



**SHELBY COUNTY COMMISSION
JULY 25, 2016
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, July 25, 2016. The meeting was called to order by Commissioner Shepherd. The invocation was given followed by the Pledge of Allegiance. Roll was called and the following members were present:

PRESENT

Commissioner Dan Acker
Commissioner Lindsey Allison
Commissioner Elwyn Bearden
Commissioner Tommy Edwards
Commissioner Corley Ellis
Commissioner Robbie Hayes
Commissioner Jon Parker
Commissioner Rick Shepherd
Commissioner Mike Vest

ABSENT

**APPROVAL OF MINUTES FROM JULY 11, 2016
RESOLUTION 16-07-25-01**

MOTION: Commissioner Allison - Motion to approve Minutes from July 11, 2016 as presented

SECOND: Commissioner Parker

VOTE ON MOTION: Unanimous

MOTION CARRIED

**APPROVAL OF BILLS, REQUISITIONS, CHECK REGISTER
GOVERNMENTAL FUNDS AND PROPRIETARY FUNDS
RESOLUTION 16-07-25-02**

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

SECOND: Commissioner Hayes

VOTE ON MOTION: Unanimous

MOTION CARRIED

BUDGET FINANCE & LEGAL

BID AWARDS

GASOLINE, DIESEL AND FUEL SERVICES

RESOLUTION 16-07-25-03

MOTION: Commissioner Hayes – Motion to approve Resolution 16-07-25-03 as presented
SECOND: Commissioner Edwards
VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 16-07-25-03

BE IT RESOLVED, that the Shelby County Commission hereby records that no bids were received for Gasoline, Diesel and Fuel Services. Therefore, purchases shall be made as outlined by the State of Alabama Bid Law.

Said eBid #2016-6-10850 is located within the County Manager’s Office.

**AWARD BID – PICNIC TABLES AND BENCHES
RESOLUTION 16-07-25-04**

MOTION: Commissioner Hayes – Motion to approve Resolution 16-07-25-04 as presented
SECOND: Commissioner Acker
VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 16-07-25-04

BE IT RESOLVED, that the Shelby County Commission hereby awards the bid for Picnic Tables and Benches to the lowest responsive bidder, Wabash Valley Manufacturing Inc. in the amount of \$25,213.00 as shown on the attached tabulation.

Said eBid #2016-6-10849 is located within the County Manager’s Office.

**PLANNING AND ECONOMIC DEVELOPMENT
ALCOHOL BEVERAGE LICENSE – VOCELLI PIZZA
RESOLUTION 16-07-25-05**

MOTION: Commissioner Hayes – Motion to approve Resolution 16-07-25-05 as presented
SECOND: Commissioner Shepherd
VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 16-07-25-05

ARTICLE I

Case No. A16-004 Vocelli Pizza

(New – 040-Retail Beer, On or Off Premises)

(New – 060-Retail Table Wine, On or Off Premises)

WHEREAS, Mr. Paxton Egger, Piece of Pittsburgh, Inc., has submitted the attached documentation in support of a new application request for a 040- Retail Beer (On or Off Premises) and 060- Retail Table Wine (On or Off Premises) license for a restaurant located at 5479 Highway 280 South, Suite 126, Birmingham, 35242; and

WHEREAS, Vocelli Pizza is located in a zoned area and is subject to the *Zoning Ordinance of Shelby County*; and, **NOW, THEREFORE, BE IT RESOLVED**, that *Case No. A16-004*, an application by Mr. Paxton Egger, has submitted the attached documentation in support of a new application request for a 040- Retail Beer (On or Off Premises) and 060- Retail Table Wine (On or Off Premises) license to permit the retail sale of alcohol at a restaurant is hereby **APPROVED**.

**BUDGET, FINANCE & LEGAL
PROPERTY TAX COMMISSIONER –POSITION ACTIONS
RESOLUTION 16-07-25-06**

MOTION: Commissioner Hayes – Motion to approve Resolution 16-07-25-06 as presented
SECOND: Commissioner Allison
VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 16-07-25-06

The Shelby County Commission hereby approves the request from the Property Tax Commissioner for the creation of two full-time Appraiser positions upon the removal of three thirty-two hour per week Appraiser I positions from the operating budget. This employment action results in a net savings of \$19,000 per year.

RESOLVED, the Property Tax Commissioner is authorized to proceed with the applicable employment actions through the County Department of Personnel Services.

BE IT FURTHER RESOLVED, that this resolution is intended to assist in the replacement of the retirement eligible appraisal staff and upon said retirements the number of full-time appraisal personnel will return to ten.

