

TUSCALOOSA COUNTY COMMISSION  
MEETING  
November 19, 2003

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:

Mike Richardson  
Gary Youngblood  
Bobby Miller  
Reginald Murray

Probate Judge W. Hardy McCollum presented Ms. Nancy Fairley a twenty-five year service pin in recognition of her service to the citizens of Tuscaloosa County. Ms. Fairley began as a clerk in 1978 and has risen to the position of Chief Technical Clerk in the Tax Assessor's Office.

After being informed by County Engineer Bobby Hagler that Pearce Trucking Company would not lower their bid of \$55 per hour, and upon motion by Commissioner Reginald Murray, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to award the truck rental bid to Pearce Trucking Company. The bids were opened on September 24, 2003, and the low bidder withdrew his bid after determining that they would be unable to provide the number of trucks needed to fulfill the requirements of this bid.

Upon request by the Town of Coker, and upon motion by Commissioner Reginald Murray, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to include the Town of Coker within Tuscaloosa County's Phase II Storm Water Program Permit.

Exhibit 11-1, Pages 05-06

Upon motion by Commissioner Gary Youngblood, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to instruct County Engineer Bobby Hagler to install guardrails on county right-of-way in a curve near Mr. Fred Englebert's home located at 11900 Woodland Lake Road, due to the number of accidents that have occurred at this location. Vehicles continue to leave the road and run through Mr. Englebert's yard; two vehicles ran off the road last weekend. Last year a vehicle left the road and struck Mr. Englebert and his mower as he cut his lawn.

Commissioner Gary Youngblood moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to authorize Planning Director Farrington Snipes to contact the Alabama Department of Economic and Community Affairs to determine if there are any grant funds available for a Holt sewer project in the Universal Heights area.

Exhibit 11-2, Pages 07-09

Probate Judge W. Hardy McCollum presented Sgt. Rocky Montgomery a twenty-five year service pin in recognition of his law enforcement service to the citizens of Tuscaloosa County. Sgt. Montgomery was hired as a jail guard in 1978 and was promoted to Sergeant in 2001.

Commissioner Mike Richardson moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to authorize the County Attorney to submit proposed sewer assessment legislation to the Alabama legislature on behalf of Tuscaloosa County.

Upon request by County Attorney Robert Spence, and upon motion by Commissioner Gary Youngblood, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to go into executive session to discuss the Latham Jennings versus Tuscaloosa County case.

Commissioner Gary Youngblood moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to accept a Declaration of Vacation, a Petition for Approval of a Declaration of Vacation, and to adopt a resolution consenting to the vacation of a portion of right-of-way on Abernant Loop Road as described in the attached exhibit.

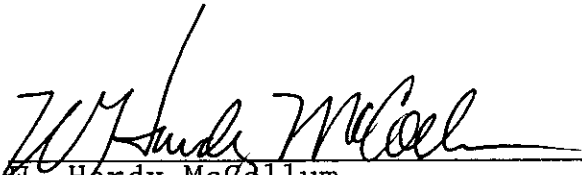
Exhibit 11-3, Pages 10-15


Upon suggestion by Probate Judge W. Hardy McCollum, and upon motion by Commissioner Mike Richardson, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to name that portion of Mitt Lary Road between U.S. 43N and U.S. 82 West as Rose Boulevard in honor of former Northport Mayor Wayne Rose, who served on the Northport City Council for eight years and was Mayor of Northport for twelve years. Mayor Rose is being honored for the many accomplishments for Northport during his twenty years of service for the citizens of Northport.

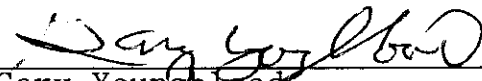
Commissioner Reginald Murray moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to authorize Probate Judge W. Hardy McCollum to negotiate a Memorandum of Understanding with the Administrative Office of Courts to provide courthouse security for a period that should not exceed the month of March, 2004. The proposal is for Tuscaloosa County to replace some of the funding loss because of state cutbacks. These funds will be used to fund the positions of court attendants and the warrant clerk's position. This action is being taken to maintain a basic level of security in the courthouse and court system.

