

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
11/19/2024

The Colbert County Commission met today for an organizational meeting at the Colbert County Courthouse. Chairperson Bailey declared that a quorum was present for the purpose of the transaction of business.

ORGANIZATIONAL MEETING

Upon the symbolic passing of the Gavel from Chairman Gardiner to incoming Chairperson Bailey, the Organizational meeting of the Colbert County Commission was convened at 5:00 P.M. with all Commissioners present with the exception of Commissioner Isom who was absent due to illness.

A motion was made by Commissioner Barnes and seconded by Commissioner Mansell to adopt the updated rules of procedure for the Colbert County Commission, for the Commission term 2024 -2028. The Chair stated that the matter before the Commission was the adoption of said update of rules of procedure, with all responding Aye. There were no Nays present. The Chair stated that the motion was approved and the updated Rules of Procedure were adopted, effective beginning with the December 3, 2024, Regular Meeting.

A motion was made by Commissioner Gardiner and seconded by Commissioner Bendall to adopt a resolution establishing the dates and times for regular Colbert County Commission Meetings for the 2024 - 2028 term. The resolution presented was as follows:

RESOLUTION NUMBER 2025-0010

A RESOLUTION ESTABLISHING THE REGULAR MEETING DAYS OF THE
COLBERT COUNTY COMMISSION FOR THE QUADRENNIUM ENDING
NOVEMBER 14, 2028

WHEREAS, *Ala. Code* § 11-3-1 requires that the Colbert County Commission meet and establish the regular meeting days of the Commission on the Wednesday following the election and tabulation of provisional ballots of any one of its members whose term commences on that day; and

WHEREAS, the Colbert County Commission desires to establish its regular meeting days for the quadrennium beginning at 12:00 A.M. on November 13, 2024, and ending at 11:59 PM on November 14, 2028.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that:

1. The Colbert County Commission shall hold its regular work sessions on the first and third Tuesday of each month at 5:00 P.M., with its regular meeting immediately following the work session, unless otherwise rescheduled by the Commission with notice given in accordance with applicable law. The work sessions and regular meetings will be held in the Commission Chamber located on the second floor of the Colbert County Courthouse.
2. The County Administrator is hereby directed to post a copy of this Resolution, or a notice of the established meeting dates, in a public and conspicuous location within the Colbert County Courthouse.
3. The County Administrator is further directed to forward a copy of this Resolution, or the established meeting dates, to all local news media who have on file with the County Commission a written request for notification of the schedule of regular meetings.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

The Chair stated that the matter before the Commission was the adoption of a resolution setting the dates and times for the Colbert County Commission meetings for the 2024 - 2028 term. All Commissioners responding Aye. There were no Nays present. The Chair stated that the motion was approved.

There being no further organizational items to consider, Chairperson Bailey adjourned the Organization Meeting.

REGULAR MEETING OF THE COLBERT COUNTY COMMISSION

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairperson Bailey called the work session to order at 5:09 p.m. with the regular meeting following at 5:32 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. Commissioner Mansell offered the prayer and led the Pledge of Allegiance. Chairperson Bailey declared that a quorum was present for the purpose of the transaction of business.

CHAIRPERSON COMMENTS

Chairperson Bailey states that she appreciates this Commission, stating that this is an excellent team, and she appreciates everyone for finding ways to work together and for their constituents.

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

Chairperson Bailey stated that the next order of business would be a public hearing on the application for PMPATEL INC. / DBA Welcome Mart, for 050 Retail Beer off premises only, and gaveled the public hearing to order.

Chairperson Bailey made a call for any person wishing to speak against the issuance the license to address the Commission. Chairperson Bailey 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.

Chairperson Bailey made a call for any person wishing to speak in favor of the issuance of the license to address the Commission. Chairperson Bailey 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.

Chairperson Bailey then declared that the public hearing be closed.

CONSENT AGENDA

Chairperson Bailey 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 Gardiner. Chairperson Bailey 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. Waived reading of November 5, 2024 minutes and approved the same as written.

2. Approved payment of November 19, 2024 bills as presented by the Chief Financial Officer.
3. Approved Second Amendment to Membership Agreement with ACCA / IAC.
4. Approved to Set Public Hearing for The Woods at River Road, 020-Restaurant Retail Liquor License for Dec 3, 2024 at 5:00 P.M.
5. Approved Award of Bid for West End Water Tank Pump Station to Eddy Contracting coming in the amount of \$486,400.65.
6. Approved Resolution, to provide match for ARC Grant / TVA Sewer Line up to \$500,000.00, to be applied for by the City of Sheffield:

RESOLUTION NUMBER 2025-0009

A RESOLUTION TO PROVIDE FOR IMPROVEMENTS TO SANITARY SEWER INFRASTRUCTURE IN PARTNERSHIP WITH THE CITY OF SHEFFIELD

WHEREAS, Colbert County, in partnership with the City of Sheffield, seeks to improve sanitary sewer infrastructure at the TVA Reservation to support economic development and to benefit real property owned by the County; and

WHEREAS, the City of Sheffield has identified grant funding in the amount of \$500,000.00 through the Alabama Department of Economic and Community Affairs funded by the Appalachian Regional Commission; and

WHEREAS, the identified grant funding requires a cash match of up to 100% of the grant funds dedicated for and used for sanitary sewer infrastructure improvements; and

WHEREAS, the Colbert County Commission finds that the allocation of up to \$500,000.00 toward the cash match requirement of the grant will benefit the County and its citizens.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that it hereby allocates and appropriates as a cash match for the above referenced grant an amount not to exceed \$500,000.00.

