

STATE OF ALABAMA    )  
COLBERT COUNTY     )

## Minutes of a Regular Meeting of the Colbert County Commission 09/17/2024

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Gardiner called the work session to order at 5:03 p.m. with the regular meeting following at 5:43 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 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

None

### BOARD APPOINTEE REPORTS

None

### AWARDS AND PRESENTATIONS

None

### PUBLIC HEARING

Chairman Gardiner stated that the next order of business would be a public hearing on the application for ANHCO 1050 LLC / DBA The Stage at LaGrange, 040-Retail Beer, 060-Retail Table Wine on or off premises., and gaveled the public hearing to order.

Chairman Gardiner made a call for any person wishing to speak in favor of the liquor license. Carl Conley of 3551 Waldrep Loop, Leighton spoke on behalf of the license. Mr. Conley is the owner of The Stage at LaGrange on Hwy 157, which hosts performances and serves food. Mr. Conley stated that is his belief that any community is better served if the arts are supported. He stated that some people would like to have a beer or wine while watching the entertainment. Mr. Conley stated it was not his intention to run his establishment as a bar, but rather as a family-oriented place that will not be open past 10:00 P.M.

Chairman Gardiner made 2 additional calls for any persons wishing to speak in favor of the license to stand and be heard. No other persons came forward to speak in favor of the license.

Chairman Gardiner then made a call for any person wishing to speak against the liquor license to address the Commission. Greg Beasley, Pastor of Valley Grove Baptist Church, Tuscumbia. spoke against the liquor license.

He stated that no one has probably seen what he has over the years, being a State Trooper Chaplin, and told of those killed while drinking and driving. Mr. Beasley stated this to be something one never forgets. Mr. Beasley stated his belief that its not good for the community to continue to allow alcoholic beverages into our county.

Whit McCormick, a resident of Duncan Lane, also spoke against issuance of the liquor license. He stated that he lives on the same street as the establishment and that his elderly parents live next to it. Both of Mr. McCormick's parents are in bad health. Mr. McCormick stated that he has not had a problem with the business thus far and does not have a problem with it being a restaurant and playing music but feels that problems would arise if alcohol were served.

Chairman Gardiner made 2 additional calls for any persons wishing to speak against the license to stand and be heard.

County Attorney Edgar Black directed the Commissioners' attention to a resolution adopted by the Commission in 1981 that states licenses for sale and consumption on premises of liquor, wine, malt beverages, or brewed beverage shall not be granted to any person whose place of business is located within 300 ft. of boundary of a school or church or 200 ft. of a residence.

Commissioner Mansell moved to close the hearing which was seconded by Commissioner Barnes.

Chairman Gardiner then declared that the public hearing be closed.

## CONSENT AGENDA

Chairman Gardiner announced that the business before the Commission was the approval of the consent agenda. Commissioner Barnes 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 Bendall. 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 August 27, 2024, meeting minutes and waived reading of same.
2. Approved September 3, 2024, meeting minutes and waived reading of the same.
3. Approved payment of September 17, 2024, bills as presented by the Chief Financial Officer.
4. Approved adoption of the 2024-2025 County Budget.
5. Approved request for payment of unused accrued Annual Leave for Eugene Rikard in the amount of \$19,273.24.
6. Set Public Hearing for consideration of the application for Lounge Retail Liquor – Class II (Package) ABC License by Meera Inc / DBA Manny's Liquor Mart for Oct. 1, 2024.

7. Set Public Hearing for consideration of the application for Lounge Retail Liquor – Class II (Package) ABC License by Samu Inc / DBA White Oak Liquor for Oct. 1, 2024.
8. Approved Electronic Signature Policy to establish proper user practices for electronic signatures as requested by the United States Department of Justice for the patrol cars as well as the NASO grant for public safety.
9. Approved request for payment of unused accrued Annual Leave for Tyler Morris in the amount of \$71.35.
10. Approved MOU with Alabama Administrative Office of Courts to pay \$15,000 for work by Heather Keeton to collect information pertaining to dependency and termination-of-parental rights cases and enter data into computer system for the period beginning October 1, 2024 and running through September 30, 2025. The Commission shall submit a signed and notarized invoice to AOC no later than October 14, 2024, in order to qualify for the grant.
11. Approved payment of invoice from Daniel Rosser for services in certifying a voter's list to be used by the Absentee Clerk for the General Election on November 5, 2024, in the amount of \$2,238.50.
12. Approved the following annual Resolution concerning the Alabama Workman's Compensation Self-Insurers Fund:

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**RESOLUTION NUMBER 2024-0045**

A RESOLUTION AUTHORIZING THE COLBERT COUNTY TO PARTICIPATE  
IN THE ALABAMA WORKERS' COMPENSATION SELF-INSURERS FUND

WHEREAS, Colbert County is a member of the Association of County Commissions of Alabama Workers' Compensation Self-Insurers Fund (the "Fund") on October 1, 2024; and