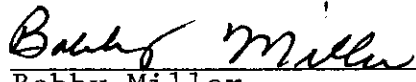
Exhibit 11-4, Page 16

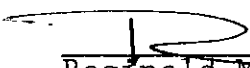
There being no further business to come before the Tuscaloosa County Commission, the meeting adjourned to Wednesday, December 3, 2003.

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

  
Mike Richardson  
Commissioner - District I

  
Gary Youngblood  
Commissioner - District II

  
Bobby Miller  
Commissioner - District III

  
Reginald Murray  
Commissioner - District IV

Town of Coker

Post Office Box 278 • Coker, Alabama 35452  
Telephone: 205/333-8181 • Facsimile: 205/333-4045

John R. Dalton  
Mayor  
Marla S. Shaw  
Town Clerk

Council Members:  
Derrill Booth  
T.C. Bigham  
Ross McKnight

October 21, 2003

Mr. Bobby Hagler, Chief Engineer  
Tuscaloosa County Engineering Department  
2810 35<sup>th</sup> Street  
Tuscaloosa, AL 35401

RE: Phase II Storm Water General NPDES Permit

Dear Mr. Hagler:

The Town of Coker requests that Tuscaloosa County to include the portions of the Town of Coker within Tuscaloosa County's Phase II Storm Water Program Permit.

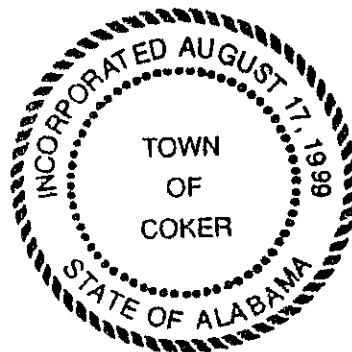
Currently, Tuscaloosa County has maintenance responsibility of the affected portions of the Phase II Storm Water Program within the jurisdiction of the Town of Coker.

We do appreciate the improved drainage installed West of the 4-Way Stop light at the entrance to the Coker Water Authority. In addition, we appreciate the recent laying of tar and chipped stones that was suggested to Mike Henderson within the past yeas to mitigate the slippery curve where Highway 140 begins South of US 82 at the old "Stop N Go" gas Station. We recently had another accident on October 7<sup>th</sup> with a small S-10 truck on its side in the drainage ditch adjacent to the inside of this curve. Hopefully, we will not have anymore incidents at this location.

Sincerely,

John Dalton  
Mayor

cc: Vernetta J. Palmer, ADEM



11-1

**received**  
10-23-03

11-1

2003 MON 08:48 AM ADEM WATER DIVISION

FAX NO. 334 279 3051

P. 02

# ADEM



## ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 38130-1463 • 1400 COUSELUM BLVD. 38110-2059

MONTGOMERY, ALABAMA

WWW.ADEM.STATE.AL.US

(334) 271-7700

**JAMES W. WARR**  
DIRECTOR

**BOB RILEY**  
GOVERNOR

Facsimiles: (334)  
Administration: 271-7960  
General Counsel: 394-4332  
Air: 279-3044  
Land: 279-3050  
Water: 279-3051  
Groundwater: 270-6631  
Field Operations: 272-6131  
Laboratory: 277-6718  
Mining: 394-4326  
Education/Outreach: 394-4383

October 20, 2003

HONORABLE JOHN DALTON  
MAYOR, TOWN OF COKER  
POST OFFICE BOX 278  
COKER, ALABAMA 35452

Dear Mayor Dalton:

This letter is in regards to the Phase II Storm Water Program. The Department has been in contact with representatives of Tuscaloosa County. Tuscaloosa County has decided to include the Town of Coker on their Phase II General NPDES Permit.

In an order to expedite time, Mr. Bobby Hagler requested that the Town of Coker send in an official request to Tuscaloosa County in regards to this matter.

If you have any questions, please feel free to give me a call at (334) 274-4151.

