



**SHELBY COUNTY COMMISSION
JANUARY 22, 2018
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 22, 2018. The meeting was called to order by Commissioner Parker. The invocation was given followed by the Pledge of Allegiance. Roll was called and the following members were present:

PRESENT

Commissioner Lindsey Allison
Commissioner Elwyn Bearden
Commissioner Tommy Edwards
Commissioner Robbie Hayes
Commissioner Kevin Morris
Commissioner Jon Parker
Commissioner Rick Shepherd
Commissioner Mike Vest
Commissioner Ward Williams

ABSENT

**APPROVAL OF MINUTES OF JANUARY 8, 2018
RESOLUTION 18-01-22-01**

MOTION: Commissioner Bearden – Motion to approve the Minutes from January 8, 2018 as presented

SECOND: Commissioner Edwards

VOTE ON MOTION: 8 Yeas – Commissioner Allison, Commissioner Bearden, Commissioner Edwards, Commissioner Hayes, Commissioner Morris, Commissioner Parker, Commissioner Vest and Commissioner Williams; 1 Abstained – Commissioner Shepherd

MOTION CARRIED

**APPROVAL OF BILLS, REQUISITIONS, AND CHECK REGISTER
GOVERNMENTAL FUNDS AND PROPRIETARY FUNDS
RESOLUTION 18-01-22-02**

MOTION: Commissioner Shepherd – Motion to approve the Bills, Requisitions and Check Register for Government and Proprietary Funds
SECOND: Commissioner Hayes
VOTE ON MOTION: Unanimous **MOTION CARRIED**

**ROADS AND TRANSPORTATION
ALDOT CONTRACT – BRIDGE REPLACEMENT CR-52 OVER BUCK CREEK
RESOLUTION 18-01-22-03**

MOTION: Commissioner Bearden – Motion to approve Resolution 18-01-22-03 as presented
SECOND: Commissioner Parker
VOTE ON MOTION: Unanimous **MOTION CARRIED**

RESOLUTION 18-01-22-03

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

The bridge replacement of BIN 3267 on CR-52 (4th Avenue) over Buck Creek. Project #BR-5913(250), SCP 59-289-97U, CPMS Ref. #100067840;

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 22nd day of January, 2018.

**ALDOT CONTRACT – RESURFACE, PLANE, TRAFFIC STRIPE, LEVEL AND PATCH ON SR-155 FROM CHILTON COUNTY LINE TO SR-25
RESOLUTION 18-01-22-04**

MOTION: Commissioner Edwards – Motion to approve Resolution 18-01-22-04 as presented
SECOND: Commissioner Vest

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 18-01-22-04

WHEREAS, the County of Shelby County (hereinafter at times referred to as County) is desirous of having certain improvements made on CR-155 within the County Limits of Shelby County, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No. stpaa-0155(504) Resurface, Plane, Traffic Stripe, Level, and Patch on CR-155 from the Chilton County Line to SR-25 MP 7.276 to MP 9.400.

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 adopted the following resolution.

BE IT RESOLVED, by the County 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 and in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction 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 intersecting 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 – This project does not require the permanent barricade or relocation of any intersecting streets.

Please refer to: Project Notes (Sheet 2F-2E)

Please refer to: Traffic Control Plan Notes (Sheet 2F-2G)

Please refer to: Traffic Control Plan Summary (Sheets 6-11)

BE IT FURTHER RESOLVED, by the Commission, that for an 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 status, 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 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 of 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 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.

This resolution passed, adopted, and approved this 22th day of January, 2018.

**ENVIRONMENTAL & NATURAL RESOURCES
FREE LANDFILL DAYS IN 2018
RESOLUTION 18-01-22-05**

MOTION: Commissioner Vest – Motion to approve Resolution 18-01-22-05 as presented

SECOND: Commissioner Edwards

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 18-01-22-05

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 7, 2018 and Saturday, October 6, 2018, are declared as the two “Free Days” in 2018 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. All municipal initiatives or projects on these dates that involve contract haulers who regularly dispose of the municipal residential waste at the Highway 70 Landfill, pickup materials on the free dates, and deliver the materials on the same free dates will be allowed to participate as long as prior approval is obtained through Shelby County Development Services-Landfill Division. Each applicable waste municipal contracted transport vehicle must display the county assigned access placard in the front window of each approved vehicle.

BUDGET, FINANCE AND LEGAL

BID AWARD – CLEANING AND PAINTING CR-42 BRIDGE SUPERSTRUCTURE

RESOLUTION 18-01-22-06

MOTION: Commissioner Allison – Motion to approve Resolution 18-01-22-06 as presented

SECOND: Commissioner Williams

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 18-01-22-06

BE IT RESOLVED, that the Shelby County Commission hereby awards the bid for Cleaning and Painting the CR-42 Bridge Superstructure to the lowest responsive bidder, Jerry and John Woods Construction Corporation dba RRT Hauling, LLC as follows:

Total	SCP-59-881-18	SCP59-882-18
Jerry & John Woods Construction \$100,000 Corporation dba RRT Hauling, LLC	\$ 50,000	\$ 50,000
Gulf Coast Contracting, LLC \$115,000	\$ 55,000	\$ 60,000
Southeast Bridge FL Corp \$141,237	\$ 66,282	\$ 74,955
Southern Road & Bridge LLC \$317,820	\$146,520	\$171,300

Said eBid #2017-12-10933 is located within the County Manager’s Office.