WHEREAS, the County's participation in the Fund has been a significant benefit to the County since becoming a member; and

WHEREAS, the representation and service provided by the Fund continues to be in the best interest of Colbert County and its officials and employees; and

WHEREAS, the Fund is providing a 2024 Longevity Bonus to those County participants who remain active members of the Fund through at least September 30, 2027; and

WHEREAS, Colbert County would benefit by voluntarily agreeing to extend its contacted annual participation in the Fund for a three-year period concluding on September 30, 2027, at which time the provisions of the existing contract between Colbert County and the Fund will remain in force unless altered as provided therein.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that it renews its participation in the Fund through September 30, 2027, and hereby directs its Chair to immediately provide a copy of this resolution to the Fund.

AND, BE IT FURTHER RESOLVED, by the Colbert County Commission that, should it voluntarily withdraw from the Fund prior to September 30, 2027, it agrees to return the 2027 Longevity Bonus provided by the Fund, plus five (5) percent annual interest.

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13. Approved to Amend 2023-2024 Sheriff and Jail Budget as requested by the Chief Financial Officer.

14. Approved 2024-2025 annual Bids for Road Dept.

## 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: From the Road Dept., Tonya Price has resigned effective Sept 12, 2024. From the HHG Dept. Larry Strickland has resigned effective August 7 from the PT Litter Crew and Xavier Willard was hired as a PT Litter Crew (30 hrs.) starting date September 9, 2024 at \$12.00/hr. Creekmore also reported that Katori Clark of the HHG Dept. was terminated as HHG Helper effective Sept. 13, 2024.

### **County CFO:**

CFO Eaton reported as follow: Our year will be ending September 30, 2024 and it will take a few days for the next fiscal year to start rolling. Eaton hopes to have it done by the following Monday to be able to start new PO's.

### **County Attorney:**

Attorney Black reported as follow: Wanted to inform the Commission that the attorneys with Friedman Dazzio and Zulanas who represent Colbert County in pending litigation regarding per- and polyfluoroalkyl substances suggest that we opt out of the multi-jurisdictional litigation settlement proposed by Tyco and BASF involving Aqueous Firefighting Foam (AFFF) because we do not currently have any claims pending against Tyco and BSAF. The two companies have reached settlements with plaintiffs in those cases. Black also reported that, due to Secretary of State Allen's directive that a number of names be removed from the voters' rolls, some Boards of Registrars in Alabama have received advice from the State that if questions regarding the decree arose from members of the public, each should consult with their local Probate Judge, County Commission, or County Attorney. The email Mr. Black received from the ACCA regarding this matter makes clear that the County does not appoint or supervise the Board of Registrars. Therefore, it would be improper for the County to give any legal advice to the Board of Registrars. If asked, Commissioners should

point them to the Secretary of State's Office. Commissioner Bailey stated that she has had a conversation with the Board of Registrars Chief, John Lackey who says that he is planning to have at least one event where he will take photos of those people who have been removed from the list. Bailey states that our registrars are working hard to make sure that people do have the proper ID on file.

**E-911/EMA Director:**

Director Jody Hitt reported as follow: Wants the Commission to be aware that right now we're on a call share notification platform with Etowah EMA for severe weather. Etowah gas is coming out of Everbridge contract. It is costing us nearly 11,000/yr. The CAT system that we're working with now has a notification system that they're going to honor the amount we pay now. The first yr will be a set-up fee plus the year and the rest will be a wash. The new company is called Rave.

**County Engineer:**

Chief Engineer Jeremy Robison reported as follows: We received a lot of rain this weekend. Overall, we faired pretty well with the help of the EMA Director & 911 regarding water over the road and a few trees down.

**Comments by Other Elected Officials:**

None

**NEW BUSINESS**

A motion was made by Commissioner Mansell and seconded by Commissioner Bailey for the approval of an application for ANHCO 1050 LLC / DBA The Stage at LaGrange, 040 retail beer, 060 retail table wine on or off premises. The Chair stated that the matter before the Commission was approval of said liquor license and called for any discussion. There being none, Chairman Gardiner asked the County Administrator to call the roll and a roll call vote was had as follows:

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

The Chair announced that the motion was not approved. The Chair directed the County Administrator to provide notice to the Alabama Alcoholic Beverage Control Board.

**DISCUSSION ITEMS BY COMMISSIONERS**

Commissioner Barnes stated that he met with Angela Broyles to speak with the Commission about the Railroad Bridge and tourism.

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COMMISSIONER, DISTRICT 1

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COMMISSIONER, DISTRICT 2

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CHAIRMAN

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COMMISSIONER, DISTRICT 4

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COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6