



**SHELBY COUNTY COMMISSION
JANUARY 24, 2011
MINUTES**

**STATE OF ALABAMA
COUNTY OF SHELBY**

The Shelby County Commission of Shelby County, Alabama, met at the County Administration Building in the City of Columbiana, Alabama, at 6:00 P. M., Monday, January 24, 2011. The meeting was called to order by Commissioner Corley Ellis. The invocation was given followed by the Pledge of Allegiance. Roll was called and the following members were present:

PRESENT

Commissioner Corley Ellis
Commissioner Lindsey Allison
Commissioner Joel Bearden
Commissioner Larry Dillard
Commissioner Tommy Edwards
Commissioner Robbie Hayes
Commissioner Jon Parker
Commissioner Rick Shepherd

ABSENT

Commissioner Dan Acker

**APPROVAL OF MINUTES FROM JANUARY 11, 2011
RESOLUTION 11-01-24-01**

MOTION: Commissioner Allison - Motion to approve Minutes from January 11, 2011 as presented

SECOND: Commissioner Bearden

VOTE ON MOTION: 7 Yeas – Commissioner Allison Commissioner Bearden, Commissioner Dillard,
Commissioner Ellis, Commissioner Hayes, Commissioner Parker, Commissioner Shepherd;
1 Abstained – Commissioner Edwards **MOTION CARRIED**

**APPROVAL OF BILLS, REQUISITIONS, CHECK REGISTER
GOVERNMENTAL FUNDS AND PROPRIETARY FUNDS
RESOLUTION 11-01-24-02**

MOTION: Commissioner Hayes - Motion to approve the Bills, requisitions and check register for
Government and Proprietary Funds as presented

SECOND: Commissioner Parker

VOTE ON MOTION: Unanimous

MOTION CARRIED

**PLANNING AND ECONOMIC DEVELOPMENT
DEFINITIONS OF THE ZONING REGULATIONS – KENNEL DEFINITION
RESOLUTION 11-01-24-03**

MOTION: Commissioner Hayes – Motion to approve Resolution 11-01-24-03 as presented
SECOND: Commissioner Allison

MOTION TO AMEND ORIGINAL MOTION: Commissioner Shepherd – Motion to amend original motion by adding the interpretation for recording with definition to be included as part of the resolution.

SECOND: Commissioner Allison

VOTE ON ADDING AMENDMENT: 6 Yeas – Commissioner Bearden, Commission Allison, Commissioner Ellis, Commissioner Hayes, Commissioner Parker, Commissioner Shepherd; 2 Abstained – Commissioner Dillard and Commissioner Edwards **MOTION CARRIED**

VOTE ON ORIGINAL MOTION INCLUDING AMENDMENT: 6 Yeas – Commissioner Bearden, Commission Allison, Commissioner Ellis, Commissioner Hayes, Commissioner Parker, Commissioner Shepherd; 2 Naves – Commissioner Dillard and Commissioner Edwards
MOTION CARRIED

SHELBY COUNTY COMMISSION

Resolution No. 11-01-24-03

**AN AMENDMENT OF SECTION 1. GENERALLY OF ARTICLE IV.
DEFINITIONS OF THE ZONING REGULATIONS OF
SHELBY COUNTY, ALABAMA.**

WHEREAS, on June 20, 2005, the Shelby County Planning Commission held a Public Hearing to hear all parties who wished to speak regarding kennels and the keeping of dogs and cats within unincorporated Shelby County and review proposed amendments to the Zoning Ordinance of Shelby County; and,

WHEREAS, the Planning Commission, based upon the testimony presented by all those who wished to speak at said public hearing, did not feel compelled to amend the regulations regarding kennels and the keeping of dogs and cats at that time and **TABLED** consideration of the proposed amendments; and,

WHEREAS, the issue of kennels and the keeping of dogs continues to be the subject of complaints lodged by citizens from time to time; and,

WHEREAS, staff requested that the Planning Commission remove consideration of the proposed amendment of the Zoning Ordinance regarding kennels from the table for further deliberation; and,

