

STATE OF ALABAMA)
JEFFERSON COUNTY) October 5, 2017

The Commission Re-convened in regular session at the Jefferson County Courthouse, Birmingham, Alabama at 9:10 A.M., James A. Stephens, President presiding and the following members present:

- District 2 – Sandra Little Brown
- District 3 – James (Jimmie) A. Stephens
- District 4 – T. Joe Knight
- District 5 – David Carrington

Commissioner George Bowman was absent.

Invocation was led by Danny Tesseneer of Ain’t God Good India Ministries, and the Pledge of Allegiance led by Charles Nix.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the Minutes of September 28, 2017, be adopted as presented and approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

The Commission met in Work Session on Tuesday, October 3, 2017, and moved to approve the following Committee items to be placed on the October 5, 2017, Regular Commission Meeting Agenda:

- Commissioner George Bowman, Health and General Services Committee Item 1.
- Commissioner Sandra Little Brown, Human-Community Development and Human Resource Services Committee item 1.
- Commissioner Jimmie Stephens, Administrative, Public Works and Infrastructure Committee Items 1 – 3 and 2 additional items added.
- Commissioner Joe Knight, Judicial Administration, Emergency Management, Developmental Services Committee, Finance & Information Technology Committee had items 1 – 2 and 1 additional item carried over from the regular meeting held August 8, 2017.
- Commissioner David Carrington, Business Development Committee had items 1 – 7 and 1 additional item added.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight that Commission Agenda Resolutions 1 through 13 with the exception of Item Number 5, a public hearing for vacation of Right-of-Way to be acted on as a separate vote, be adopted as presented and approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

MULTIPLE STAFF DEVELOPMENT

County Attorney	
Brent Grainger	349.00
Allison Gault	349.00
Theo Lawson	349.00
CLE Seminar	

Birmingham, AL – November 14, 2017

General Services

Trisha Wilkins, Keith Harris, Daniel Tesseneer 825.00
Workshop
Tuscaloosa, AL – October 25-26, 2017

INDIVIDUAL STAFF DEVELOPMENT

Board of Registrars

Barry Stephenson 125.00
Elections Conference
Tuscaloosa, AL – October 26-27, 2017

Development Services

Evan Williams 250.00
APA Annual Conference
Birmingham, AL – October 4-6, 2017

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Staff Development be approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-720
RESOLUTION OF THE JEFFERSON COUNTY COMMISSION OF
WITH RESPECT TO
AMENDING THE PREVIOUS COUNTY ZONING RESOLUTIONS
UNDER THE PROVISIONS OF ACTS 344 & 581, 1947 GENERAL ACTS
AND ACTS 422 & 634 GENERAL ACTS OF ALABAMA

WHEREAS, pursuant to the provisions of the above Acts 581, 422 and 634 of the General Acts of Alabama, aforesaid and upon the recommendations of the Jefferson County Planning and Zoning Commission, this Jefferson County Commission did advertise a public hearing as prescribed by law, and;

WHEREAS, this County Commission did hold such public hearing, as advertised, in the Jefferson County Courthouse, Birmingham, Alabama for the purpose of entertaining a public discussion of the amendment at which parties in interest and citizens were afforded an opportunity to voice their approval or raise objections, and;

WHEREAS, after due consideration of the recommendations aforesaid and as a means of further promoting the health, safety, morals and general welfare of the County, this Jefferson County Commission does hereby approve and adopt the herein contained amending provisions for the purpose among others, of lessening congestion in roads and streets; encouraging such distribution of population and such classification of land uses as will tend to facilitate economical drainage, sanitation, education, recreation and/or occupancy of the land in the County.

BE IT FURTHER RESOLVED that the President is hereby authorized and directed to execute all zoning maps and detail sheets and documents as may be necessary and appropriate to carry out this action.

BE IT HEREBY RESOLVED BY THE JEFFERSON COUNTY COMMISSION that Zoning Case No. Z-2017-025 Hoar Construction Company, owner; Steve McCord, agent requests a change of zoning of Parcel ID#s 38-20-1-008-008.000,

005.000, 005.001, 005.002,005.003, 005.004 in Section 20 Twp. 19 Range 4W from A-1 (Agricultural) to I-1 (Light Industrial) for compliance and expansion of existing contractors yard. (Site Only: 726 Marshall Street Bessemer, AL 35020)(Eastern Valley)(5.3 Acres M/L) be approved.