**ROADS AND TRANSPORTATION
ALDOT FUNDING AGREEMENT – VARIOUS ROAD IMPROVEMENTS
RESOLUTION 16-07-25-07**

MOTION: Commissioner Edwards – Motion to approve Resolution 16-07-25-07 as presented
SECOND: Commissioner Parker
VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 16-07-25-07

BE IT RESOLVED, by the County Commission of Shelby County, Alabama that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

The improvements on various county roads. Project #ST-059-888-006, SCP 59-868-16, CPMS Ref#100064989;

Which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the Administrative Assistant to the County Manager and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the Administrative Assistant to the County Manager.

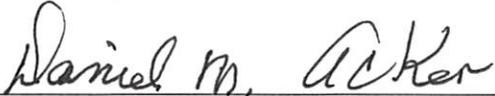
Passed, adopted and approved this 25th day of July 2016.

**MOTION TO ADJOURN
RESOLUTION 16-07-25-08**

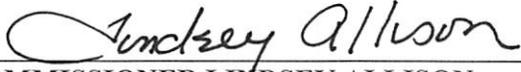
MOTION: Commissioner Ellis – There being no further business to come before the Commission, move to adjourn this 25th day of July, 2016 at 7:42 P.M.
SECOND: Commissioner Parker
VOTE ON MOTION: Unanimous

MOTION CARRIED

READ & APPROVED:

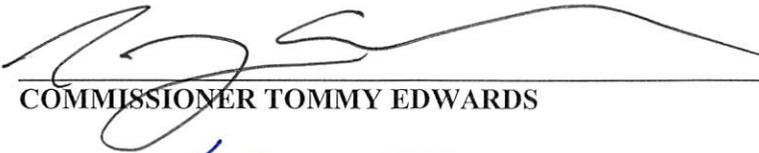


COMMISSIONER DAN ACKER



COMMISSIONER LINDSEY ALLISON

COMMISSIONER ELWYN BEARDEN



COMMISSIONER TOMMY EDWARDS



COMMISSIONER CORLEY ELLIS

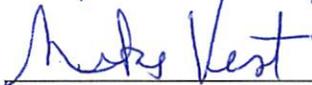


COMMISSIONER ROBBIN HAYES

COMMISSIONER JON PARKER



COMMISSIONER RICK SHEPHERD



COMMISSIONER MIKE VEST

Bid Tabulation for Picnic Tables and Benches - 6/28/16 -2:00pm

Description	Bliss Products	Wabash	Kalogg	Highland Products	Best Litter Recep	BSN
Unit Price for Benches and Tables	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
6' Black Bench with Back	307.12	326.7	350.8	365.2	367	716.99
6' Black Bench without Back	467	190.8	225.08	218.2	247	459.99
6' Black Picnic Table	886.13	593	980.15	651.2	608	1073.99
8' Black Handicap Accessible Picnic Table	944.3	642.6	978.65	669.2	649	1073.99
Bid Price	Bid Price	Bid Price	Bid Price	Bid Price	Bid Price	Bid Price
10 each 6' Black Benches with backs						
10 each 6' Black Benches without backs						
20 each 6' Black Picnic Tables						
10 each 8' Black HC Accessible Picnic Tables	28282.88	25213	36738.3	25550	24790	31895

Ultrasite/Playcore

Ultrasite/Playcore

Best Litter Receptacles is non-responsive because they failed to meet the specified requirement to provide a Poly-Vinyl coating on the table and bench tops.

They represent the playground equipment UltraSite by Playcore that are having structural and rust issues.
 Their 8' table tops are failing and bending when sat upon due to failing welded corners instead of solid single metal bands.
 The coating material is failing to prevent rusting. We have new tables in our stock that rusting.
 (They failed to meet the specified POLY-VINYL COATING and submitted a Polyethylene Coating.

REPORT TO THE SHELBY COUNTY COMMISSION
From the Department of Development Services
Planning Services

July 25, 2016

Case No. A16-004 Vocelli Pizza
(New – 040-Retail Beer, On or Off Premises)
(New – 060-Retail Table Wine, On or Off Premises)

ACTION REQUESTED

Mr. Paxton Egger, Piece of Pittsburgh, Inc., has submitted the attached documentation in support of a new application request for a 040- Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) license for Vocelli Pizza.

