THE HUNTSVILLE AND MADISON COUNTY RAILROAD AUTHORITY
MAY RENDER RAIL TRANSPORTATION SERVICE

WHEREAS, 1984 Alabama Acts 179 (presently codified as Sections 37-13-1 to 21 of the Alabama Code of 1975, as last amended), provides for the organization and operation of public corporations as authorities for the provision and rendering of rail transportation services in the State of Alabama;

WHEREAS, pursuant to said 1984 Alabama Acts 179, The Huntsville and Madison County Railroad Authority, an Alabama non-profit, public corporation (herein referred to as the "Authority") was duly formed and came into existence as a body corporate on May 24, 1984 as evidenced by the Certificate of Incorporation of The Huntsville and Madison County Railroad Authority, an Alabama non-profit, public corporation, dated May 22, 1984, filed for record May 24, 1984, as Instrument Number 043917, and recorded in Corporation Book 75 at pages 900-06 in the Office of the Judge of Probate of Madison County, Alabama (herein referred to as the "Certificate of Incorporation"), which was approved and authorized by duly enacted resolutions of its authorizing subdivisions, i.e., City of Huntsville, a municipal corporation within the State of Alabama, and Madison County, Alabama (the "Authorizing Subdivisions"); and

WHEREAS, The Certificate of Incorporation of the Authority provides in pertinent part that:

“(6) The corporation shall have all powers conferred on corporations organized under said Act No. 84-179 and any amendment thereof hereafter made, and all other powers conferred upon corporations generally by the laws of Alabama not in conflict with the said Act No. 84-179, as it now exists or as it may be hereafter amended, provided however,…”

WHEREAS, Section 1. of said 1984 Alabama Acts 179 provides in pertinent part:

“When used in this chapter, unless the context plainly indicates otherwise, . . . the following words and phrases shall have the meanings respectively ascribed to them by this section.

(1) **ADDITIONAL RAIL SERVICE AREA.** Any territory that is outside the boundaries or corporate limits, as the case may be, of any of its authorizing subdivisions and that the governing body of the county, and of any Town or town, in which such territory is located has by resolution designated as an area in which the authority may render rail transportation service.

(13) **RAIL TRANSPORTATION SERVICE.** Both freight and passenger rail service.”

WHEREAS, Section 7. of said 1984 Alabama Acts 179 provides in pertinent part:

“Each authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(7) To plan, establish, acquire (by purchase, gift, lease, or devise), construct, enlarge, reconstruct, improve, operate, maintain, replace, repair, extend, improve, regulate and protect railroad properties and facilities within the boundaries and corporate limits (as the case may be) of any of its authorizing subdivisions and within any additional rail service area;

WHEREAS, the County Commission of Colbert County, Alabama, is the governing body of Colbert County, Alabama.

WHEREAS, the County Commission of Colbert County, Alabama, finds that it is in the best interests of (a) Colbert County, Alabama, (b) the citizens of the Colbert County, Alabama, and (c) the Authority, that (1) Colbert County, Alabama be designated as an area in which the Authority may render rail transportation service, and (2) the Authority (a) own, lease, or otherwise control, railroad properties and facilities, and (b) provide rail transportation services, in Colbert County, Alabama.

NOW, THEREFORE, BE IT HEREBY UNANIMOUSLY RESOLVED, by the County Commission of Colbert County, Alabama, that, in consideration of the benefits accruing and to accrue to (a) Colbert County, Alabama, (b) the citizens of Colbert County, Alabama, and (c) the Authority, the County Commission of Colbert County, Alabama, does hereby (1) designate Colbert County, Alabama, as an area in which the Authority may render rail transportation service, and (2) approve of, authorize, and consent to, the Authority (a) owning, leasing, and/or otherwise controlling, railroad properties and facilities, and (b) providing rail transportation services, in Colbert County, Alabama.

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6. Approved monthly stipend for maintenance of County website for James Durham in the amount of \$400/mo. retroactive to March 2024.
 7. Approved change order to Gulf Services Contracting for new EMA building asbestos abatement in the amount of \$6,850.00.
 8. Approved Memorandum of Understanding with the Alabama Dept of Public Health for Improvements to the Colbert County Public Health Facility.
 9. Approved request from Emergency Management Agency to participate in Safer Places Program.
 10. Approved Job classification change for the Colbert County Sheriff's Department to reclassify one deputy position as a training portion with additional pay of \$1,500.00 annually. Position currently held by Deputy Brian Behel.
 11. Approved request from Colbert County Sheriff's Department to surplus 2021 Chevrolet Silverado, VIN # 3GCPYCEF1MG133275 by adoption of the following Resolution:

RESOLUTION NUMBER 2024-0022

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
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12. Approved appropriation to the Belmont Celtic Festival in the amount of \$500.00.
 13. Approved increase of \$1000.00 to Delta Sigma Theta's budgeted appropriation.
 14. Approved Special Called Meeting for April 9 at 5:00 P.M. to consider resolution for pilot program to evaluate and improve water filtration at county water department.

UNFINISHED BUSINESS

None

REPORTS FROM STAFF

Chairman Gardiner 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: The water street parking lot has been re-striped and lighting improved. In the Sheriff's Department, effective April 1, Dakota Harper has been hired as a non-certified deputy at an annual salary of \$33,923.88 and Keisha Adams as a corrections officer at the jail at an annual rate of \$32,024.54. Creekmore also announced Belmont's Celtic Fest has requested an appropriation for their upcoming event and requested this item be added for consideration.

Chief Financial Officer:

CFO April Eaton reported that there was an oversight during the adoption of the 2024 the budget in Delta Sigma Theta's appropriation amount of \$1,500. Appropriation amount should have been \$2,500.00, and requested this item be added to the agenda for consideration. Ms. Eaton reminded the Commissioners that \$1,000 was donated to Helen Keller's event, Party with a Purpose. The Commission has a table of 16 for this event that needs to be filled. If there are any commissioner's that would like to attend, let her know. Eaton also reported that we are finished with half of the year and she should have the budget report by next meeting.

County Attorney:

County Attorney Edgar Black requested an addition to the agenda of a resolution for a pilot program to evaluate and improve water filtration at the County Water Department for consideration. PFAS has been detected in the Tennessee River and The Colbert County Water Department draws raw water from that river. Muscle Shoals Utilities instigated a pilot program for water filtration and the County Engineer and our attorneys representing the County in litigation regarding PFAS recommend the County do the same. This will determine what it is going to take and how much it will cost to remove the PFAS from our water. Commissioner Barnes questioned the action and desired additional time to consider, suggesting the Commission to hold for a special called meeting.

EMA Director:

Administrator Creekmore reported acting director Jody Hitt is not present at the meeting due to EMA being activated to assess damage north of Leighton on Puller Loop Rd. due to Storm.

County Engineer:

County Engineer Jeremy Robison reported paving contract is still going well and the water tank project is still moving forward. The property owner would like to donate the property to place the water tank on instead of selling it to the county.

NEW BUSINESS

None

DISCUSSION ITEMS BY COMMISSIONERS

None

There being no further business to come before the Commission, Commissioner Bailey made motion to adjourn the meeting, which was duly seconded by Commissioner Isom and unanimously carried. Chairman Gardiner declared the meeting adjourned at 5:55 pm.

COMMISSIONER, DISTRICT 1

CHAIRMAN

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6