

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
10/01/2024

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. Commissioner Barnes 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

Wendy Snitzer spoke about the blessing boxes that will be placed on the 1st and 2nd floors of the courthouse to collect perishable items in the month of October. There will be a competition between the floors with the floor that donates the most by weight, will win a catered lunch. The collected food will be distributed to those in need. Snitzer also stated that Allsboro School veterans home project is short \$15,000 and is asking the Commission to consider financial support.

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARINGS

Chairman Gardiner stated that the next order of business would be a public hearing on the application for Lounge Retail Liquor - Class II (Package) license by MEERA Inc., d/b/a MANNY'S Liquor Mart, and gavelled the public hearing to order.

Chairman Gardiner made a call for any person wishing to speak in favor of the liquor license for Manny's Liquor Mart. The Chair recognized Manish Kamar Patel, Hwy 247 Tuscumbia, AL. Mr. Patel stated that he has several businesses in our area and that he uses local contractors to build the liquor stores. He is requesting the Commission's approval of the license applied for.

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 at Manny's Liquor Mart to address the Commission. Chairman Gardiner made 2 additional calls for any persons wishing to speak against the license to stand and be heard. Commissioner Mansell moved to close the hearing which was seconded by Commissioner Isom.

Chairman Gardiner stated that the next order of business would be a public hearing on the application for Lounge Retail Liquor - Class II (Package) license by SAMU Inc., d/b/a White Oak Liquor and gavelled the public hearing to order.

Chairman Gardiner made a call for any person wishing to speak in favor of the liquor license for White Oak Liquor. The Chair recognized Samu Patel, 4395 Hwy 157 Leighton, AL. Mr. Patel stated that this was an application to move his license to a different address adjacent to his other buildings.

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 at White Oak Liquor to address the Commission. Chairman Gardiner made 2 additional calls for any persons wishing to speak against the license to stand and be heard. Commissioner Isom moved to close the hearing which was seconded by Commissioner Bendall.

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 September 17, 2024, meeting minutes and waived reading of the same.
2. Approved October 1, 2024 bill list as submitted by County CFO.
3. Approved Budget Amendment for 2024-2025 County Budget.
4. Awarded annual road striping bid to Ozark Striping.
5. Approved the following: resolution for the use of ARPA Funds for In-Car Video equipment for CCSD:

RESOLUTION NUMBER 2024-0049

A RESOLUTION AUTHORIZING THE EXPENDITURE OF AMERICAN RESCUE PLAN / REVENUE REPLACEMENT FUNDS FOR PATROL VEHICLE, IN-CAR VIDEO SYSTEMS PURCHASE

WHEREAS, the County has received a Coronavirus State and Local Physical Recovery Fund (“SLFRF”) award under the American Rescue Plan Act (“ARPA funds”) from the US 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, the Colbert County Commission recognizes a need for in car video camera equipment to be installed in Colbert County Sheriff’s Department Patrol Vehicles as a measure to enhance the safety of its citizens.

WHEREAS, the Colbert County Commission has determined that purchase and Installation of in-car camera systems is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that a sum of up to \$20,000.00 be allocated to purchase In Car Video Camera equipment to be property of Colbert County and installed in Colbert County Sheriff’s Department patrol vehicles to enhance the effectiveness of law enforcement and further protect the citizens of the County.

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6. Approved the following resolution for use of ARPA Funds, for playground equipment at Riverfront Park in District 1:

RESOLUTION NUMBER 2024-0046

A RESOLUTION AUTHORIZING THE EXPENDITURE OF AMERICAN RESCUE
PLAN / REVENUE REPLACEMENT FUNDS FOR PLAYGROUND EQUIPMENT

WHEREAS, the County has received a Coronavirus State and Local Physical Recovery Fund (“SLFRF”) award under the American Rescue Plan Act (“ARPA funds”) from the US Department of the Treasury which have been duly designated as revenue replacement funds; and

WHEREAS, the County may Expend ARPA revenue replacement funds to enable the provision of government services; and

WHEREAS, the Commission has identified multiple projects needed to enable, enhance and improve the delivery of government services to citizens and visitors to the County, including the delivery of improved recreational resources for County residents and visitors; and

WHEREAS, the Colbert County Commission has determined that purchase and deployment of Playground Equipment is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that a sum of up to \$25,000.00 be allocated to purchase playground equipment to be property of Colbert County and located at Sheffield Riverfront Park to be accepted and maintained per agreement between Colbert County and the City of Sheffield Alabama.