Sincerely,

Vernetta J. Palmer  
Permits and Compliance  
Municipal Branch  
Water Division

RECEIVED  
10/21/03

Birmingham Branch  
110 Vulcan Road  
Birmingham, Alabama 35209-4702  
(205) 942-6168  
(205) 941-1603 (Fax)

Decatur Branch  
2715 Sandlin Road, S.W.  
Decatur, Alabama 35603-1333  
(258) 353-1713  
(258) 340-6358 (Fax)

Mobile Branch  
2204 Perimeter Road  
Mobile, Alabama 36615-1131  
(251) 650-3400  
(251) 479-2693 (Fax)

Mobile - Coastal  
4171 Commanders Drive  
Molok, Alabama 36615-1421  
(251) 433-6333  
(251) 432-6698 (Fax)

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STATE OF ALABAMA  
 DEPARTMENT OF PUBLIC HEALTH  
 DONALD E. WILLIAMSON, M.D. • STATE HEALTH OFFICER

TUSCALOOSA COUNTY HEALTH DEPARTMENT  
 November 18, 2003

Farrington Snipes  
 Tuscaloosa County Court House Annex  
 2501 7<sup>th</sup> Street, Suite 300  
 Tuscaloosa Alabama 35401

Subject: Universal Heights, Holt

Dear Mr. Snipes;

As you know the situation existing in this community is a serious health problem. The sewer system, as far as we can tell, was installed in the 30's. It consisted of a sewer line running to a septic tank or tanks, size unknown, and as we now know flows into a storm drain and into the river. This system serves possibly up to 19 homes or more and two businesses. The home owners have been there for years and have maintained the sewer line. From my conversation with them they believed that it was an approved method of disposal of their sewage. The home owners I met, and that has been several, are retired and living on a fixed income.

The use of individual onsite sewage disposal system was considered. The homes are situated on soils rated (35) Smithdale/ Flomaton soils, Severe; slope and Severe; poor filter, slope, by the United States Department of Agriculture Soil Conservation Service. This would not be suitable for conventional onsite sewage disposal systems. The lots have limited area to place an onsite system. (See attached map and pictures.)

To correct this problem I am strongly recommending that sewer be installed. We have elderly people with limited resources; we have raw sewage running into the river through a storm drain which presents a health hazard. We have possibly 19 homes and two businesses flowing into the river. The homes are located in the county while the business are located in the City of Tuscaloosa.

Sincerely,

Gregory B. Utley  
 Environmental Supervisor  
 Tuscaloosa County Health Department

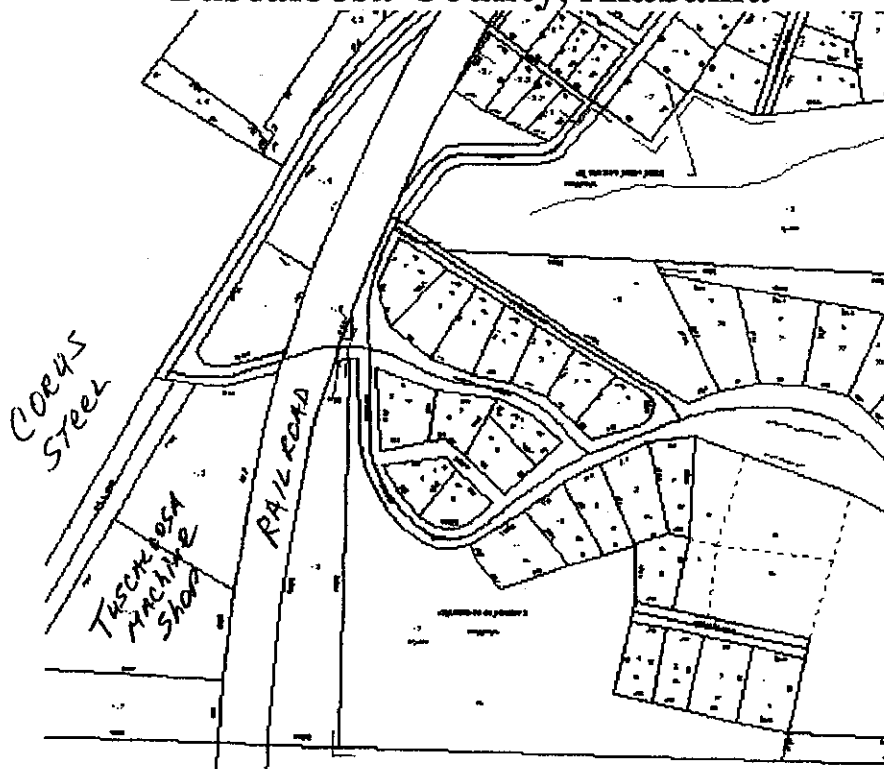
11-2

Environmental Health  
 P.O. Box 70190  
 1200 37th Street, East  
 Tuscaloosa, Alabama 35407  
 205/554-4540

