

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
11/05/2024

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Gardiner called the work session to order at 5:06 p.m. with the regular meeting following at 5:52 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 David Isom who was absent. Commissioner 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

None

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 Mansell 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 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 October 1, 2024, meeting minutes and waived reading of same.
2. Approved October 15, 2024, meeting minutes and waived reading of same.
3. Approved November 5, 2024, bill list as submitted by County CFO.
4. Approved the following resolution designating open records public officer and adopting procedures for responding to public records requests:

RESOLUTION NUMBER 2025-0006

A RESOLUTION TO APPOINT A PUBLIC RECORDS OFFICER AND TO ADOPT PROCEDURES FOR RESPONDING TO OPEN RECORDS REQUESTS

WHEREAS, it is the policy of the Colbert County Commission (“Commission”) to comply with Alabama’s Open Records Act, as amended by Ala. Act No. 2024-278, effective October 1, 2024, to allow Alabama residents to inspect and take a copy of public records within the custody and control of the Commission, subject to the payment of reasonable fees and to appropriate protections for private, confidential, privileged, and other nonpublic information; and

WHEREAS, the Open Records Act, as amended by Act No. 2024-278, sets forth the general framework for responding to requests by Alabama residents to inspect and take a copy of a public record (“Public Records Requests”); and

WHEREAS, the Open Records Act, as amended by Act No. 2024-278, further provides that an Alabama resident “may request access to a public record by following the written procedures for accepting such requests established by the public officer having custody of the public record”; and

WHEREAS, the Commission desires to designate a public officer to carry out the directives of the Open Records Act, as amended by Act No. 2024-278, as they pertain to public records in the custody and control of the Commission and to develop and recommend to the Commission the adoption of procedures for accepting Public Records Requests.

NOW, THEREFORE BE IT RESOLVED, by this Resolution that the Colbert County Commission hereby designates County Administrator Roger Creekmore to serve as the Public Officer of Colbert County to carry out the directives of the Open Records Act, as amended by Act No. 2024-278, as they pertain to public records in the custody and control of the Commission and to develop and recommend to the Commission from time-to-time the adoption of procedures for accepting Public Records Requests.

BE IT FURTHER RESOLVED that, pursuant to the recommendation of Mr. Creekmore, that the Colbert County Procedures for Public Records Requests, attached hereto as Exhibit “A”, be and they are hereby adopted as the County’s procedures for accepting and responding to Public Records Requests.

-
5. Approved job description for County Maintenance Technician I.
 6. Assented to a Declaration of Vacation affecting a portion of a public right of way at the request of Wall-Richardson Properties, LLC, and adopted the following resolution:

RESOLUTION NUMBER 2025-0007

A RESOLUTION ASSENTING TO A DECLARATION OF VACATION OF A
PORTION OF A PUBLIC STREET OR RIGHT OF WAY

WHEREAS, a declaration in writing, executed and acknowledged by Wall-Richardson Properties, LLC (the “Declarant”) has been presented to the Colbert County Commission, proposing vacation of the following described portion of a public street right-of-way in Colbert County, Alabama, to-wit:

Tract I:

All that part of Bosworth Street lying east of a line extended from the southeast corner of Lot 15, Block 1 to the northeast corner of Lot 21, Block 4 and lying west of a line extended from the southeast corner of Lot 7, Block 2 to the northeast corner of Lot 37, Block 3.

Tract II:

All that part of Carlton Street lying east of a line extended from the southwest corner of Lot 10, Block 4 to the northwest corner of Lot 1, Block 5 and lying west of a line extended from the southeast corner of Lot 15, Block 3 to the northeast corner of Lot 34, Block 6.

Tract III:

All that part of Riverway Drive lying south of a line extended from the northeast corner of Lot 11, Block 1 to the northwest corner of Lot 1, Block 2 and lying north of a line extended from the southeast corner of Lot 25, Block 5 to the southwest corner of Lot 5, Block 6.

Tract IV:

All that part of that certain alley lying south of Range Road and north of a line extended from the northeast corner of Lot 1, Block 6 to the northwest corner of Lot 38, Block 6.

Tract V:

All that part of that certain alley lying south of Carlton Street and north of a line extended from the southeast corner of Lot 20, Block 5 in an easterly direction to a point on the western boundary of Lot 25, Block 5.

Tract VI:

All that part of that certain alley lying south of Carlton Street and north of a line extended from the southwest corner of Lot 16, Block 5 in a westerly direction to a point on the eastern boundary of Lot 5, Block 5.

WHEREAS, the Declarant states that it is the sole owner of the lands abutting the portion of the streets or alleys to be vacated by the Declarant; and

WHEREAS, the Declarant seeks the Commission's assent to said vacation pursuant to Section 35-2-54, Code of Alabama, 1975; and

WHEREAS, the Declarant states that vacation of the above-described public street rights-of-way will not affect the means of ingress and egress to and from the property abutting the same, and that convenient means of ingress and egress to and from all other property in the tract of land embraced in the map, plat, or survey of Juneway Terrace, either by the remaining streets and alleys dedicated by such map, plat, or survey, or by other streets or alleys dedicated.