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7. Approved the following resolution / agreement for the use of ARPA Funds, between the Colbert County Commission and Colbert Animal Services for payment of Veterinary expenses:
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RESOLUTION NUMBER 2024-0047

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

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/00 Dollars (\$50,000.00) to provide payment to reimburse Colbert Animal Services for expenses relating to the provision of veterinary services, excluding spay and neuter, to animals confined in the shelter and 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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8. Approved the following resolution to use ARPA Funds for EMA Spring Creek boat launch:

RESOLUTION NUMBER 2024-0048

RESOLUTION APPROVING CURRENT ALLOCATION OF AMERICAN RESCUE
PLAN ACT REVENUE REPLACEMENT FUNDS FOR THE PROVISION OF
GOVERNMENT SERVICES

WHEREAS, Colbert County, Alabama, ("the County") has received American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds ("ARPA funds") from the U.S. Department of Treasury ("Treasury") totaling \$10,729,917; and

WHEREAS, the Colbert County Commission (the "Commission") is charged with ensuring that the County's ARPA funds are expended in accordance with state and federal law; and

WHEREAS, in accordance with the final rule issued by Treasury on January 6, 2022, the County duly elected to take the standard allowance of revenue loss caused by the COVID-19 pandemic and, as a result, has designated \$9,704,139 of the County's ARPA funds as revenue replacement funds ("ARPA revenue replacement funds"); and

WHEREAS, the balance of the County's ARPA funds totaling \$1,025,778 have already been obligated and expended for eligible ARPA projects and, as a result, the County's only remaining ARPA funds consist of ARPA revenue replacement funds; and

WHEREAS, the County may expend ARPA revenue replacement funds to enable the provision of government services; and

WHEREAS, the Commission has identified multiple projects needed to enable, enhance, and improve the delivery of government services to citizens of and visitors to the County, including protected access to the Tennessee River for Emergency Services.

WHEREAS, the Commission has determined that the construction of an EMA Facility for Spring Creek, (the "Project"); would fill the need for Emergency Services Access.

WHEREAS, the County has issued a solicitation for bids to provide construction services for the Project, which was awarded to H and N Construction in the Amount of \$737,850.00.

WHEREAS, the Commission desires to approve the allocation of ARPA revenue replacement funds to cover a portion of the construction cost and implement this government service.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:

1. The Commission hereby approves an allocation of the County's ARPA revenue replacement funds in the amount of \$300,000.00 to enhance Emergency Access Services on the Tennessee River in Colbert County.
2. Notwithstanding provision to the contrary herein, ARPA revenue replacement funds allocated by this Resolution shall not be expended for any of the following:
 - a. To make deposits into a pension fund;
 - b. To service debt or replenish rainy day funds;
 - c. To satisfy settlements and judgments; or
 - d. To fund programs, services, or capital expenditures that undermine efforts to stop the spread of COVID-19.
3. The ARPA Program Director is charged with ensuring that Revenue Replacement funds allocated and expended to provide these government services will not be used in such a way as to frustrate COVID-19 mitigation guidance issued by the Centers for Disease Control, or for any other use prohibited by the Final Rule or any applicable state or federal law.
4. Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA Revenue Replacement funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

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9. Approved the following resolution to use ARPA Funds for Water Tank Access Road in District 6:
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RESOLUTION NUMBER 2024-0050

A RESOLUTION AUTHORIZING THE EXPENDITURE OF AMERICAN RESCUE PLAN / REVENUE REPLACEMENT FUNDS FOR CONSTRUCTION OF ACCESS ROAD TO NEW WATER TANK

WHEREAS, the County has received a Coronavirus State and Local Physical Recovery Fund (“SLFRF”) award under the American Rescue Plan Act (“ARPA funds”) from the US 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, which should include a clean stable water supply; and

WHEREAS, the Colbert County Commission recognizes the need for an access road to be constructed a new water tank site which will expand the counties ability to provide clean drinking water; and

WHEREAS, the Colbert County Commission has determined that the construction of said road is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that a sum of up to \$55,000.00 be allocated to allow Cass Pace Services Inc. to construct an access road to the new water tank site.

10. Approved Job Description for Reimbursement Clerk in the Sheriff's 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: Received a letter from the Lauderdale County Commission informing the Colbert County Commission that Mr. Ty McConnell has been reappointed to the NW Alabama Regional Airport Authority Board. In receipt of a letter from the City of Muscle Shoals informing the Commission that effective January 21, 2025, that the City of Muscle Shoals will be reducing their police jurisdiction from 3 miles to .5 miles. From the Road Dept., Blane Howard was hired as HMT1 effective Oct. 1 with a salary of 29,827.20. Also, from the Road Dept., Wesley Priest resigned Sept. 27, 2024. From the Household Garbage Department; Quinton Newsome was hired at the HHG Dept. as FT Garbage Helper starting Sept. 19 @ 13.89/hr., David Frazier was hired as PT Litter Crew starting Oct. 2 @ 12.36/hr. and Gregory Keeton was hired as PT Litter Crew starting Oct. 2 @ 12.36/hr.

County CFO:

CFO Eaton reported as follows: Air Evac is going to allow the Elected Officials to be added to the Air Evac bill this year which will be payroll deducted.