Certification

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Millie Diliberto, Minute Clerk of the Jefferson County Commission, hereby certify that the above and foregoing is a true and correct copy and /or transcript of a resolution duly adopted and approved by the Jefferson County Commission at its regular meeting held on the 5th day of October, 2017, as same appears and is recorded in Minute Book 171, Page(s) 392, of the Official Minutes and Records of said County Commission.

Given, under my hand and seal of Jefferson County, Alabama this the 5th day of October, 2017.

Millie Diliberto
Minute Clerk
Jefferson County Commission

Motion was made by Commissioner Joe Knight and seconded by Commissioner Sandra Little Brown, that the above Zoning Case be hereby approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-721
RESOLUTION OF THE JEFFERSON COUNTY COMMISSION OF
WITH RESPECT TO
AMENDING THE PREVIOUS COUNTY ZONING RESOLUTIONS
UNDER THE PROVISIONS OF ACTS 344 & 581, 1947 GENERAL ACTS
AND ACTS 422 & 634 GENERAL ACTS OF ALABAMA

WHEREAS, pursuant to the provisions of the above Acts 581, 422 and 634 of the General Acts of Alabama, aforesaid and upon the recommendations of the Jefferson County Planning and Zoning Commission, this Jefferson County Commission did advertise a public hearing as prescribed by law, and;

WHEREAS, this County Commission did hold such public hearing, as advertised, in the Jefferson County Courthouse, Birmingham, Alabama for the purpose of entertaining a public discussion of the amendment at which parties in interest and citizens were afforded an opportunity to voice their approval or raise objections, and;

WHEREAS, after due consideration of the recommendations aforesaid and as a means of further promoting the health, safety, morals and general welfare of the County, this Jefferson County Commission does hereby approve and adopt the herein contained amending provisions for the purpose among others, of lessening congestion in roads and streets; encouraging such distribution of population and such classification of land uses as will tend to facilitate economical drainage, sanitation, education, recreation and/or occupancy of the land in the County.

BE IT FURTHER RESOLVED that the President is hereby authorized and directed to execute all zoning maps and detail sheets and documents as may be necessary and appropriate to carry out this action.

BE IT HEREBY RESOLVED BY THE JEFFERSON COUNTY COMMISSION that Zoning Case No. Z-2017- 027 Sumiton Timber Company, Inc., owner; Al Leo, agent requests a change of zoning of Parcel ID# 5-35-0-000-014.000 in Section 35 Twp. 15 Range 5W from I-3 (Industrial) with restrictive covenants to I-O (Obnoxious Odors) for intermodal facility for a waste management company. (Site Only: 5570 Snowville Brent Road, Dora, AL 35062)(Littleton)(4.66 Acres M/L) be denied.

Certification

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Millie Diliberto, Minute Clerk of the Jefferson County Commission, hereby certify that the above and foregoing is a true and correct copy and /or transcript of a resolution duly adopted for denial by the Jefferson County Commission at its regular meeting held on the 5th day of October, 2017, as same appears and is recorded in Minute Book 171, Page(s) 392 - 393, of the Official Minutes and Records of said County Commission.

Given, under my hand and seal of Jefferson County, Alabama this the 5th day of October, 2017.

Millie Diliberto
Minute Clerk
Jefferson County Commission

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Zoning Case be hereby denied. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

A Public Hearing was held to receive comments on the liquor application submitted by Jackie Oral Ayers, owner/applicant d/b/a Green Lantern Restaurant and Lounge, Inc. There being no comments, the Commission took the following action.

OCT-5-2017-722
Resolution

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the liquor application submitted by (Beverage Case B-2017-009) Green Lantern Restaurant and Lounge, Inc., applicant; Jackie Oral Ayers, owner; Richard Maben, manager, d/b/a Green Lantern, requests approval of a (010) lounge retail liquor – Class 1 (on premise) license in conjunction with an existing lounge on Parcel ID# 43-10-4-000-012.000 in Sec 10,

Township 20S, Range 5W. Zoned C-3 (Commercial). (Site location: 6942 Old Tuscaloosa Highway, McCalla, AL 35111) (McCalla) be approved.

Certification

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Millie Diliberto, Minute Clerk of the Jefferson County Commission, hereby certify that the above and foregoing is a true and correct copy and /or transcript of a resolution duly adopted and approved by the Jefferson County Commission at its regular meeting held on the 5th day of October, 2017, as same appears and is recorded in Minute Book 171, Page(s) 393, of the Official Minutes and Records of said County Commission.

