

TUSCALOOSA COUNTY COMMISSION
MEETING
April 1, 2009

TUSCALOOSA COUNTY §
STATE OF ALABAMA §

This being the date and hour to which the Tuscaloosa County Commission adjourned, the County Commission met pursuant to such adjournment with Probate Judge W. Hardy McCollum presiding as Chairman. The following members were present:

Don Wallace
Gary Youngblood
Bobby Miller
Reginald Murray

Judge W. Hardy McCollum presented a twenty-five year service pin to Melvin Vines, County Administrator, and thanked him for his years of dedicated service to Tuscaloosa County.

Commissioner Bobby Miller moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to award the bid for speed table components to Traffic Logix, Inc. The bid of \$112,163.21 was opened March 18, 2009, and could not be negotiated to a lower price.

Commissioner Bobby Miller moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to install "NO PARKING" signs along the county portion of Joe Mallisham Parkway and Industrial Park Road. The signs will be removed after the Tuscaloosa Air Show, to be held April 4th and 5th, 2009.

Commissioner Reginald Murray moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to enter into an "Agreement for Grading and/or Landscaping on Right of Way" with the Alabama Department of Transportation. This is

a cooperative agreement to construct a right turn lane for traffic eastbound on Gainesville Road and turning southbound on Highway 11.

Exhibit 4-1, PageS 290-295

Commissioner Gary Youngblood moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to adopt a resolution approving the submission of a grant application to the U.S. Department of Justice for funding to purchase \$202,276.00 worth of law enforcement equipment. No matching funds are required from the county.

Exhibit 4-2, Page 296

Commissioner Bobby Miller moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to adopt a resolution approving the submission of a COPS Hiring Grant application to the U.S. Department of Justice for funding to provide for the hiring of five (5) law enforcement officers.

Exhibit 4-3, Page 297

Commissioner Reginald Murray moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to depart from the order of business set forth in the official agenda to consider applying for a grant from the Department of Energy.

Commissioner Reginald Murray moved, seconded by Commissioner Gary Youngblood, the County Commission voted unanimously to authorize the submission of a grant application to the Department of Energy for funding appropriated under the Recovery and Reinvestment Act. If approved, the \$359,000.00 grant could be used to improve energy efficiency at the county courthouse.

Commissioner Gary Youngblood moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to award the bid for two (2) stackable combination ovens for the Tuscaloosa County Jail kitchen to Birmingham Restaurant Supply, Inc. (Bresco). A lower bid was received from Sanford Restaurant Equipment Co., but the bid failed to meet bid specifications.


Commissioner Don Wallace moved, seconded by Commissioner Gary Youngblood, the County Commission voted unanimously to adopt

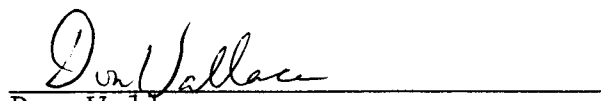
resolutions agreeing to accept the streets in the following subdivisions for maintenance by Tuscaloosa County:

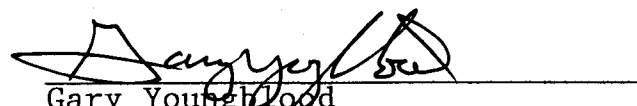
Preston Woods
Martin Hollow
Bayside Second Section
Bayside Third Section


Exhibit 4-4, Pages 298-301


There being no further business to come before the Tuscaloosa County Commission, the meeting adjourned to Thursday, April 23, 2009.


W. Hardy McCollum
Judge of Probate and Chairman
Tuscaloosa County Commission


Don Wallace
Commissioner - District I


Gary Youngblood
Commissioner - District II


Bobby Miller
Commissioner - District III


Reginald Murray
Commissioner - District IV

**ALABAMA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR GRADING AND/OR LANDSCAPING
ON RIGHT OF WAY**

County TUSCALOOSA Permit No. 5-2-63-3407-GL
MilePost 66.95 Maint..Sec. No. 63-AL-0007-MR-001-A

THIS AGREEMENT is entered into this the _____ day of _____, 2009, by and between the Alabama Department of Transportation acting by and through its Transportation Director hereinafter referred to as the STATE and TUSCALOOSA COUNTY, hereinafter referred to as the APPLICANT.

WITNESSETH

Whereas, the APPLICANT proposes to grade and/or landscape STATE Right of Way located and described as follows: TUSCALOOSA COUNTY AGREES TO PERFORM ALL WORK AND PROVIDE ALL MATERIAL ASSOCIATED WITH THE CONSTRUCTION OF A RIGHT TURN LANE FROM GAINESVILLE ROAD ONTO AL-7, WITH THE EXCEPTION OF 100 TONS OF 424B PLANT MIX WHICH WILL BE PROVIDED BY ALDOT TOWARD CONSTRUCTION ON STATE R.O.W.