BE IT FURTHER RESOLVED that the Chair of the Colbert County Commission be and she is hereby authorized and directed to execute, deliver, seal, and to test such agreements, undertakings, documents, and certificates and to take such other actions on behalf of Colbert County as may be necessary or desirable to consummate the execution and delivery of any grant agreements and to carry out fully the transactions contemplated herein.

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7. Approved request by the Administrator to use up to \$124,000.00 in Severance Tax fund for paving at Rose Trail and Alloys parks.
 8. Approved Resolution for the use of ARPA/ Revenue Replacement Funds for the West End Water Tank Pump Station:

RESOLUTION NUMBER 2025-0011

A 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 increased water service on the West end of Colbert County.

WHEREAS, the Commission has determined that the construction of a booster pump station, (the "Project"); would fill the need for increased water service on the West end of Colbert County.

WHEREAS, the County has issued a solicitation for bids to provide construction services for the Project, which was awarded to Eady Construction in the Amount of \$486,400.55.

WHEREAS, the County will also require engineering services for the Project, which will be provided by Engineers of the South in the Amount of \$67,550.00.

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

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

1. The Commission finds that the construction of a booster pump station is a necessary,

reasonable, and proportionate expenditure of the revenue replacement funds and now hereby elects to allocate \$553,950.55 of the County's ARPA revenue replacement funds to this project.

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.

UNFINISHED BUSINESS

None

REPORTS FROM STAFF

Chairperson Bailey 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 Household Garbage Department, David Frasier resigned effective Nov 14, 2024, Wesley Gage Ware resigned effective Nov 13, 2024. From the Revenue Commissioner's Office, Lakeshia Shanes completed her certification is now grad 5 with an hourly rate of \$13.67; \$28,423.81 annually. From the Road Department, David Frazer was hired as HMT1 effective Nov 18, 2024, with an annual salary of \$29,827.20

Creekmore also reported that there was a request from Shoals Scholar Dollar for the Commission to donate money to their scholarship. Creekmore reported that additional paving is necessary at both Alloys and Rose Trail Parks and he has obtained an estimate for plant mix asphalt in the amount \$80,989.22, however, additional chip seal work will be required at Alloys and can be done by the Road Department on a cost reimbursement basis. Creekmore requests that the Commission approve the use of \$124,000.00 from \$.10 severance tax account for this purpose. Item was added to agenda for consideration. He also reported that ARPA must be obligated by December 31, 2024, and anticipated the Commission will have several resolutions on the December 03, 2024 meeting agenda to finalize county obligations.

Chief Financial Officer:

CFO April Eaton made the following reports: She's working with IAC and will reconcile the balance sheet on ARPA funds so that all obligations can be made before the December 31 deadline.

County Attorney:

No Report

EMA Director:

Director Jody Hitt made the following reports: A bit of good news. 800 amp. panel arrived for the new EMA Facility, power should be on in 2 to 3 weeks.

County Engineer:

County Engineer Jeremy Robison made the following reports: Hatton tank is completed.

NEW BUSINESS

A motion was given by Commissioner Gardiner and seconded by Commissioner Bendall for the approval of PMPATEL INC. / DBA Welcome Mart, for 050 Retail Beer off premises only, liquor license. The Chair stated that the matter before the Commission was approval of License and called for any discussion. Hearing Commissioner Gardiner and Commissioner Bendall, Chairperson Bailey 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 item was approved and Administrator was instructed to provide a letter stating such to the State ABC board.

DISCUSSION ITEMS BY COMMISSIONERS

Chairperson Bailey ask for continued prayers for Commissioner Isom. Commissioner Barnes mentioned having an NPO meeting last week and the best project being requested was the paving of George Wallace Blvd., and a representative of the Old RR bridge will address the Commission at the December 3 meeting.

Chairperson Bailey requested that the Commissioners take a moment to read over the rules of procedure as there have been a few minor changes.

Commissioner Gardiner stated that he has been contacted regarding the need for gravel at the old Cherokee Elementary School in which operates the Meal Barrow Project. Chairperson Bailey suggested that the County Engineer have a discussion with the Mayor of Cherokee and report back to the Commission The mayor has previously expressed concerns with the traffic as there has been some close calls with wrecks. permanent State location before providing gravel.

Commissioner Barnes questioned Administrator Creekmore regarding the date Alloys and Rose Trail parks can resume normal operations and make use of the new campsites. Creekmore stated that Alloys was very close to completion and use, but Rose Trail will not be fully functional until paving is completed. The Kelley Group was told that Sheffield power has been paid for work at Alloys as of today but the water lines have not been flushed but this should be done soon.

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

COMMISSIONER, DISTRICT 3

CHAIRPERSON

COMMISSIONER, DISTRICT 5

COMMISSIONER, DISTRICT 6