Given, under my hand and seal of Jefferson County, Alabama this the 5th day of October, 2017.

Millie Diliberto
Minute Clerk
Jefferson County Commission

Motion was made by Commissioner Sandra Little Brown and seconded by Commissioner Joe Knight, that the above Beverage Case be hereby approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

A Public Hearing was held to receive comments on the Vacation of Right-of-Way Easement submitted by Byron and Stephanie Barnett, Johnnie Earl Fallin, Michael Steven Foti, and Phillip Charles Foti. There being none, the Commission took the following action.

OCT-5-2017-723

October 5, 2017

WHEREAS, Bryon Barnett and Stephanie Barnett and Johnnie Earl Fallin and Ellen Price Fallin and Michael Steven Foti and Phillip Charles Foti. are/is the owner(s) of the land abutting the following described road right-of-way, situated in Jefferson County, Alabama, to- wit:

DESCRIPTION OF PROPERTY TO BE VACATED:

A portion of the 30 foot wide Right of Way of Third Avenue, lying in the NE 1/4 of the NE 1/4 of Section 2, Township 16 South Range 2 West and being more particularly described as follows:

Commence at the SW corner of Lot 28 according to the survey of the Map of Cain Subdivision as recorded in Map Book 16 Pages 55, 56 and 57 in the Probate Office of Jefferson County, Alabama, for the point of beginning of a 30 foot wide Right of Way lying westerly of, parallel to and abutting the westerly lot lines of Lots 28 and 27 of said subdivision; thence run northerly along said westerly lot lines a distance of 644 feet to the NW corner of Lot 27 and the end of said Right of Way.

Less and except any portion lying within the Right-of-Way conveyed to Jefferson County by Real 1641 Page 324 as recorded in the Probate Office of Jefferson County, Alabama.

WHEREAS, the above owner(s) are desirous of vacating said tract of land described above and requests that the assent of the County Commission of Jefferson County, Alabama, be given as required by law in such cases:

That after vacation of the above described tract of land located as above described, and all public rights and easements therein, convenient means of ingress and egress to and from the property will be afforded to all other property owners owning property in or near the tract of land embraced in said map, plat or survey by the remaining streets, avenues or highways dedicated by said map, plat or survey.

NOW, THEREFORE, BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION, that it assents and it does hereby assent to said, Bryon Barnett and Stephanie Barnett and Johnnie Earl Fallin and Ellen Price Fallin and Michael Steven Foti and Phillip Charles Foti, the tract of land as above-described and that the above-described property be and the same is hereby vacated and annulled, and that all public rights and easements therein divested of the property; subject, however, to all existing rights-of-way or easements for public utilities and to all utility facilities presently situated in said area vacated subject to this provision.

A check in the amount of \$100 has been received for administrative fees.

I, Millie Diliberto, Minute Clerk, Jefferson County Commission, hereby certify that the above and foregoing is a true and correct transcript of a resolution duly adopted by the Jefferson County Commission on the 5th day of October, 2017, recorded in Minute Book 171, Page(s) 394, of the Official Minutes and Records of said County Commission.

GIVEN, under my hand and seal of Jefferson County, Alabama, this the 5th day of October, 2017.

Millie Diliberto
Minute Clerk
Jefferson County Commission
My Commission Expires: August 31, 2019

Motion was made by Commissioner Joe Knight and seconded by Commissioner David Carrington, that the above Resolution be hereby approved. Voting "Aye" Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-724

JEFFERSON COUNTY COMMISSION RESOLUTION FOR ALDOT COURTESY NOTIFICATION

WHEREAS, Jefferson County, Alabama has received a Courtesy Notification from the State of Alabama Department of Transportation, notifying the County of Project Number: BRF-0005(012) Replace NB Bridge, BIN 007627, SR-5 NBR over Locust Fork of Black Warrior River – Grade, Drain, Base, Pave, Bridge and Bridge Removal; and

WHEREAS, the County for the purpose of complying with the requirements of the Federal Highway Administration in regards to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION, that the President, be and he hereby is authorized, empowered and directed to execute the resolution on behalf of Jefferson County, Alabama.

RESOLUTION

WHEREAS, the County of Jefferson, Alabama (hereinafter at times referred to as County) is desirous of having certain improvements made on SR-5 within the Limits of Jefferson County, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: BRF-0005(012) Replace NB Bridge, BIN 007627, SR-5 NBR over Locust Fork of Black Warrior River - Grade, Drain, Base, Pave, Bridge and Bridge Removal.