Main Office  
 P.O. Box 2789  
 1101 Jackson Avenue  
 Tuscaloosa, Alabama 35401  
 205/345-4131

Home Health  
 P.O. Box 70190  
 1200 37th Street, East  
 Tuscaloosa, Alabama 35407  
 205/554-5420

### Tuscaloosa County, Alabama



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**TUSCALOOSA COUNTY COMMISSION**  
**UNIVERSAL HEIGHTS SANITARY SEWER PROJECT**  
**PHASE I**

ESTIMATED PROJECT COST

11/10/03

Item No.	Estimated Quantity	Unit	Description	Unit Price	Total
1	3	acre	Clearing & Grubbing	2500.00	7,500.00
2	3,000	l.f.	8" PVC Gravity Sanitary Sewer (All Depths)	25.00	75,000.00
3	800	l.f.	8" Ductile Iron Gravity Sanitary Sewer (All Depths) (Across Corus Steel and Alabama Machine Shop Property)	35.00	28,000.00
4	1,600	l.f.	4" Gravity Sanitary Sewer Laterals	15.00	24,000.00
5	3	each	Subsurface Setup for Sanitary Sewer Road & Railroad Crossings (Simultaneous Dry Bore and Jack or Tunnel)	2000.00	6,000.00
6	440	l.f.	Sanitary Sewer Road & Railroad Crossing, 8" DI Carrier Pipe and 16" Diameter Steel Casing, 0.375 "Wall Thickness	200.00	88,000.00
7	200	v.f.	48" Diameter Precast Manhole	225.00	45,000.00
8	25	each	Manhole Ring and Cover	200.00	5,000.00
9	5	each	Magnetic Locator	50.00	250.00
10	21	each	Sanitary Sewer Cleanout at Service Connection	1000.00	21,000.00
11	1	l.s.	Removal and Disposal of Existing Sanitary Sewer Septic Tank	2500.00	2,500.00
12	1,000	c.y.i.p.	Rock Excavation in Trench	35.00	35,000.00
13	2,400	c.y.i.p.	Select Backfill, ALDOT Section 801, No. 57 Crushed Limestone	20.00	48,000.00
14	900	s.y.	Select Backfill, ALDOT Section 825B, Crushed Aggregate Base	7.00	6,300.00
15	200	c.y.i.p.	Trench Foundation Material	20.00	4,000.00
16	700	s.y.	Improved Bituminous Concrete Binder, (Patching), ALDOT Section 429B (5" Thick)	20.00	14,000.00
17	4,100	s.y.	Improved Bituminous Concrete Wearing Surface, (Overlay), ALDOT Section 429A (1" Thick)	3.50	14,350.00
18	1	l.s.	Stormwater Management and Maintenance	5,000.00	5,000.00
19	4	acre	Grassing, Mulching and Fertilizing	1,000.00	4,000.00
20	3,000	l.f.	Erosion Control Silt Fence	4.00	12,000.00
21	200	each	Hay Bales	5.00	1,000.00
22	200	tons	Rip Rap, Class 2	30.00	6,000.00
23	1	l.s.	Existing Utility Adjustment	20,000.00	20,000.00
24	1	l.s.	Construction Layout	17,000.00	17,000.00
25	1	l.s.	Traffic Control	5,000.00	5,000.00
				Subtotal	\$ 493,900.00
				Contingency	49,400.00
				Total Estimated Construction Cost	\$ 543,300.00
				Engineering Design - Plans, Specifications, and Contract Documents per ADECA Fee Scale	46,100.00
				Construction Inspection per ADECA Fee Scale	24,100.00
				House Plumbing Inspection (Housing Rehabilitation)	2,500.00
				Facement Land Acquisition Cost	10,000.00