The County ended the fiscal year yesterday and expects close-out by the end of the week. A final report will be given at the next Commission meeting.

County Attorney:

Attorney Black reported as follows: Informed the Commission of the automatic renewal of the County Engineers contract, based on the terms of the contract.

E-911/EMA Director:

Director Jody Hitt reported as follow: Started the donation drive for flood ravaged areas of Tennessee. Lowes opened their parking lot to collect donations and a semi-trailer has been donated to haul the donations. The owner of the truck requested that we pay the driver and the truck. The Commission will be charged \$1.50/mi. They will be going to Carter, TN. Hitt estimates the cost of milage will be less than \$1,000.00 to \$1200.00. Commissioners concurred with the expenditure. They will start collecting Thursday morning from 8 a.m. to 8 p.m. and will be deliver Tuesday.

County Engineer:

Chief Engineer Jeremy Robison reported as follows: Robison reported that we are in the 15 yr of our 20 yr. contract with the City of Muscle Shoals for the purchase of water for the East end of the county, as per the terms of the contact, the County must inform Muscle Shoals if it desires to renew the contract for an additional 10 yrs. The Commission instructed the Engineer to discuss with Muscle Shoals, the possibility of a 12-month extension.

Robison informed the Commission that the Road Department has started winter mowing.

NEW BUSINESS

A motion was made by Commissioner Bailey and seconded by Commissioner Barnes for the approval of an application by MEERA Inc., d/b/a Manny’s Liquor Mart, 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 none, 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	Yes

The Chair announced that the motion had carried with four votes in favor and two votes against. The Chair asked the County Administrator to notify the Alabama Alcoholic Beverage Control Board of the Commission’s action.

A motion was made by Commissioner Barnes and seconded by Commissioner Bailey for the approval of an application by SAMU Inc DbA 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 none, 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	Yes

The Chair announced that the motion had carried with four votes in favor and two votes against. The Chair asked the County Administrator to notify the Alabama Alcoholic Beverage Control Board of the Commission's action.

A motion was made by Commissioner Bailey and seconded by Commissioner Barnes for the vote of NACOLG Non-Elected Board Appointments, 5 applicants applied for four vacant positions. The applicants are Dr. Alyce Brown, Paul Michael, Eddie Russell, Walter Smallwood and William J Underwood. The Chair stated that the matter before the Commission was to vote for NACOLG Non-Elected Board Members and called for any discussion. Commissioner Bailey commented that she appreciates the manner in which the commission has worked together not as a partisan organization; it is cooperative and each commissioner has shown respect for the other commissioners. Bailey states that as she is the only democrat on the commission, she thanks the commission for having the best interest of our county. She noted that the country, state, and county have experienced some challenges. She expressed her disappointment that she has had to put out a 3rd Kamala Harris sign on her property because signs 1 and 2 have been stolen. Bailey feels that we should make decisions that are in the best interest of everyone involved and if there is a decision to be made because it is the right thing to do, she is all for it. She stated that she is not in favor of decisions made for the sake of partisanship. Bailey states that she wants to feel confident that we are doing our best for Colbert County every single time we take a vote. She believes that our county will do the right thing and will be okay. There being no further discussion, Chairman Gardiner instructed the Commissioners that as there was 5 applicants and 4 open positions, each Commissioners would have 4 votes, and instructed the County Administrator to call the roll and a roll call vote was had as follows:

Dr. Alyce Brown	District 1	Yes
	District 2	Yes
	District 3	Yes
	District 4	Yes
	District 5	Yes
	District 6	Yes
Paul Michael	District 1	Yes
	District 2	Yes
	District 3	Yes
	District 4	No
	District 5	Yes
	District 6	Yes
Eddie Russell	District 1	Yes
	District 2	Yes
	District 3	Yes
	District 4	Yes
	District 5	Yes
	District 6	Yes
Walter Smallwood	District 1	Yes
	District 2	Yes
	District 3	Yes

	District 4	Yes
	District 5	Yes
	District 6	Yes
William J. Underwood	District 1	No
	District 2	No
	District 3	No
	District 4	Yes
	District 5	No
	District 6	No

Having received a majority of the votes cast, Chairman Gardiner announced that the NACOLG non-elected appointees are: Dr. Alyce Brown, Mr. Paul Michael, Mr. Eddie Russell and Mr. Walter Smallwood. Their terms will end September 30, 2025. The Chair asked the County Administrator to notify NACOLG and the persons appointed of the Commission's action.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Bendall stated that he received a call from some of the guys at White Oak on Sunday and was informed that there were a couple of pallets of water left over from the LaGrange Water System outage in August. They are sending the water to EMA Director Jody Hitt to be donated for the storm relief. Creekmore stated said that it breaks his heart to see all of the pain and suffering happening to NC.

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

CHAIRMAN

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6