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 Jefferson 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 County Clerk 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 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:

NIA This project does not require permanent barricade or relocation of any intersecting streets.

Please refer to: Project Note Sheet (Sheet 2G)

Please refer to: General Project Traffic Control Plan Notes (Sheet 2H)

Please refer to: Sequence of Construction and Traffic Control Plan*(Sheets 20 -20N)

*Diversion Route will be used during construction.

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 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 the 5th day of October, 2017.

ATTEST

Millie Diliberto
County Clerk

James A. Stephens
Commission President

I, the undersigned, Clerk of the Jefferson County, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the Commission of the foregoing County, at its regular meeting held on the 5th day of October, 2017, which resolution is on file in the office of the County Clerk.

Given under my hand and the official seal of such County this 5th day of October, 2017.

Millie Diliberto
COUNTY CLERK

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-725

RESOLUTION OF THE JEFFERSON COUNTY COMMISSION OF
WITH RESPECT TO
AMENDING THE PREVIOUS COUNTY ZONING RESOLUTIONS
UNDER THE PROVISIONS OF ACTS 344 & 581, 1947 GENERAL ACTS
AND ACTS 422 & 634 GENERAL ACTS OF ALABAMA

WHEREAS, pursuant to the provisions of the above Acts 581, 422 and 634 of the General Acts of Alabama, aforesaid and upon the recommendations of the Jefferson County Planning and Zoning Commission, this Jefferson County Commission did advertise a public hearing as prescribed by law, and;

WHEREAS, this County Commission did hold such public hearing, as advertised, in the Jefferson County Courthouse, Birmingham, Alabama for the purpose of entertaining a public discussion of the amendment at which parties in interest and citizens were afforded an opportunity to voice their approval or raise objections, and;

WHEREAS, after due consideration of the recommendations aforesaid and as a means of further promoting the health, safety, morals and general welfare of the County, this Jefferson County Commission does hereby approve and adopt the herein contained amending provisions for the purpose among others, of lessening congestion in roads and streets; encouraging such distribution of population and such classification of land uses as will tend to facilitate economical drainage, sanitation, education, recreation and/or occupancy of the land in the County.

BE IT FURTHER RESOLVED that the President is hereby authorized and directed to execute all zoning maps and detail sheets and documents as may be necessary and appropriate to carry out this action.

BE IT HEREBY RESOLVED BY THE JEFFERSON COUNTY COMMISSION that Zoning Case No. Z-2017-017 Cotswold, Ltd., and Embassy Homes, LLC, owners; Kendra Key agent, requests an amendment of an existing restrictive covenant associated with a previous zoning case (Z-2004-017) to allow an amendment to the approved site plan referenced in said covenant to allow one (1) residence to be constructed within each conservation area identified in the approved site plan (one on each side of Sicard Hollow Road). Property zoned R-G (Single Family) with restrictive covenants. Parcel ID#s 27-18-1-000-001.000 and 27-18-4-000-001.000 in Sec 18 Twp. 18 Range 1 West (Site Only: 4601 and 4620 Sicard Hollow Road, Birmingham, AL 35242) (COTSWOLDS) (50.63 Acres M/L) be approved with the following covenants.

1. The proposed residential home sites shall be located in conformance to the site plan presented to the Jefferson County Commission on August 10, 2017.
2. The "Agreement with the Committee of Neighbors" shall be recorded in probate court following the review and approval by the Department of Development Services.
3. The Agreement between Cotswold, Ltd., Embassy Homes, LLC and the Cotswold Committee of Neighbors shall be executed and recorded with the Judge of Probate of Jefferson County, Alabama prior to the issuance of any Zoning Approvals;
4. Modified Conservation Easements for the North Conservation Area and the South Conservation Area, in keeping with the Agreement between Cotswold, Ltd., Embassy Homes, LLC and the Cotswold Committee of Neighbors, shall be agreed to by the North American Land Trust and recorded with the Judge of Probate of Jefferson County, Alabama prior to the issuance of any Zoning Approvals;
5. The modified conservation easements shall be reviewed and approved by the Department of Development Services to ensure compliance with the site plan presented to the Jefferson County Commission on August 10, 2017 prior to recording in Probate Court. The agreement should include a legal description for each of the two (2) home sites.
6. There shall be no disturbance of the property, including clearing of trees until a zoning approval is issued by Jefferson County.