WHEREAS, the Planning Commission, after making proper notification and advertisement in a newspaper of general circulation, did hold a Public Hearing on September 20, 2010, and all parties who wished to speak in favor of or in opposition to a proposed definition of the term “*Kenne*l” as used in the Zoning Regulations of Shelby County; and,

WHEREAS, based upon the evidence and testimony presented, the Planning Commission voted to approve the proposed addition of a definition of the term “*Kenne*l” to the Zoning Regulations; and,

WHEREAS, the Shelby County Commission has reviewed said proposed definition of the term “*Kenne*l” as used in the Zoning Regulations of Shelby County; and,

WHEREAS, the Shelby County Commission has agreed that a more succinct definition is needed that clearly defines the term “*Kennel*” as used in the *Zoning Regulations* of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Commission that Section 1. Generally, of Article IV. Definitions of the *Zoning Regulations* of Shelby County, Alabama, be amended to include the following:

Article IV. Definitions

Section 1. Generally.

Kennel. For the purpose of this Ordinance, a Kennel will be considered as any combination of structures, pens, areas or enclosures, covered or uncovered, open or enclosed where dogs or cats are kept as an Accessory or ancillary use.

Interpretation Memorandum

Shelby County Department of Development Services

Re: Article IV. Definitions

Section 1. Generally

Kennel. For the purpose of this Ordinance, a Kennel will be considered as any combination of structures, pens, areas or enclosures, covered or uncovered, open or enclosed where dogs or cats are kept as an Accessory or ancillary use.

Interpretation:

The Definition of the term Kennel shall be interpreted to include, but not be limited to the following:

1. The definition of a Kennel does not include the keeping of pets Accessory to a Dwelling in any zoning district.
2. The definition of a Kennel shall not include a dog house or a living residence.
3. The definition of a Kennel does not include the keeping, breeding, raising, showing, or training of dogs or cats for the personal enjoyment of the owner or occupants of the property for which commercial gain is not the primary objective.
4. Kennels may be further restricted through the use of restrictive covenants. Shelby County does not enforce such covenants.
5. The definition of a Kennel shall apply to animal hospitals, clinics, boarding facilities or other similar uses in business, industrial and agricultural districts.

**BUDGET AND FINANCE REVIEW
AWARD BID – WAREHOUSE SHELVING
RESOLUTION 11-01-24-04**

MOTION: Commissioner Hayes – Motion to approve Resolution 11-01-24-04 as presented

SECOND: Commissioner Edwards

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 11-01-24--04

BE IT RESOLVED, that the Shelby County Commission hereby awards the bid for Warehouse Shelving to the lowest responsive bidder, Strickland Companies as follows:

Strickland Companies, Inc.	\$ 9,980.50
Business Systems and Consultants, Inc.	\$10,232.29
Lyon Workspace Products	\$16,284.35

Said bid is located within the County Manager's Office.

AWARD BIDS –

ICE MACHINE

RESOLUTION 11-01-24-05A

DOORS AND DOOR HARDWARE

RESOLUTION 11-01-25-05B

PLUMBING SUPPLIES – JAIL

RESOLUTION 11-01-24-05C

MOTION: Commissioner Hayes – Motion to approve Resolutions 11-01-24-05A-C as presented

SECOND: Commissioner Bearden

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 11-01-24-05A

BE IT RESOLVED, that the Shelby County Commission hereby records that only one responsive bid was received for an Ice Machine. Therefore, purchases shall be made as outlined within the State of Alabama Bid Law.

Said bid is located within the County Manager's Office.

RESOLUTION 11-01-24-05B

BE IT RESOLVED, that the Shelby County Commission hereby records that only one responsive bid was received for Doors and Door Hardware. Therefore, purchases shall be made as outlined within the State of Alabama Bid Law.

Said bid is located within the County Manager's Office.