Now, therefore, in order to preserve the right-of-way in an appropriate functional condition it is agreed between the parties hereto as follows:

1. All grading on the right-of-way will be confined to and coextensive with the limits of the APPLICANT's own property which is adjacent to and coextensive with the right-of-way.

EX 4-1

2. All work shall be subject to the inspection and approval of the STATE and located as shown on the approved plans previously submitted to the STATE which are hereby made a part of this Agreement by reference.

3. A copy of the Agreement and the plans will be kept at the site of work at all times by the APPLICANT.

4. The STATE does not grant the APPLICANT any right, title, or claim to any highway right-of-way.

5. The APPLICANT will not store material, excess dirt, or equipment on the shoulders or pavement and in event of multi-lane highways, in the median strips. The pavement will be kept free by the APPLICANT from mud and from excavation waste from trucks or other equipment. On completion of the work, all excess material will be removed from the right-of-way by the APPLICANT.

6. All disturbed areas shall be topsoiled, and re-vegetated by the APPLICANT in accordance with standard specifications of the STATE.

7. In accomplishment of the work by the APPLICANT, no drainage structures or channels will be changed or altered other than as shown on the plans.

8. The Clean Water Act, 1987 and the Alabama Nonpoint Source Management Program, 1989 are hereby made a part hereof by reference and will be conformed to by the APPLICANT as the provisions thereof are applicable hereto.

The APPLICANT will conform to the regulations of the Environmental Protection Agency (EPA) and of the Alabama Department of Environmental Management (ADEM), (latest edition), for both installation and maintenance of permitted facilities.

9. The APPLICANT will provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagmen in accordance with the national Manual on Uniform Traffic Control Devices, of record in the Alabama Department of Transportation.

EX 4-1

10. If hazardous material is encountered in the execution of this Agreement it will be the responsibility of the APPLICANT to notify the proper agency responsible for said hazardous material and to comply with any and all environmental regulations as established by the Environmental Protection Agency (EPA), Alabama Department of Environmental Management (ADEM), and of the Occupational Safety and Health Administration (OSHA) in the proper disposition of the hazardous material encountered.

11. Any utility adjustment will be by agreement between the APPLICANT and the Utility, and any such agreement shall be subject to the approval of the STATE.

12. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore the highway in the work area in as good condition as the same was prior to the work and will maintain the accomplished work and highway work area in a condition satisfactory to the Alabama Department of Transportation for a period of one year from acceptance by the Department of the work applied for by APPLICANT.

13. The APPLICANT will file with the STATE an acceptable certified check or bond in the penal amount of \$ N/A to guarantee the faithful performance of this permit contract in its entirety. Upon satisfactory completion and acceptance of all work provided for in this permit contract, the check or bond, as applicable, will be returned to the APPLICANT; otherwise, the proceeds from the check, or any amount received by the STATE as a result of the bond, will be applied to complete and fulfill the permit contract terms.

14. To the fullest extent permitted by law, the APPLICANT shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from

performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the APPLICANT, anyone directly or indirectly employed by the APPLICANT or anyone for whose acts APPLICANT may be liable.

The term "hold harmless" includes the obligation of the APPLICANT to pay damages awarded against and legally recoverable from the State of Alabama, or the Alabama Department of Transportation, or its officers, agents, servants, and/or employees in both individual and official capacities whose acts or omissions that were the basis of the liability were performed within the course and scope of their employment.

15. This agreement when executed will not be valid or binding until the APPLICANT has complied with all existing ordinances, laws, and zoning boards that have jurisdiction in the county, city, or municipality in which the facilities are located.

16. All work to be performed by the APPLICANT under this Agreement shall be completed within one year from the date of the Agreement, unless additional time for completion is granted in writing to the APPLICANT by the STATE.

17. The Applicant must provide a copy of the Notice of Registration (NOR) Received issued by ADEM upon receipt of the applicant's Notice of Registration. This will assure compliance with Phase II of stormwater construction requirements. In the event a NOR is not required, Applicant must submit to ALDOT a Best Management Practices (BMP) plan to control sediment run-off.

18. In the event that ALDOT is issued a citation or any other enforcement document by ADEM/EPA for failure to comply with applicable requirements, it shall be the responsibility of

EX4-1

the applicant to bring all BMPs into compliance and to pay for any fines, assessments, etc. that may be issued to ALDOT by ADEM/EPA.

This Agreement is deemed to be executed on the date hereinabove set forth by the parties hereto in their respective names by those persons and officials thereunto duly authorized.