SOURCE OF TITLE:

Deed Book 314, Page 529  
Deed Book 283, Page 215  
Deed Book 328, Page 175

STATE OF ALABAMA )  
                                  :  
TUSCALOOSA COUNTY )

**DECLARATION OF VACATION**

KNOW ALL MEN BY THESE PRESENTS THAT

The undersigned, S.E. Belcher, Jr., is the owner of all the land abutting a portion of a right-of-way located in Tuscaloosa County, Alabama which is described as:

Section 19, Township 20 South, Range 6 West and Section 24, Township 20 South, Range 7 West.

WHEREAS, S.E. Belcher, Jr., desires to vacate a portion of what is Abernant Loop Road, a public road, as provided in Ala. Code 1975, § 23-4-20; and

WHEREAS, the vacation of the portion of the said road as hereinafter described will not deprive the other property owners of reasonable means ingress and egress to and from their property, nor will it adversely affect the interests of the public in any way; and

WHEREAS, the portion of the road right-of-way to be vacated is within the county of Tuscaloosa and assent to the vacation of the right-of-way has been obtained from the Tuscaloosa County Commission at a regular meeting thereof, a certified copy of which is attached hereto as Exhibit A, and made a part hereof by reference;

NOW THEREFORE, pursuant to the provision of §23-4-20, S.E. Belcher, Jr., does hereby declare that portion of the road right-of-way described on the attached Exhibit "A" to be vacated.

IN WITNESS WHEREOF, S.E. Belcher Jr., has hereunto set his hand and seal on this the 5 day of November, 2003

By:   
S.E. BELCHER, JR.

STATE OF ALABAMA     )  
BIBB COUNTY            )

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that S.E. Belcher, Jr., whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 5 day of November, 2003.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: August 22, 2004

This instrument was prepared by:  
Ryan deGraffenried III  
Watson, deGraffenried, Hardin & Tyra, LLP  
P.O. Box 40750  
Tuscaloosa, Alabama 35406  
(205) 345-1577

STATE OF ALABAMA )  
TUSCALOOSA COUNTY )

**PETITION FOR APPROVAL OF A DECLARATION OF VACATION**

TO THE HONORABLE W. HARDY McCOLLUM, Probate Judge of Tuscaloosa County and Chairman of the Tuscaloosa County Commission, and the HONORABLE GARY YOUNGBLOOD, COMMISSIONER, THE HONORABLE BOBBY MILLER, COMMISSIONER, THE HONORABLE MIKE RICHARSON, COMMISSIONER, AND THE HONORABLE REGINALD MURRAY, COMMISSIONER;

COMES NOW S.E. Belcher, Jr., (hereinafter referred to as "Petitioner") who presents unto your Honors:

THAT Petitioner is the owner of all of the land abutting a portion of road right-of-way located in Tuscaloosa County, Alabama, which is described as:

Section 19, Township 20 South, Range 6 West and Section 24, Township 20 South, Range 7 West.

THAT Petitioner desires to vacate a portion of what is Abernant Loop Road, a public road, as provided in Ala. Code 1975, § 23-4-20; and

THAT the vacation of the portion of the said road as hereinafter described will not deprive other property owners of reasonable means of ingress and egress to and from their property, nor will it adversely affect the interests of the public in any way; and

THAT the portion of the right-of-way to be vacated is within the County of Tuscaloosa and assent to the vacation of the right-of-way must be obtained from the Tuscaloosa County Commission pursuant to the provisions of § 23-4-20;

NOW THEREFORE, in consideration of the premises, Petitioner does hereby request that your Honors assent to the vacation of the portion of the road-right-of-way described on Exhibit "A," which is attached hereto and made a part hereof by reference.

Petitioner further requests that your Honors authorize and direct the Chairman of the Tuscaloosa County Commission to present a resolution consenting to the vacation of right-of-way as above said, duly certified as correct by the Clerk of Tuscaloosa County, to Petitioner in order that said resolution may be attached to, filed, and recorded with its legal Declaration of Vacation.