RESOLUTION 11-01-24-05C

BE IT RESOLVED, that the Shelby County Commission hereby records that no responsive bid was received for Plumbing Supplies-Jail. Therefore, purchases shall be made as outlined within the State of Alabama Bid Law.

Said bid is located within the County Manager's Office.

AWARD BID – DUMP TRUCK

RESOLUTION 11-01-24-06

MOTION: Commissioner Hayes – Motion to approve Resolution 11-01-24-06 as presented

SECOND: Commissioner Allison

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 11-01-24-06

BE IT RESOLVED, that the Shelby County Commission hereby awards the bid for an Articulated Dump Truck and the extended warranty bid option to the lowest responsive bidder, Tractor and Equipment as follows:

	Dump Truck	Warranty Bid Option 1	Total
Tractor and Equipment Company	\$297,770.00	\$20,450.00	\$318,220.00
Thompson Tractor Company	\$308,666.00	\$12,318.00	\$320,984.00
ASC Construction Equipment Co.	\$322,114.00	\$28,886.00	\$351,000.00
Warrior Tractor & Equipment Co., Inc.	\$322,322.00	\$30,000.00	\$352,322.00

Said bid is located within the County Manager's Offices.

OUTSIDE AGENCIES

MENTAL HEALTH BOARD OF CHILTON AND SHELBY COUNTIES, INC.

BOARD REAPPOINTMENTS

RESOLUTION 11-01-24-07

MOTION: Commissioner Hayes – Motion to approve reappointments as presented

SECOND: Commissioner Edwards

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 11-01-24-07

BE IT RESOLVED, that the Shelby County Commission hereby reappoints Ms. Brenda Bourbon, Ms. Kathlyn Lathion and Mr. Don Montgomery to the Mental Board of Chilton and Shelby Counties. Ms. Bourbon's and Ms. Lathion's new terms will begin April 2, 2011. Mr. Montgomery's new term will begin May 13, 2011.

ROADS AND TRANSPORTATION

PLANING, LOOP AND LOOP DETECTORS, WIDENING, RESURFACING, AND PERMANENT TRAFFIC STRIPING ALONG SR-25 FROM .2 MILES NORTH OF CR-73 IN MONTEVALLO TO CR-310 IN CALERA

RESOLUTION 11-01-24-08

MOTION: Commissioner Shepherd – Motion to approve Resolution 11-01-24-08 as presented

SECOND: Commissioner Dillard

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 11-01-24-08

WHEREAS, the County of Shelby, Alabama (hereinafter at times referred to as County) is desirous of having certain improvements made on State Route 25 within the Limits of Shelby County, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No. STPAA-HSIP-0025(524) Planing, Loop and Loop Detectors, Widening, Resurfacing, and Permanent Traffic Stripe along SR-25 from .2 miles North of CR-73 in Montevallo to CR-310 in Calera.

WHEREAS, the Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, the Federal Highway Administration, an agency of the United States of America will not participate in any funding for the construction of said project until and unless the County will agree to certain requirements of the Federal Highway Administration. The County for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED, by the Commission of Shelby County, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this County and which are now on file in the office of the Administrative Assistant to the County Manager are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with grading, draining, paving and otherwise improving and constructing of said project in accordance with said plans.

The County by and through its Commission hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The County hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersection streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/A

Please refer to: Project Notes Traffic Control and Traffic Signal Project Notes (Sheets 2J-2EE)

Please refer to: Traffic Control Plans (Sheets 6-13)

BE IT FURTHER RESOLVED, by the County Commission, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the County over said project, such County hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the County will not in the future permit encroachments upon the right-of-way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the National Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama

Department of Transportation of the State of Alabama and by the Federal Highway Administration. The County further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the County further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED, by this County Commission:

1. That the County agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the County.
2. That the County agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the County has the option of vacating the same.
3. That the County agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the County agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

ENVIRONMENT & NATURAL RESOURCES
2011 FREE LANDFILL DAYS
RESOLUTION 11-01-24-09

MOTION: Commissioner Shepherd – Motion to approve Resolution 11-01-24-09 as presented
SECOND: Commissioner Dillard
VOTE ON MOTION: Unanimous **MOTION CARRIED**