**PLANNING AND ECONOMIC DEVELOPMENT
ALCOHOL BEVERAGE LICENSE – SPRING CREEK PACKAGE STORE
RESOLUTION 18-01-22-07**

MOTION: Commissioner Allison – Motion to approve Resolution 18-01-22-07 as presented

SECOND: Commissioner Morris

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 18-01-22-07

**CASE NO. A-17-007 SPRING CREEK PACKAGE STORE
(TRANSFER -011 LOUNGE RETAIL LIQUOR – CLASS II PACKAGE)**

WHEREAS, Ms. Kim Rojani, Kim Investment Inc., has submitted the attached documentation in support of a transfer application request for an 011 Lounge Retail Liquor-Class II Package license from Spring Creek Grocery, Inc., for Spring Creek Package Store for the retail sale of alcoholic beverages at a package store located inside a convenience store at 4634-B Hwy 71, Shelby, AL 35143; and,

WHEREAS, Spring Creek Package Store is located in an unzoned area and is not subject to the *Zoning Ordinance of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED, that *Case No. A17-007*, an application by Ms. Kim Rojani, Kim Investment Inc. for a transfer application for an 011 Lounge Retail Liquor – Class II Package license from Spring Creek Grocery, Inc., for Spring Creek Package Store to

permit the retail sale of alcoholic beverages at a package store located inside a convenience store is hereby approved.

**ALCOHOLIC BEVERAGE LICENSE-SPRING CREEK GROCERY
RESOLUTION 18-01-22-08**

MOTION: Commissioner Allison – Motion to approve Resolution 18-01-22-08 as presented

SECOND: Commissioner Morris

VOTE ON MOTION: Unanimous

MOTION CARRIED

**RESOLUTION 18-01-22-08
Case No. A17-006 Spring Creek Grocery**

WHEREAS, Ms. Kim Rojani, Kim Investment Inc., has submitted the attached documentation in support of a transfer application request for an 050-Retail Beer (Off Premises Only) and an 070-Retail Table Wine (Off Premises Only) license from Spring Creek Grocery, Inc., for Spring Creek Grocery for the retail sale of alcoholic beverages at a convenience store at 4634 Hwy 71, Shelby, AL 35143; and,

WHEREAS, Spring Creek Grocery is located in an unzoned area and is not subject to the *Zoning Ordinance of Shelby County*; and,

NOW, THEREFORE, BE IT RESOLVED, that *Case No. A17-006*, an application by Ms. Kim Rojani, Kim Investment, Inc. for a transfer application for a transfer application for an 050-Retail Beer (Off Premises Only) and an 070-Retail Table Wine (Off Premise Only) license from Spring Creek Grocery, Inc., for Spring Creek Grocery to permit the retail sale of alcoholic beverages at a convenience store is hereby approved.

**BUDGET, FINANCE & LEGAL
PUBLIC SERVICE COMMISSION SEWER RESOLUTION
RESOLUTION 18-01-22-09**

MOTION: Commissioner Allison – Motion to approve Resolution 18-01-22-09 as presented

SECOND: Commissioner Shepherd

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 18-01-22- 09

WHEREAS, members of the Shelby County Legislative Delegation to the Alabama Legislature have advised the Shelby County Commission that consideration is being given by the Alabama Legislature to the introduction, passage and adoption of legislation which would bring certain privately-owned sewer systems which use public rights of way of public roads under the jurisdiction of the Public Service Commission, and;

WHEREAS, sponsoring members of the Shelby County Legislative Delegation have requested that they be advised if the County Commission supports the passage and adoption of such legislation:

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Commission as follows:

1. That the Shelby County Commission hereby expresses appreciation to the Shelby County Legislative Delegation for its initiative and action in support of legislation which would bring certain privately-owned sewer systems which use public rights of way of public roads under the jurisdiction of the Public Service Commission; and acknowledges with gratitude that the Legislative Delegation has sought the evaluation and recommendations of the Shelby County Commission with regard to this subject which impacts substantial numbers of the citizens of Shelby County.
2. That the Shelby County Commission does hereby endorse, support and request the adoption of legislation by the Alabama Legislature of the proposed legislation which would bring certain privately-owned sewer systems which use public rights of way of public roads under the jurisdiction of the Public Service Commission and the amendment of existing provisions of the Code of Alabama as deemed necessary to accomplish the stated legislative purpose; it is understood that said amendment would apply to any privately-owned plant or facility for the collection, treatment or disposal of sewage which uses directly or through a lease or contract, public rights of way of public roads for any part of its collection or disposal system and which has residential or commercial customers which are billed at a flat service fee or fee based on water usage and which is not otherwise exempt under the provisions of the Code of Alabama.
3. Be it further resolved that a copy of the above and foregoing Resolution, upon adoption by the Shelby County Commission, be certified by Commission Staff and a copy thereof be provided to each member of the Shelby County Legislative Delegation.

**EXECUTIVE SESSION AND ADJOURNMENT
RESOLUTION 18-01-22-10**

MOTION: Commissioner Allison – Motion to approve Resolution 18-01-22-10 as presented

SECOND: Commissioner Bearden

ROLL CALL VOTE ON MOTION:

Commissioner Allison – Yea

Commissioner Bearden – Yea

Commissioner Edwards-Yea

Commissioner Hayes – Yea

Commissioner Morris-Yea

Commissioner Parker-Yea

Commissioner Shepherd-Yea

Commissioner Vest-Yea

Commissioner Williams-Yea

RESOLUTION 18-01-22-10

The County Manager and County Attorney hereby request that the County Commission convene executive sessions for the following: Legal Briefing and Data and Information Technology Security Briefing. This action is applicable to Act 2005-40 Section 7 (3) and (4).

The County Commission will not be asked to take action on January 22, 2018 concerning these matters and therefore the Commission meeting will be adjourned at the conclusion of the executive sessions. The County Commission will not be reconvening in the meeting room. Butch Ellis, County Attorney stated on the record that the executive sessions comply with the application of the Open Meetings Act.