

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
07/16/2024

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Gardiner called the work session to order at 5:00 p.m. with the regular meeting following at 5:12 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 Isom who was absent. Chairman Gardiner 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

Karen Crowe, Colbert County Extension Coordinator addressed the Commission and informed them of Tomato Sandwich Day, Friday, July 26, 2024 at 11:00 A.M.

PUBLIC HEARING

Chairman Gardiner stated that the next order of business would be a public hearing on the application for SAMU INC / D.B.A. White Oak Liquor, for 011-Retail Liquor Class II Package, and gaveled the public hearing to order.

Chairman Gardiner made a call for any person wishing to speak against the issuance the license to address the Commission. Chairman Gardiner made 2 additional calls for any persons wishing to speak against the license to stand and be heard. No person came forward to speak against the license.

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

Chairman Gardiner then declared that the public hearing be closed.

Chairman Gardiner stated that the next item on the agenda was a Quasi-Judicial hearing on a Junk Ordinance Citation issued to April Liles, 6440 E. 2nd Street, Muscle Shoals, AL. The Chairman stated that this matter requires the Commission to conduct a quasi-judicial hearing, which means the body must find facts and base its decision on the competent, substantial, and material evidence received during this hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions do not constitute competent evidence.

The Chair stated that notice of the hearing had been properly served upon the property owner and received proof of same into the record.

The Chair then recognized Mr. Danny Allison, Nuisance Officer for Colbert County. Mr. Allison presented a compiled report detailing the nature of the violation and including pictures of the violation and a detailed list of action taken by him to persuade the property owner, Ms. April Liles to abate the Junk. Mr. Allison indicted that some, but not all, of the junk has been abated. The Chair stated that Mr. Allison's report would be received as evidence in the matter.

The Chair then asked if Ms. Liles was in attendance to speak on her own behalf, she was not in attendance. The Chair then invited any other party to speak on the matter before the board, there was none.

After discussion by Commissioners, Chairman Gardiner stated that the hearing would be continued until September 3, 2024.

Chairman Gardiner then declared that the hearing was hereby adjourned.

Chairman Gardiner stated that the next item on the agenda was a Quasi-Judicial hearing on a Junk Ordinance Citation issued to Keith D. Wyrick, 6575 2nd Street, Muscle Shoals, AL. The Chairman stated that this matter requires the Commission to conduct a quasi-judicial hearing, which means the body must find facts and base its decision on the competent, substantial, and material evidence received during this hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions do not constitute competent evidence.

The Chair stated that notice of the hearing had been properly served upon the property owner and received proof of same into the record.

The Chair then recognized Mr. Danny Allison, Nuisance Officer for Colbert County. Mr. Allison presented a compiled report, detailing the nature of the violation and including pictures of the violation and a detailed list of action taken by him to persuade the property owner, Mr. Wyrick, to abate the Junk. Mr. Allison indicated that some, but not all, of the junk has been abated. The Chair stated that Mr. Allison's report would be received as evidence in the matter.

The Chair then recognized Mr. Keith Wyrick who addressed the Commission. Mr. Wyrick indicated that he was deaf and did not fully understand the reason for the violation. He further stated that his daughter who is mentally challenged lives at the address.

The Chair then invited any other party to speak on the matter before the board, there was none.

After discussion by Commissioners, Chairman Gardiner stated that the hearing would be continued until September 3, 2024.

Chairman Gardiner then declared that the hearing was hereby adjourned.

CONSENT AGENDA

Chairman Gardiner announced that the business before the Commission was the approval of the consent agenda. Commissioner Bailey 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 Barnes. 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 July 2, 2024, meeting minutes and waived reading of same.
2. Approved payment of July 16, 2024, bills as presented by the Chief Financial Officer.
3. Approved Funding Agreement between The Colbert County Commission and Colbert Animal Services for the expenditure of ARPA / Revenue Replacements funds in the amount of \$50,000.00 and adopted the following Resolution to authorize execution of the Agreement:

RESOLUTION NUMBER 2024-0037

A RESOLUTION AUTHORIZING THE AWARD OF PUBLIC FUNDS TO SUPPORT ANIMAL CONTROL OPERATIONS

WHEREAS, the County has received a Coronavirus State and Local Fiscal Recovery Fund (“SLFRF”) award under the American Rescue Plan Act (“ARPA funds”) from the U.S. 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, Colbert Animal Services has requested funds to provide veterinary services to animals confined in the shelter and pay spay and neuter expenses; and

WHEREAS, the Colbert County Commission has determined that providing funding to Colbert Animal Services to support this public purpose is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission award up to the sum of Fifty Thousand and no/100 Dollars (\$50,000.00) to provide payment to reimburse Colbert Animal Services for expenses relating to the provision of veterinary services to animals confined in the shelter and to pay spay and neuter expenses as set forth in that certain Funding Agreement between Colbert County, Alabama and Colbert Animal Services.