Certification

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Millie Diliberto, Minute Clerk of the Jefferson County Commission, hereby certify that the above and foregoing is a true and correct copy and /or transcript of a resolution duly adopted and approved by the Jefferson County Commission at its regular meeting held on the 5th day of October, 2017, as same appears and is recorded in Minute Book 171, Page(s) 397, of the Official Minutes and Records of said County Commission.

Given, under my hand and seal of Jefferson County, Alabama this the 5th day of October, 2017.

Millie Diliberto
Minute Clerk
Jefferson County Commission

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Zoning Case be hereby approved. Voting "Aye" Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-726

PURCHASING DIVISION AGENDA REPORT

For Week of 09/15/17 – 09/21/17

Committee Meeting OCTOBER 03, 2017

For Commission Approval

OCTOBER 5, 2017

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION, THAT THE FOLLOWING REPORT FILED BY THE PURCHASING DEPARTMENT BE, AND THE SAME HEREBY IS APPROVED. RECOMMENDATIONS FOR CONTRACTS ARE BASED UPON THE LOWEST BIDS MEETING SPECIFICATIONS.

PREPARED SEPTEMBER 22, 2017

1. RECOMMENDED FOR ENVIRONMENTAL SERVICES FROM CHEMTRADE CHEMICALS US, LLC, BIRMINGHAM, AL, TO AWARD BID FOR ALUMINUM CHLORIDE HYDROXIDE FOR THE PERIOD 10/01/2017 – 09/30/2018. TO BE PURCHASED ON AN AS NEEDED BASIS.

REFERENCE BID #131-17

REFERENCE MUNIS BID #NA

2. RECOMMENDED FOR PROBATE COURT – ELECTION FROM INCLUSION SOLUTIONS, EVANSTON, IL, TO RENEW BID FOR ACCESSIBLE 4-STATION VOTING BOOTHS FOR THE PERIOD 11/17/2017 – 11/16/2018. TO BE PURCHASED ON AN AS NEEDED BASIS. (FINAL RENEWAL)

REFERENCE BID #134-16

REFERENCE MUNIS BID #16095

3. RECOMMENDED FOR ENVIRONMENTAL SERVICES FROM LHOIST NORTH AMERICA OF ALABAMA, CALERA, AL, TO RENEW BID FOR FOUNDRY LIME FOR THE PERIOD 10/01/2017 – 09/30/2018. TO BE PURCHASED ON AN AS NEEDED BASIS. (FINAL RENEWAL)

REFERENCE BID #140-15

REFERENCE MUNIS BID #NA

END OF PURCHASING AGENDA

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Purchasing Reports/Amendments be approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-727

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION THAT THE ENCUMBRANCE REPORT(S) FILED BY THE PURCHASING DIVISION FOR THE WEEK OF 09/15/17 – 09/21/17, BE AND HEREBY ARE APPROVED.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Encumbrance Report(s) be approved. Voting "Aye" Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-728

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the Commission President is hereby authorized to execute a Location Agreement between Jefferson County, Alabama and Bigger than Life Productions as follows:

LOCATION AGREEMENT

Jefferson County Commission ("Owner") is the owner of and/or controls all rights with respect to the property that is the subject of this Agreement (the "Property"). Owner hereby grants permission to Bigger Than Life Productions, Inc. and its employees, agents, contractors and suppliers (collectively "Producer") to enter upon and use the Property located at: 716 Richard Arrington Jr. Blvd. N., Birmingham, Alabama 35203 on October 18, 2017, (subject to change upon consultation with Owner on account of weather conditions or change in production schedule) for the purpose of photographing, filming and recording (including, without limitation, sound and video recording) certain scenes for use in and in connection with the motion picture tentatively entitled "Bigger" (the "Picture") and for any additional uses as described below. Specifically, Producer desires to record a scene featuring actors coming out of the Jefferson County Courthouse doors located on the Linn Park side and proceeding down the steps. Producer will have the right to use the inside and outside of the Property for additional filming for the above referenced production as may be necessary upon receipt of approval in writing by the Owner.

Producer may place all necessary facilities and equipment on the Property and agrees to remove them after completion of work and leave the Property in as good condition as when received. Signs on the Property may, but need not, be removed or changed, but, if removed or changed, Producer will replace them. Producer may, if it elects, include any and all signs not specifically identifiable to the "Owner" or Jefferson County, Alabama in the photographs, film and recordings. The use of the property is "As-Is".