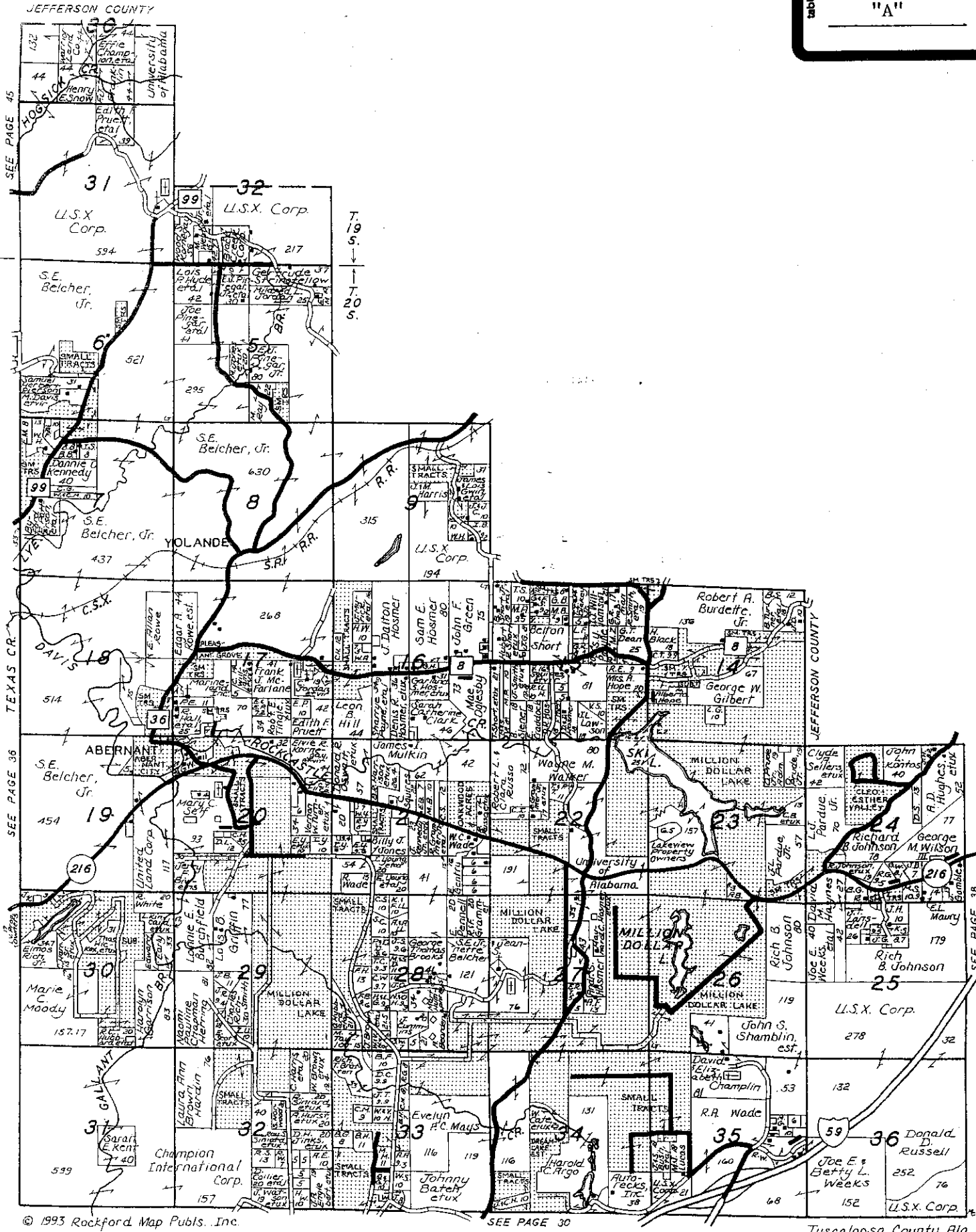
IN WITNESS WHEREOF, Petitioner has hereunto set his hand and seal on this the 5<sup>th</sup> day of November, 2003.