NOW THEREFORE, BE IT RESOLVED, by the Colbert County Commission that the assent of the Commission is hereby given to the declaration of vacation, executed by Wall-Richardson Properties, LLC of the following described portion of a public street right-of-way, to-wit:

Tract I:

All that part of Bosworth Street lying east of a line extended from the southeast corner of Lot 15, Block 1 to the northeast corner of Lot 21, Block 4 and lying west of a line extended from the southeast corner of Lot 7, Block 2 to the northeast corner of Lot 37, Block 3.

Tract II:

All that part of Carlton Street lying east of a line extended from the southwest corner of Lot 10, Block 4 to the northwest corner of Lot 1, Block 5 and lying west of a line extended from the southeast corner of Lot 15, Block 3 to the northeast corner of Lot 34, Block 6.

Tract III:

All that part of Riverway Drive lying south of a line extended from the northeast corner of Lot 11, Block 1 to the northwest corner of Lot 1, Block 2 and lying north of a line extended from the southeast corner of Lot 25, Block 5 to the southwest corner of Lot 5, Block 6.

Tract IV:

All that part of that certain alley lying south of Range Road and north of a line extended from the northeast corner of Lot 1, Block 6 to the northwest corner of Lot 38, Block 6.

Tract V:

All that part of that certain alley lying south of Carlton Street and north of a line extended from the southeast corner of Lot 20, Block 5 in an easterly direction to a point on the western boundary of Lot 25, Block 5.

Tract VI:

All that part of that certain alley lying south of Carlton Street and north of a line extended from the southwest corner of Lot 16, Block 5 in a westerly direction to a point on the eastern boundary of Lot 5, Block 5.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be given to Wall-Richardson Properties, LLC, to be filed and recorded with the declaration of vacation by Wall-Richardson Properties, LLC in such manner as meets the requirements imposed by Section 35-2-54, Code of Alabama, 1975.

7. Approved SEDA board appointment for Eddie Mitchell for a term ending October 1, 2027 and adopted the following resolution:

RESOLUTION NUMBER 2025-0008

A RESOLUTION APPOINTING A MEMBER TO THE BOARD OF DIRECTORS OF
THE SHOALS ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the term of a member of the Shoals Economic Development Authority Board of Directors has expired and the Commission being desirous of making the necessary appointment to said board; and

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for membership to said board; and

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Edward Mitchell

WHEREAS, Edward Mitchell was determined to qualified to fill the vacant position by the Commission; and

WHEREAS, Chairman Gardiner announced that Edward Mitchell had received the unanimous vote of the Commission.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that Edward Mitchell be and he is hereby appointed to serve a term on the Shoals Economic Development Authority Board for a term commencing on October 1, 2024 and ending on October 1, 2027.

The County Administrator is hereby directed to notify the above-named person of his appointment and further to notify the respective board of said appointment.

8. Approved First Metro Bank as lender for Colbert County Sheriff Department vehicle plan, with Chairman Gardiner and Administrator Creekmore authorized to sign documents deemed necessary, convenient, and advisable to evidence the indebtedness to First Metro Bank and to otherwise effectuate the loan.
9. Approved request for payment to Judge Daniel Rosser for certified voters list for November 5, 2024 General Election in the amount of \$2,266.10.
10. Approved requested sign ordinance variance for Bainbridge Heights sign.
11. Approved to schedule public hearing for a liquor license for Welcome Mart, 050 retail beer (off prem), for November 19, 2024.
12. Approved the following resolution concerning TAP Grant, ALDOT / Town of Leighton for re-paving a portion of County Line Rd. at no cost to County:

RESOLUTION NUMBER 2025-0004

A RESOLUTION CONSENTING TO THE PAVING OF A PORTION OF COUNTY
ROAD 48

WHEREAS, County Road 48, also known as County Line Road, dissects the Town of Leighton and is known as Main Street in the Town of Leighton; and

WHEREAS, the County has been made aware that the Town of Leighton is the recipient of an ALDOT Alternatives Program Grant in the amount of \$800,000.00, Project No. TAPNU-TA23(908); and

WHEREAS, this funding will be utilized for Main Street streetscape improvements; and

WHEREAS, ALDOT/FHWA, has agreed to pave the section of County Road 48 through downtown Leighton, if the County agrees with this action; and

WHEREAS, the Colbert County Commission is supportive of the Town of Leighton and its receipt of the T AP Grant for streetscape improvements.

NOW THEREFORE BE IT RESOLVED, that the Colbert County Commission hereby consents to the paving of that portion of County Road 48, County Line Road, within the Town of Leighton and known as Main Street, if the bid pricing falls within ALDOT budget for this project.

13. Approved requested payment for absentee election expense in the amount of \$8,050 for election management to Mark Eady; \$350.00 to Carrie Mitchell, \$400.00 to Cierra Abernathy, \$400.00 to Jordan Thompson and \$200.00 to Lynda Hagood, for clerical assistance and \$1,252.29 for supplies and postage.