Producer agrees to use reasonable care to prevent damage to the Property and will indemnify and hold Owner harmless from any claims and demands arising out of or based upon personal injuries or property damage resulting from the negligence or willful misconduct of Producer, its officers, employees, agents or representatives while Producer is engaged in the aforementioned use of the Property. If Owner claims that Producer is responsible for any such damage or injury, or both, Owner must notify Producer in writing within five (5) days of the date that Producer vacates the Property, which writing shall include a detailed listing of all property damage and injuries for which Owner claims Producer is responsible. Failure to timely notify Producer of any damages or injuries shall be deemed a waiver of any claims in connection therewith. Owner shall cooperate fully with Producer in the investigation of such claims, and permit Producer's investigators to inspect the property claimed to be damaged. In the event that Producer's use of the property is prevented or hampered by weather or occurrences beyond Producer's control (including, but not limited to, weather-related delays) (each, a "Force Majeure Event"), Producer shall have the right to use the Property without any charge for an amount of additional time equal to the time that was not used due to the Force Majeure event, commencing at a mutually agreeable time following the end of the Force Majeure Event.

Owner acknowledges and agrees that Producer has the right to photograph, film and record the Property, and to broadcast, exhibit and otherwise exploit the photographs, film and recordings of the Property and any and all structures, furnishings, fixtures, works of art and other objects not specifically identifiable to Owner, Jefferson County, Alabama located in or around the Property, in any and all manner and media whatsoever, whether now

known or hereafter devised, throughout the universe in perpetuity. Without in any way limiting the foregoing, all rights of every kind in and to all photographs, film and recordings made on the Property (including, without limitation, all copyrights) shall be and remain vested in Producer, including, without limitation, the right to use and reuse (and authorize others or allow Producer to use and exploit) all such photographs, film and recordings in and in connection with subsequent related and unrelated productions of any kind, as well as in and in connection with advertisements, promotions, publicity, clips, and other materials, etc. Neither Owner nor any other party having an interest in the Property shall have any claim or action (nor shall Owner, tenant or any other party bring/assert any claim) against Producer or any other party arising out of any use of the photographs, film and/or recordings. Owner's sole remedy for breach of this Agreement by Producer shall be an action for money damages. In no event will Owner be entitled to injunctive or other equitable relief, nor shall Owner have the right to rescind or terminate any of Producer's rights in and to any photographs, film or recordings made on or of the Property. Producer has no obligation to include the Property in the Picture or in any other production.

Owner represents and warrants that Owner has the right to enter into this Agreement and to grant Producer all rights provided by this Agreement. In the event that Owner is not the legal owner of the Property, Owner represents and warrants that Owner has secured from the legal owner the right and authority to enter into this Agreement and to grant Producer all rights provided hereunder. Except in connection with the public approval of this Agreement or as otherwise required by law, Owner agrees not to make any commercial or any other use of the fact that the Property appeared or may appear in the Picture or in any of Producer's productions; provided, however, that after the release of the Picture, Owner may make incidental, non-derogatory mention of Producer's use of the Property in connection with the Picture.

This Agreement, its validity, construction, and effect shall be governed by and interpreted pursuant to the laws of the State of Alabama applicable to agreements executed and fully performed within Alabama, and the parties hereunder hereby consent to the exclusive jurisdiction of both federal and state courts located in Birmingham, Alabama.

Owner agrees that Producer may license, assign, and otherwise transfer any or all of Producer's rights in and to any photographs, film, or recordings made on or of the Property to any person or entity.

Producer shall have the right to cancel this Agreement at any time prior to Producer's use of the Property. Upon Producer's cancellation of this Agreement, neither Producer nor Owner shall have any obligations whatsoever under this Agreement.

This is the entire Agreement and expresses the entire understanding between the parties with respect to the subject matter hereof and such Agreement may not be modified, changed, or terminated except in writing. No other authorization is necessary to enable Producer to use the Property for the purpose contemplated. Nothing in this Agreement shall limit or restrict any rights otherwise enjoyed by Producer under law or Agreement. If any provision of this Agreement is adjudged to be void or unenforceable, same shall not affect the validity of this Agreement or any provisions thereof.

This Agreement may be executed by original, facsimile or electronic signature. Any signed copy of this Agreement delivered by facsimile or electronic transmission shall for all purposes be treated as if it had been delivered containing my original signature, and shall be binding upon me in the same manner as though an original signed copy had been delivered.