By: 

This instrument was prepared by:  
Ryan deGraffenried III  
Watson, deGraffenried, Hardin & Tyra, LLP  
P.O. Box 40750  
Tuscaloosa, Alabama 35406  
(205) 345-1577

**EXHIBIT**

"A"

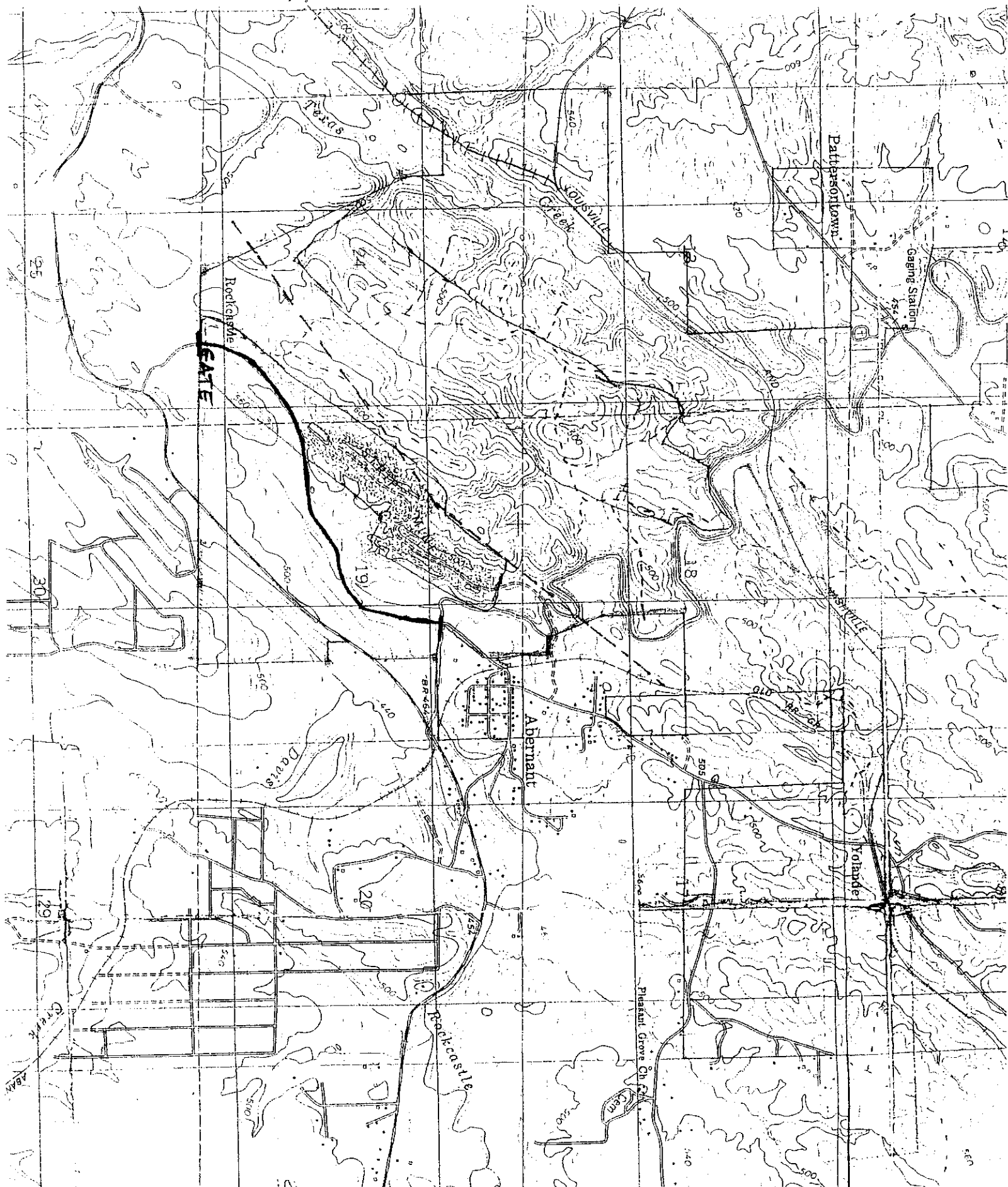


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SEE PAGE 30

Tuscaloosa County, Ala.