RESOLUTION #11-01-24-09

WHEREAS, the Shelby County Commission wishes to help promote a cleaner, more attractive Shelby County, and

WHEREAS, the Shelby County Commission wishes to assist the citizens of Shelby County in their “Spring and Fall Cleaning” projects at home and in their communities:

NOW, THEREFORE, BE IT RESOLVED, that Saturday, April 9, 2011, and Saturday, October 8, 2011, are declared as the two “Free Days” in 2011 for residents, churches, and civic groups in Shelby County to dispose of trash and debris at the Shelby County Landfill at no charge. This is to be residential household debris and limited to one ton trucks or less. Businesses, Commercial and City haulers will be charged the usual rate unless prior approval is obtained through Shelby County Environmental Services.

GENERAL SERVICES
PROCLAMATION-GOVERNOR BENTLEY

RESOLUTION 11-01-24-10

MOTION: Commissioner Ellis – Motion to approve Resolution 11-01-24-10 as presented

SECOND: Commissioner Edwards

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 11-01-24-10

WHEREAS, highest commendations are herein extended to Governor Robert J. Bentley a native of Columbiana, Alabama, upon becoming the Governor of Alabama; and

WHEREAS, Governor Robert J. Bentley is a native of Columbiana in Shelby County and was reared with the high moral and ethical values reflective of the town and county as instilled by his father, David Harford Bentley and mother Mattie Boyd Vick Bentley; and

WHEREAS, Governor Robert J. Bentley put his self through school and obtained his education from the University of Alabama and the University of Alabama School of Medicine and has practiced as a physician since 1968; and

WHEREAS, Governor Robert J. Bentley met his wife, Martha Dianne Jones of Montgomery and married her in 1965. Together, they have four sons and five grandchildren; and

WHEREAS, Governor Robert J. Bentley founded a number of small businesses, and was President of Alabama Dermatology Associates; and

WHEREAS, Governor Robert J. Bentley has served in the Alabama State House of Representatives beginning in 2002 and has served on the Education Appropriations Committee, the Boards and Commissions Committee, the Agriculture and Forestry Committee and has been a member of the Tuscaloosa County Legislative Delegation.

BE IT RESOLVED BY THE SHELBY COUNTY COMMISSION, that great honor is bestowed to Governor Robert J. Bentley for his many accomplishments, and in an expression of honor we hereby proclaim February 6, 2011 as "Robert J. Bentley's Day" in Shelby County, Alabama. All Shelby County citizens are urged to celebrate this day.

Signed this Day the 6th day of February by Corley Ellis, Chairman of the Shelby County Commission.

ADJOURNMENT

RESOLUTION 11-01-24-11

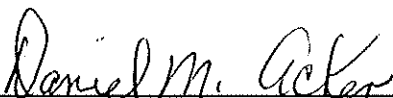
MOTION: Commissioner Hayes – There being no further business to come before the Commission, move to adjourn this 24th day of January, 2011 at 6:45 P.M.

SECOND: Commissioner Allison

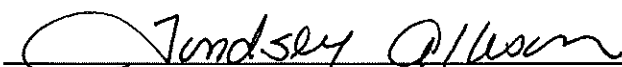
VOTE ON MOTION: Unanimous

MOTION CARRIED

READ & APPROVED:



COMMISSIONER DAN ACKER



COMMISSIONER LINDSEY ALLISON

Joel Bearden
COMMISSIONER JOEL BEARDEN

Larry Dillard
COMMISSIONER LARRY DILLARD

Tommy Edwards
COMMISSIONER TOMMY EDWARDS

Corley Ellis
COMMISSIONER CORLEY ELLIS

Robbie Hayes
COMMISSIONER ROBBIE HAYES

COMMISSIONER JON PARKER

Rick Shepherd
COMMISSIONER RICK SHEPHERD