The applicant states that the facility is a restaurant operating from 10:00 a.m. until 10:00 p.m., Monday thru Saturday and from 11:00 a.m. until 10:00 pm. on Sunday. This facility, Vocelli Pizza, is located at 5479 Highway 280 South, Suite 126, Birmingham, 35242. The subject property, a restaurant, is a conforming use within the B-2 (General Business District). Vocelli Pizza is located in County Commission District 8, Commissioner Shepherd's District.

There have been six new license and no license transfers for this location since 2002.

The County Engineer's report has verified that the facility is an existing site, has access via U.S. Highway 280. No drainage problems have been observed on the site.

The Cahaba Valley Fire District reports that the subject facility does have an adequate water source to permit the effective use of firefighting equipment. The facility does have adequate personal safety equipment; such as smoke alarms, fire extinguishers, lighted fire exits and lighted fire exit signs.

Attached is a copy of the definitions for a "040- Retail Beer" and "060- Retail Wine", as defined in the Alabama ABC Board Rules and Regulations.

It should be noted that subject to the decision of the County Commission, this application will be forwarded to the State ABC Board and the State of Alabama Health Department for further processing, review and approval. **This ABC license application may be approved, denied or revoked, by the State ABC Board, pending ABI (Alabama Bureau of Investigations) and the FBI (Federal Bureau of Investigations) results.**

RESOLUTION 16-04-__

**Case No. A16-004 Vocelli Pizza
(New – 040-Retail Beer, On or Off Premises)
(New – 060-Retail Table Wine, On or Off Premises)**

WHEREAS, Mr. Paxton Egger, Piece of Pittsburgh, Inc., has submitted the attached documentation in support of a new application request for a 040- Retail Beer (On or Off Premises) and 060- Retail Table Wine (On or Off Premises) license for a restaurant located at 5479 Highway 280 South, Suite 126, Birmingham, 35242; and

WHEREAS, Vocelli Pizza is located in a zoned area and is subject to the *Zoning Ordinance of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED, that *Case No. A16-004*, an application by Mr. Paxton Egger, has submitted the attached documentation in support of a new application request for a 040- Retail Beer (On or Off Premises) and 060- Retail Table Wine (On or Off Premises) license to permit the retail sale of alcohol at a restaurant is hereby ***APPROVED/DENIED***.

040 Retail Beer
(On or Off Premises)

040 Retail beer license for on-premises and off-premises consumption (28-3A-16) – A retail beer license which will authorized the licensee to purchase beer, 8including draft beer in counties or municipalities where the sale thereof is permitted, from a licensed wholesaler and to sell at retail for on –premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

060 Retail Table Wine
(On or Off Premises)

060 Retail table wine license for on-premises and off-premises consumption (28-3A-14) – A retail table wine license which will authorize the licensee to purchase table wine from the board or from a licensed wholesaler in counties and municipalities where authorized, and to sell at retail, in unopened original containers or dispense from containers of any size, for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or the municipality or county in which the outlet is located.

***ALABAMA ABC BOARD
LICENSE CLASSIFICATIONS***

Liquor License Classifications

010	Lounge Retail Liquor – Class I
011	Lounge Retail Liquor – Class II (Package Store)
020	Restaurant Retail Liquor
031	Club Liquor – Class I
032	Club Liquor – Class II
040	Retail Beer – (On or Off Premises)
050	Retail Beer – (Off Premises Only)
060	Retail Table Wine – (On or Off Premises)
070	Retail Table Wine – (Off Premises Only)
080	Liquor Whole Sale
090	Wholesale Beer Only
100	Wholesale Table Wine Only – 14.9% or Less
110	Wholesale Table Wine & Beer Combined
120	Warehouse License
130	Additional Warehouse – Wine, Beer or Both
140	Special Events Retail
150	Special Retail License – 30 Days or Less
160	Special Retail – More Than 30 Days
170	Retail Common Carrier
180	Manufacturer of Denatured Alcohol
190	Manufacturer of Alcohol Production Units
200	Manufacturer
210	Importer
220	Brewpub
230	International Motor Speedway