14. Approved the following resolution for allocation of additional ARPA funds in the amount of \$117,000.00, for EMA Facility for Spring Creek:

RESOLUTION NUMBER 2025-0005

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 by resolution at its regularly scheduled meeting on October 1, 2024 approved 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. The Commission finds that the construction of the EMA, Emergency Services Access facility is a necessary, reasonable, and proportionate expenditure of the revenue replacement funds and now hereby elects allocate an additional \$117,000.00 of the County's ARPA revenue replacement funds to this project. This will bring the total ARPA allocation on this project to \$417,000.00.
3. 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.
4. 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.
5. 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.

15. Approved setting Organizational Meeting of the County Commission for November 13, at 11:30 A.M.

UNFINISHED BUSINESS

At the recommendation of Ordinance officer Danny Allison, Junk Ordinance Citation for Keith Wyrick, 6575 Second St, Muscle Shoals, Al is dismissed. The site was cleaned.

Commissioner Barnes addressed the Commission in regards to the Tennessee RiverLine Project, stating he is happy that we became a river town and is very happy the way the community showed up. A Kayak Launch Project has been formulated. He supports whatever the Commission is willing to do financially for the project. Commissioner Mansell suggested matching the City of Sheffield's contribution of \$40,000.00. Commissioners discussed the use of ARPA funds, but based on the timeline and at the advice of CFO Eaton, determined this was not practical. CFO Eaton suggested that as there is an active project, the Spring Creek EMA facility, which has both ARPA and General Fund monies allocated, that additional ARPA funds could be allocated this project, replacing General Fund allocations, which could be then appropriated to the City of Sheffield for the Riverline Project. After discussion it was decided to allocate additional unallocated ARPA monies to the Spring Creek project and commit to a general fund appropriation of \$57,000.00 to the City of Sheffield for the Riverline project. Mayor Steve Stanley thanked the Commission for its generous support and stated that with it, we can establish the essential elements of the launch that everyone can be proud of.

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 requested that the following items be added to the agenda; schedule public hearing for Welcome Mart Liquor License, Resolution for Town of Leighton TAP Grant, and Payment for Absentee Election Management, there was no objections from Commissioners and items were so added. Creekmore informed the Commission of an upcoming invoice from Sheffield Utilities for work at Alloys park in the approximate amount of \$60,000 and suggested that this amount be added to the additional ARPA allocation on Spring Creek.,

Commissioners agreed to make the additional allocation \$117,000.00 and added a resolution to the agenda in that amount. Creekmore continued his report to the Commission in regard to the following employee additions. From the Road Dept., Kitty Sparks was hired as a Water Clerk PT beginning Oct 22 @ 15.45/hr., no benefits. Austin Williams was hired as HMT1 effective Nov 1 with a salary of 29,847.20 and turned in his resignation the same day due to accepting a different job. Oct. 18, Charles Jackson was hired at the Rd Dept. as HMT1 @ 29,847.20. and Brandon Isom was also hired as HMT1 starting at \$29,847.20.

There will be a Thanksgiving dinner at the Round House as well as the Senior Center in Cherokee, Al Thanksgiving Day from 11A.M. to 2 P.M.

County CFO:

CFO Eaton reported that the clock is ticking for ARPA commitments. All must be done by the first commission meeting in December.

County Attorney:

No Report.

E-911/EMA Director:

Director Jody Hitt reported as follow: It's that time of year to give an EMT Scholarship. The only stipulation is that 3 years are served at a volunteer fire department.

County Engineer:

Chief Engineer Jeremy Robison requested clarification on the LPEC funding allocated to his department to purchase road salt, and asked if grader blades and other materials, equipment needed to deal with winter weather could be included. The Commissioners response was that this is the intent. The Hatton tank has been painted and is in the curing process and should be turned back on by Tuesday. The drive way to the west end water tank site has been completed. November 19th opening bids for the pump station.

DISCUSSION ITEMS BY COMMISSIONERS

Chairman Gardiner expressed his appreciation to the department heads on their cooperation during his time as Chairman and challenges all to keep the commission up to date as they have done a great job. Gardiner appreciates the leadership of Admin Creekmore, CFO Eaton, Engineer Robison, EMA Director Hitt, Solid Waste Manager Flanagan and Attorney Black for keeping us up to date and Exec. Asst. Vinson for taking care of him as his term has come to an end as Chairman. Gardiner also thanked his fellow commissioners and is looking forward to the next 4 years serving with them.

Gardiner gave a shout out to Sheriff Balentine for coming to the meeting and being engaged with the commission. Gardiner stated that he was moved when the Sheriff spoke at the domestic violence gathering on the courthouse lawn, knowing his heart was in it for the people. He thanks him for his leadership regarding the Justice Center's involvement. Balentine appreciates the kind words of the chairman and stated that he believes we're going to be the best of the best. The Sheriff thanks the commission for making him feel welcome.

Commission Bailey states that as she prepares to take the gavel from Chairman Gardiner, she extends that challenge to the department heads to continue the communication and appreciates all they do.

Commissioner Bendall requested that the commission consider establish a set of standards for Tax Abatements in the County and establish an application process for the same. Commissioners agreed and the County Administrator and County Attorney will work together to present the commission with standards to consider.

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

CHAIRMAN

COMMISSIONER, DISTRICT 4

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6