Tuscaloosa County
Legal Name of Applicant

WITNESS:

M. S. [Signature]

By: [Signature]
Signature and Title

W. Hardy McCollum
Typed or Printed Name

714 Greensboro Ave.
Address

Tuscaloosa, AL 35401

205-349-3870
Telephone Number

RECOMMENDED FOR APPROVAL:

District Manager & Date

Division Engineer & Date

ALABAMA DEPARTMENT OF TRANSPORTATION
ACTING BY AND THROUGH ITS
TRANSPORTATION DIRECTOR

By: _____
Maintenance Engineer

Date: _____

EX 4-1



EX 4-1

RESOLUTION

WHEREAS, the Tuscaloosa County Commission supports the American Recovery and Reinvestment Act of 2009 and its goals to create and preserve jobs while increasing community policing capacity and crime prevention efforts; and

WHEREAS, the United States Department of Justice through the Bureau of Justice Assistance has offered a grant to provide funds to units of local government to underwrite projects to reduce crime and improve public safety; and

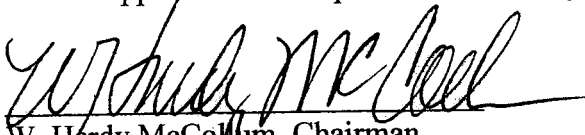
WHEREAS, the Tuscaloosa County Commission is eligible to receive a total of \$202,276.00 with no matching funds required for the procurement of law enforcement related equipment; and

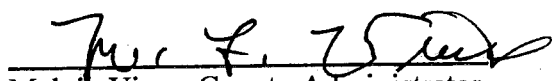
WHEREAS, the Tuscaloosa County Commission supports and endorses the submission of application for said grant funds;

NOW, THEREFORE, BE IT RESOLVED that the Tuscaloosa County Commission hereby approves the submission of the proposed application package for the funding assistance required and pledges support of the project.

BE IT FURTHER RESOLVED that the Tuscaloosa County Commission authorizes the Chairman, W. Hardy McCollum, to execute any and all documents as required to provide for the submission and approval of the proposed project.

Approved and adopted this the 1st day of April 2009.


W. Hardy McCollum, Chairman
Tuscaloosa County Commission


Melvin Vines, County Administrator
Tuscaloosa County Commission

SEAL

EX 4-2

RESOLUTION

WHEREAS, the Tuscaloosa County Commission supports the American Recovery and Reinvestment Act of 2009 and its goals to create and preserve jobs while increasing community policing capacity and crime prevention efforts; and

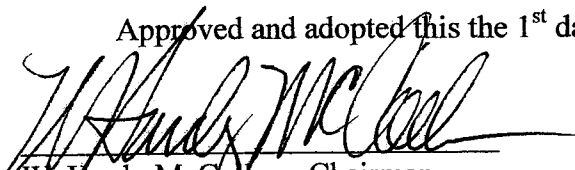
WHEREAS, the Tuscaloosa County Commission is eligible to apply for the COPS Hiring Grant that covers 100 percent of the approved entry-level salary and fringe benefits of each newly hired, full-time sworn career law enforcement officer over three years (36 months) and while there is no local match or cap on the amount of funding that can be requested all grantees are required to retain each full-time officer positions awarded for at least one budget cycle (12 months); and

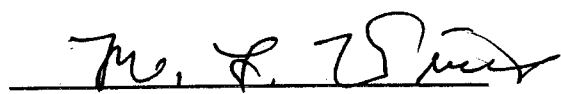
WHEREAS, the Tuscaloosa County Commission supports and endorses the submission of application for said grant funds to provide for the hiring of five (5) law enforcement officers;

NOW, THEREFORE, BE IT RESOLVED that the Tuscaloosa County Commission hereby approves the submission of the proposed application package for the funding assistance required and pledges support of the project.

BE IT FURTHER RESOLVED that the Tuscaloosa County Commission authorizes the Chairman, W. Hardy McCollum, to execute any and all documents as required to provide for the submission and approval of the proposed project.

Approved and adopted this the 1st day of April 2009.


W. Hardy McCollum, Chairman
Tuscaloosa County Commission


Melvin Vines, County Administrator
Tuscaloosa County Commission

SEAL

EX4-3

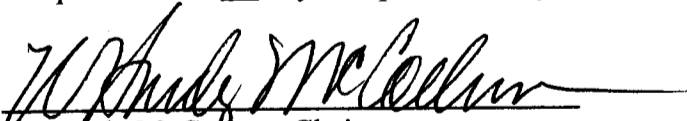
**RESOLUTION ACCEPTING STREETS IN
PRESTON WOODS SUBDIVISION**

WHEREAS, the County Engineer has reported to the Tuscaloosa County Commission that the County Engineering Department has inspected and found that the streets, together with the drainage structures in the streets in Preston Woods Subdivision are completed in accordance with the Subdivision Regulations of the Tuscaloosa County Commission, and that all of said construction has been done in accordance with the County specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION:

1. That the County accept the streets, together with the drainage structures in, and which are a part of, said streets which are located in dedicated street rights-of-way, for maintenance by the Tuscaloosa County Commission. The drainage structures described herein are those structures which are part of or are located in the streets (curb and gutter, catch basins, flumes and pipes) and do not include any natural waterway which drains surface water in the area.
2. This resolution shall be effective on the date of the adoption thereof.