ACCEPTED AND AGREED:

PRODUCER

OWNER

By: _____

by: _____

Its: _____

Print Name/Title: James A. Stephens, President
Jefferson County Commission

Date: _____

Date: _____

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-729
Resolution

Be it Resolved, by the Jefferson County Commission that the Commission, District 2 annual salary for the position of Appointed Administrative Assistant-County Commission (classification #094628) be \$41,110.00 effective October 1, 2017.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" George Bowman, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-730
Resolution

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that Mr. Thomas Hudson be appointed to serve on the Jefferson County Economic and Industrial Development Board of Directors for a term ending September 30, 2021, be and is hereby approved.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" George Bowman, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-731
RESOLUTION

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the County Attorney is authorized and directed to seek an Attorney General's Opinion on behalf of the Jefferson County Commission as to the authority of counties, municipalities, industrial development authorities and boards' power to abate any portion of Jefferson County's special tax pursuant to Title 40, Chapter 98 of the Alabama Code.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" George Bowman, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-732
RESOLUTION

NOW THEREFORE BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that commencing with the current pay period for the following positions in the District 5 commission office are hereby set as follows:

- (1) Appointed Confidential Secretary: \$58,500
- (2) Appointed Administrative Assistant: \$85,750

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" George Bowman, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-733

STATE OF ALABAMA)
JEFFERSON COUNTY)

RESOLUTION

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the President be, and hereby is, authorized to execute an Agreement between Jefferson County and CH2M Hill Engineers, Inc., in the amount of \$125,500.00 for Construction Engineering Services for the Five Mile Creek WWTP Sand Filter Rehabilitation Project.

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above Resolution be hereby approved. Voting "Aye" George Bowman, David Carrington, Joe Knight, and Jimmie Stephens.

OCT-5-2017-734
Resolution

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the Commission President be and is hereby authorized to execute the following Amendment to the Agreement on behalf of Jefferson County, Alabama:

- Honor Him I.T Services, LLC \$150,000.00

Certification

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Millie Diliberto, Minute Clerk of the Jefferson County Commission, hereby certify that the above and foregoing is a true and correct copy and/or transcript of a resolution duly adopted and approved by the Jefferson County Commission at its regular meeting held on the 5th day of October, 2017, as same appears and is recorded in Minute Book 171, Page(s) 400 - 401, of the Official Minutes and Records of said County Commission.

GIVEN, under my hand and seal of Jefferson County, Alabama this the 5th day of October, 2017.

Millie Diliberto
Minute Clerk
Jefferson County Commission

STATE OF ALABAMA
(JEFFERSON COUNTY)

CONTRACT NO: 00009045

Contract Amendment No. 1

This Amendment to Contract entered this 11th day of September 2017, between Jefferson County, Alabama, hereinafter referred to as "the County", and Honor Him I.T. Services, LLC hereafter referred to as the "the Contractor " located at 3022 Magnolia Drive Leeds, Al 35094 to provide Services for the purpose of Migrating systems off the Jefferson County Commission's Legacy Mainframe .

WITNESSETH:

WHEREAS, THE County desires to amend the Contract; and
WHEREAS, The Contractor wishes to amend the Contract;
NOW, THEREFORE, in consideration of the above, the parties hereto agree as follows:

The contract amendment results from Jefferson County's Contract# 00009045. The original contract between the parties referenced above, was approved by the Commission on January 12, 2017, MB 170, Pages 540 -542.

AMEND TERMS OF AGREEMENT AS FOLLOWS:

COMPENSATION:

The contractor shall be compensated a sum not to exceed the amount of \$150,000 for this term.

AUTHORIZATION TO PERFORM WORK:

March 1, 2018 - February 28, 2019

All other terms and conditions of the original contract and Amendment 1 remains the same.

JEFFERSON COUNTY COMMISSION

HONOR HIM I.T. SERVICES, LLC

James A. Stephens, President

By: Authorized Representative

Motion was made by Commissioner David Carrington and seconded by Commissioner Joe Knight, that the above

Resolution be hereby approved. Voting “Aye” Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

Presentation made by Commission President James A. Stephens on behalf of Commissioner George Bowman to Ruffner Mountain recognizing their 40th anniversary.