BE IT FURTHER RESOLVED, that the Chair of the Colbert County Commission, be and he is hereby authorized to execute and deliver the Funding Agreement on behalf of Colbert County, Alabama.

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4. Approved office reorganization plan for the Probate Office, as presented by Probate Judge Daniel Rosser, creating the positions of Assistant Probate Clerk (Grade 7) and Election Assistant (Grade 6).
 5. Approved request from Jason Flannagan for payment of unused accrued annual leave to Raleigh Lemaster in the amount of \$1,177.94, to be paid out to his estate.
 6. Approved Resolution to Award Bid for New EMA Building Roof Replacement to Mid America Roofing in the amount of \$98,423.00. Project to be done with CDBG-CV Funds.

RESOLUTION NUMBER 2024-0038

A RESOLUTION TO AWARD BID IN CDBG CV PROJECT #CV-NC-20-022

WHEREAS, the Colbert County Commission has duly advertised and received roofing bids for CDBG CV Project #CV-NC-20-022; and

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

NAME	AMOUNT
MIDAMERICA ROOFING, INC.	\$98,423.00
ROOFING SOLUTION, LLC	\$164,315.00
EXCEL CONTRACTING, LLC	\$127,200.00
MG ROOFING, INC.	\$106,636.00

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that the lowest, responsive, and responsible bidder has been determined to be MidAmerica Roofing, Inc., with a total bid price of \$98,423.00.

BE IT FURTHER RESOLVED, that the lowest responsive and responsible bidder, MidAmerica Roofing, Inc., is now awarded the bid for said project pursuant to the specifications as advertised.

BE IT FURTHER RESOLVED, that the Colbert County Commission does hereby authorize its Chairperson, Jimmy Gardiner, to sign contract documents with the above-mentioned contractor for the completion of CDBG CV Project #CV-NC-20-022 for a contract amount of \$98,423.00.

REPORTS FROM STAFF

County Administrator

County Administrator Roger Creekmore made the following report to the Commission. Jessie Burden has been hired as a HGCA Helper, Full-Time at Household Garbage, effective July 16, 2024 at an hourly rate of \$13.89 / hr. Effective June 28, 2024, Quantavius Ricks has been Terminated from his position as HGCA Helper at Household Garbage. Samuel Berryman has been hired as HMT1 at the Road Department at an annual salary of \$28,953.60.

County CFO

CFO Eaton provided the Commissioners with the Fiscal Year, 3rd quarter financial report. Ms. Eaton pointed out the increase in insurance cost and its impact on overall budgets. Ms. Eaton also reminded Commissioners of the upcoming scheduled budget hearings.

County Attorney

No Report

EMA Director

Director Jody Hitt updated the Commission on the EMA building roof replacement bid and requested that the bid award be added to the agenda.

County Engineer

Engineer Jeremy Robison reported on the status for the 2024 road paving project and indicated that the contractor, APAC is near completion. Robison also informed the Commission of the bid date of August 15 being set for the West End Water Tank.

NEW BUSINESS

A motion was made by Commissioner Bailey and seconded by Commissioner Barnes for the approval of an application for SAMU INC / D.B.A. White Oak Liquor, for 011-Retail Liquor Class II Package; Alcoholic Beverage Control license. 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, Chairman Gardiner 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

The Chair announced that the motion to approve the license application for SAMU INC / D.B.A. White Oak Liquor, for 011-Retail Liquor Class II Package, received three (3) votes in favor of approval and two (2) votes against and therefore was approved. The Chair directed the County Administrator to provide notice of such approval to the Alabama Alcoholic Beverage Control Board.

UNFINISHED BUSINESS

None

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Barnes reported on his attendance at the NACO Conference in Tampa and will provide a more detailed report at a later date.

With no other items, Commissioner Mansell made the motion to adjourn, with a second from Commissioner Bailey. Upon receiving unanimous approval, the Commission adjourned its meeting at 5:33 P.M.

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

CHAIRMAN

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6