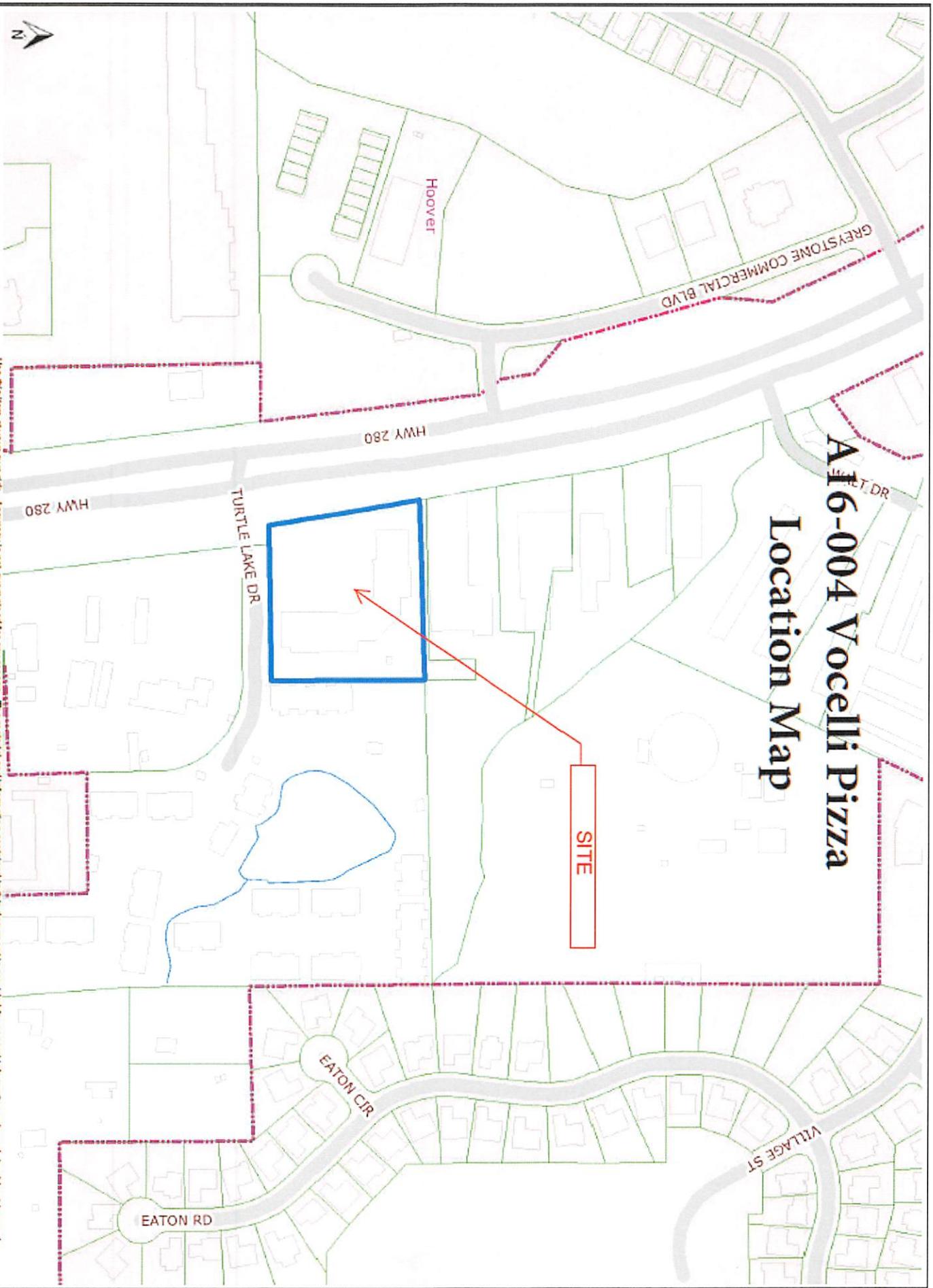


Shelby County Land Information

Data Printed 08/27/2016

Use this item at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for legal, engineering or surveying purposes. Shelby County specifically disclaims all warranties, express or implied regarding this document. Shelby County is not liable and/or responsible for the consequences caused by or related to, in any way, the actions taken or not taken in reliance on this document.

A16-004 Vocelli Pizza Location Map



Shelby County Land Information
Date Printed: 06/27/2016

Use this item at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for legal, engineering or surveying purposes. Shelby County specifically disclaims all warranties, express or implied regarding this document. Shelby County is not liable and/or responsible for the consequences caused by or related to, in any way, the access take or not take in reliance on this document.



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20160623101642204



Initial each

Signature page

PE
 DE

In reference to law violations, I attest to the truthfulness of the responses given within the application.