Adopted this the 1st day of April, 2009, by the TUSCALOOSA COUNTY COMMISSION.


W. Hardy McCollum, Chairman


Melvin Vines, County Administrator

Seal

EX 4-4

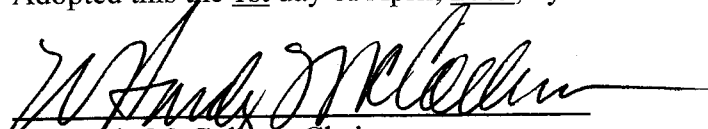
**RESOLUTION ACCEPTING STREETS IN
MARTIN HOLLOW SUBDIVISION**

WHEREAS, the County Engineer has reported to the Tuscaloosa County Commission that the County Engineering Department has inspected and found that the streets, together with the drainage structures in the streets in Martin Hollow Subdivision are completed in accordance with the Subdivision Regulations of the Tuscaloosa County Commission, and that all of said construction has been done in accordance with the County specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION:

1. That the County accept the streets, together with the drainage structures in, and which are a part of, said streets which are located in dedicated street rights-of-way, for maintenance by the Tuscaloosa County Commission. The drainage structures described herein are those structures which are part of or are located in the streets (curb and gutter, catch basins, flumes and pipes) and do not include any natural waterway which drains surface water in the area.
2. This resolution shall be effective on the date of the adoption thereof.

Adopted this the 1st day of April, 2009, by the TUSCALOOSA COUNTY COMMISSION.


W. Hardy McCollum, Chairman


Melvin Vines, County Administrator

Seal

EX 4-4

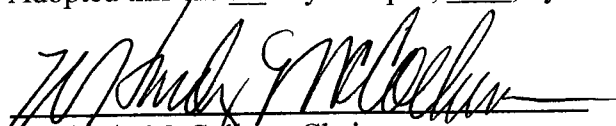
**RESOLUTION ACCEPTING STREETS IN
BAYSIDE SECOND SECTION SUBDIVISION**

WHEREAS, the County Engineer has reported to the Tuscaloosa County Commission that the County Engineering Department has inspected and found that the streets, together with the drainage structures in the streets in **Bayside Second Section Subdivision** are completed in accordance with the Subdivision Regulations of the Tuscaloosa County Commission, and that all of said construction has been done in accordance with the County specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION:

1. That the County accept the streets, together with the drainage structures in, and which are a part of, said streets which are located in dedicated street rights-of-way, for maintenance by the Tuscaloosa County Commission. The drainage structures described herein are those structures which are part of or are located in the streets (curb and gutter, catch basins, flumes and pipes) and do not include any natural waterway which drains surface water in the area.
2. This resolution shall be effective on the date of the adoption thereof.

Adopted this the 1st day of April, 2009, by the TUSCALOOSA COUNTY COMMISSION.


W. Hardy McCollum, Chairman


Melvin Vines, County Administrator

Seal

ET 4-4

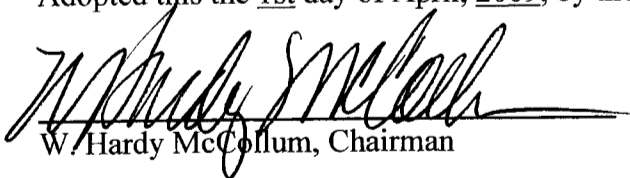
**RESOLUTION ACCEPTING STREETS IN
BAYSIDE THIRD SECTION SUBDIVISION**

WHEREAS, the County Engineer has reported to the Tuscaloosa County Commission that the County Engineering Department has inspected and found that the streets, together with the drainage structures in the streets in Bayside Third Section Subdivision are completed in accordance with the Subdivision Regulations of the Tuscaloosa County Commission, and that all of said construction has been done in accordance with the County specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION:

1. That the County accept the streets, together with the drainage structures in, and which are a part of, said streets which are located in dedicated street rights-of-way, for maintenance by the Tuscaloosa County Commission. The drainage structures described herein are those structures which are part of or are located in the streets (curb and gutter, catch basins, flumes and pipes) and do not include any natural waterway which drains surface water in the area.
2. This resolution shall be effective on the date of the adoption thereof.

Adopted this the 1st day of April, 2009, by the TUSCALOOSA COUNTY COMMISSION.


W. Hardy McCollum, Chairman


Melvin Vines, County Administrator

Seal

EX 4-4