PROCLAMATION

40th Anniversary of Ruffner Mountain

WHEREAS, Ruffner Mountain is celebrating its 40th anniversary on Oct. 21, 2017, with members of the community, Ruffner supporters and local dignitaries expected to participate in a celebration on the mountain throughout the day; and

WHEREAS, in October 1977, a group of area residents came together and were successful in persevering a small tract of land on Ruffner Mountain that was proposed for development; and

WHEREAS, since that time, Ruffner Mountain has grown to become one of the largest urban nature preserves in the United States; and

WHEREAS, Ruffner Mountain has served for decades as a center of education for children and adults, where they can learn about the environment, ecology, biology, plant and animal life and the importance of conserving our natural resources; and

WHEREAS, Ruffner’s industrial heritage as a center for iron ore and mineral mining makes the mountain an important site to learn about the history and development of the Birmingham region; and

WHEREAS, Ruffner continues to draw young and old to enjoy hiking, birdwatching, educational and cultural programs, and some of the best views of the city; and

WHEREAS, Ruffner also serves as an economic and community development engine and recreational and tourist attraction; and

WHEREAS, Ruffner serves our community as a nonprofit organization, with a devoted staff and board of directors, active volunteers and members; and the dedicated backing of government leaders, philanthropic organizations, the business community and generous individual donors; and

WHEREAS, Ruffner has always served the public without charging visitors a fee; and

WHEREAS, Ruffner’s creation 40 years ago signaled the beginning of Birmingham’s modern open-space and green-space movement; and

WHEREAS, Ruffner is looking forward to a dynamic future where it continues to serve the community through its mission of advancing the understanding of ecology in our rapidly changing world.

NOW, THEREFORE, BE IT RESOLVED The Jefferson County Commission hereby recognizes Ruffner Mountain for the vital role it plays in our community and congratulates Ruffner, its staff and supporters on its

40th anniversary.

SIGNED at the Jefferson County Courthouse in Birmingham, Alabama, this 5th day of October Two thousand and Seventeen.

George Bowman, Commissioner
W.D. Carrington, Commissioner
Sandra Little Brown, Commissioner
Joe Knight, Commissioner
James A. (Jimmie) Stephens, Commission President

Presentation made by Commissioner Sandra Little Brown recognizing the month of October as Domestic Violence Awareness Month.

PROCLAMATION

WHEREAS, domestic violence is a pattern of abusive behavior used by one intimate partner or former partner against another to gain or maintain power and control in the relationship; and

WHEREAS, domestic violence knows no boundaries and affects victims of every race, age, class, socio-economic and educational status; and

WHEREAS, abuse can be physical, sexual, emotional, economic, or psychological abuse or threats of abuse; and

WHEREAS, three women lose their lives every day at the hands of an intimate partner and domestic violence is one of the most misunderstood crimes in our country; and

WHEREAS, education is the best defense against domestic violence and recognizing warning signs and understanding the cycle of abuse is vital to helping victims and those who love them; and

WHEREAS, the Jefferson County Commission is a strong supporter of the YW8CA Central Alabama's efforts to provide lifesaving services for domestic violence victims and their families, including emergency shelter, a 24-hour crisis hotline, legal assistance, court advocacy, prevention training, counseling, and support groups for victims and their children.

NOW THEREFORE, UPON THE RECOMMENDATION OF THE JEFFERSON COUNTY COMMISSION OF THE STATE OF ALABAMA THAT THE MONTH OF OCTOBER SHALL BE RECOGNIZED AS DOMESTIC VIOLENCE AWARENESS MONTH AND THAT THE COMMISSION RECOGNIZES THE IMPORTANT WORK OF THE YWCA AND ITS EFFORTS TO PROTECT VICTIMS OF DOMESTIC VIOLENCE IN JEFFERSON COUNTY AND TO EDUCATE THE PUBLIC IN ORDER TO HELP ELIMINATE THIS SENSELESS CRIME.

Signed by the Jefferson County Commission on this the 26th day of September, 2017.

James A. Stephens, President

Sandra Little Brown, Pres. Pro Tempore
George Bowman, Commissioner
T. Joe Knight, Commissioner
W.D. Carrington, Commissioner

The President announced that the Commission was given an opinion from the County Attorney that an Executive Session is appropriate for the Commission to discuss with counsel the legal ramifications and legal options for pending litigation and controversies imminently likely to be litigated.

Motion was made by Commissioner David Carrington, and seconded by Commissioner Joe Knight, that the Commission Convene an Executive Session be hereby approved. Voting "Aye" Sandra Little Brown, David Carrington, Joe Knight, and Jimmie Stephens.

The Commission President announced that the Commission may reconvene. However, if the Commission does not reconvene, the meeting will remain in recess.

Thereupon the Commission Meeting was recessed at 9:49 A.M.

The Commission Meeting was re-convened and adjourned without further discussions or deliberations at 9:00 A.M. Thursday, October 19, 2017.

James A. Stephens
President

ATTEST:
Millie Diliberto
Minute Clerk