DK

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

DK

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

DK

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

DK

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Paxton R. Egger*

Signature of Applicant: *Paxton R. Egger*

Notary Name (print): *Wendy Abbott*

Notary Signature: *Wendy Abbott*

Commission expires: *10-21-18*

Application Taken: *6/23/16* App. Inv. Completed:

Forwarded to District Office: *6/23/16*

Submitted to Local Government:

Received from Local Government:

Received in District Office: Reviewed by Supervisor:

Forwarded to Central Office:

AGREEMENT – ST

This Agreement is made and entered into by and between the STATE OF ALABAMA, acting by and through the ALABAMA DEPARTMENT OF TRANSPORTATION, party of the first part (hereinafter called the STATE), and SHELBY COUNTY, ALABAMA (FEIN 63-6001694), party of the second part (hereinafter called the COUNTY):

WITNESSETH

WHEREAS, the STATE and COUNTY desire to cooperate in the improvements on various county roads. Project #ST-059-888-006, SCP 59-868-16, CPMS Ref #100064989.

NOW THEREFORE, it is mutually agreed between the STATE and COUNTY as follows;

- A. The COUNTY will furnish any necessary Right-of-Way for project without cost to the STATE.
- B. The COUNTY will adjust and/or relocate any necessary Utilities on the project without cost to the STATE.
- C. If necessary, the COUNTY will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for this work without cost to the STATE or this project. The COUNTY will be the permittee of record with ADEM for the permit. The COUNTY will be responsible for compliance with the permit and the STATE will have no obligation regarding the permit.
- D. The COUNTY will furnish any construction engineering for the project from County forces.
- E. The STATE will not be liable for State funds in excess of the State's share of the cost hereinafter set forth. Any deficiency in State funds, or overrun in construction costs will be borne by the COUNTY from County funds. In the event of an underrun in construction costs, the State funds will not exceed the actual cost.
- F. The estimated cost of this project shall be provided for from funds outlined below:

State Public Road and Bridge Funds	\$ 500,000.00
County Funds	<u>0.00</u>
Total Cost (Incl. E & I)	\$ 500,000.00

G. The COUNTY shall be responsible at all times for all of the work performed under this agreement and, as provided in Ala. Code § 11-93-2 (1975), the COUNTY shall indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, its officers, officials, agents, servants, and employees.

For all claims not subject to Ala. Code § 11-93-2 (1975), the COUNTY shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against any and all damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this Agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the COUNTY pursuant to the terms of this agreement, or (3) misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the COUNTY, its officers, officials, agents, servants, and employees.

H. The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or facilities.

I. By entering into this agreement, the COUNTY is not an agent of the STATE, its officers, employees, agents or assigns. The COUNTY is an independent entity from the STATE, and nothing in this agreement creates an agency relationship between the parties.

J. Exhibit N is attached hereto as a part hereof.

K. This agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by those officers, officials and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

SHELBY COUNTY, ALABAMA

Clerk (Signature)

BY:
(Signature) Chairman
Shelby County Commission

Type Name of Clerk

Type Name of Chairman

RECOMMENDED

STATE OF ALABAMA,
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF
TRANSPORTATION

State County Transportation Engineer
D. E. Phillips, Jr., P.E.

Chief Engineer
Don T. Arkle, P.E.

This agreement has been legally reviewed and approved as to form and content:

Jim R. Ippolito, Jr., Chief Counsel
Alabama Department of Transportation

Transportation Director
John R. Cooper

THE WITHIN AND FOREGOING AGREEMENT IS HEREBY APPROVED ON THE _____ DAY
OF _____, 20_____.

GOVERNOR OF ALABAMA
ROBERT BENTLEY



ALABAMA DEPARTMENT OF TRANSPORTATION

Bureau of County Transportation

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6207 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Robert Bentley
Governor

John R. Cooper
Transportation Director

January 4, 2016

Chair of County Commission
Shelby County Commission
Columbiana, Alabama

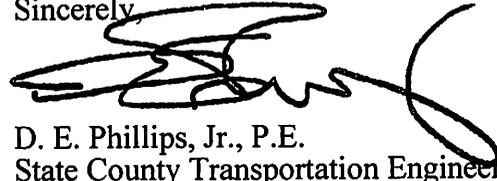
RE: ST-059-888-006
SCP 59-868-16
Shelby County

Dear Chair of County Commission:

Attached is the original Agreement between the Alabama Department of Transportation and Shelby County covering the financing of construction costs for the above project.

It will be appreciated if you will have this Agreement executed and returned to this office for further approval and distribution. Upon approval of all parties concerned, a properly executed copy of the Agreement will be sent to you for your information and files.

Sincerely,



D. E. Phillips, Jr., P.E.
State County Transportation Engineer

DEP:MBH:mh

Attachment

cc: Mr. Clay McBrien
Mr. Randy Cole
Mr. DeJarvis Leonard
File

**PLEASE DO NOT EXECUTE THE
FAXED COPY OF AGREEMENT !!!**