316-2038



**RESOLUTION OF THE TUSCALOOSA COUNTY COMMISSION CONSENTING TO  
THE VACATION OF A PORTION OF RIGHT-OF-WAY**

KNOW ALL MEN BY THESE PRESENTS THAT,

The foregoing Declaration for Vacation has been duly presented by S.E. Belcher, Jr., alleging that he owns all of the land abutting that portion of a right-of-way in Tuscaloosa County, Alabama, which is more particularly described therein; and

WHEREAS, the described right-of-way lies within the limits of Tuscaloosa County, Alabama, and the assent of the Tuscaloosa County Commission, the governing body of the county, to the vacation of that certain portion of the right-of-way has been requested and is desired by S.E. Belcher, Jr.; and

WHEREAS, it appears to the Tuscaloosa County Commission that the vacation of the described portion of the right-of-way will not deprive other property owners of their right, as they may have, to convenient and reasonable means of ingress and egress to and from their property, nor will it adversely affect the interests of the public in any way;

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

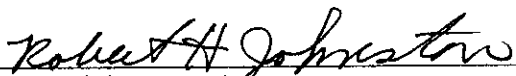
RESOLVED, that the assent of the Tuscaloosa County Commission be, and the same hereby is, given to the vacation of the portion of the road right-of-way which is located in Tuscaloosa County, Alabama, and is described on Exhibit "A," attached hereto and made a part hereof by reference.

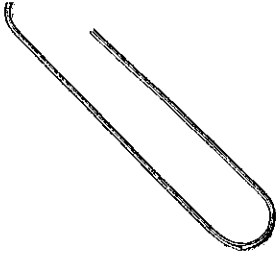
RESOLVED FURTHER, that the Chairman of the Tuscaloosa County Commission be, and is hereby authorized to present a copy of this resolution, duly certified as correct by the Clerk of Tuscaloosa County, the officer in charge of the records of Tuscaloosa County, to S.E. Belcher, Jr. in order that it may be attached to, filed, and recorded with its legal Declaration of Vacation of the described portion of road right-of-way.

**CERTIFICATION**

I, the undersigned, Clerk of the Tuscaloosa County Commission, hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by the Tuscaloosa County Commission at a regular meeting of the Commission held on the 19<sup>th</sup> day of November 2003, as the same appears and remains of record in the Record Book in my office wherein are recorded the minutes of the proceedings of the Tuscaloosa County Commission.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the official seal of Tuscaloosa County, on this the 19<sup>th</sup> day of November 2003.

  
Clerk of the Tuscaloosa  
County Commission



STATE OF ALABAMA  
SIXTH JUDICIAL CIRCUIT  
TUSCALOOSA, ALABAMA 35401

CHARLES R. MALONE  
CIRCUIT JUDGE

TELEPHONE (205) 349-3870  
EXTENSION 270  
COUNTY COURTHOUSE

November 12, 2003

Honorable Hardy McCollum  
Probate Judge  
714 Greensboro Avenue  
Tuscaloosa, AL 35401

Re: Interim Courthouse Security

Dear Judge McCollum:

I want to thank you on behalf of the judges for meeting with us concerning the lack of state funding and our loss of personnel. In light of the state cut-backs and trying to provide for some semblance of courthouse security until the courthouse security plan is fully implemented, we are requesting the County's support for funding of certain court attendant positions on an interim basis.

As we discussed, the judges have lost their court attendants effective November 26, 2003, which tremendously affects the judges' ability to work with the Sheriff's office for the management and security of prisoners. We are proposing that a court attendant be placed on each floor and the funding of the warrant clerk's position. Hopefully, this will minimize the need for pulling deputies off the streets and promote efficiency in our criminal cases.

I have spoken with AOC and enclosed is a copy of the funding form for each employee that we're requesting assistance with. There is a Memorandum of Understanding that AOC has prepared that would need to be signed by you to confirm the alternative funding for these individuals. I have enclosed a copy of this memorandum for your review.

Again, I want to thank you and the County Commission for your assistance on behalf of all of the judges. Hopefully this plan will get us through the end of March and allow us to obtain the funding necessary to restore court attendants to each position.

Sincerely,

Charles R. Malone  
Presiding Circuit Judge

CRM:sjb

# 11-3