

STATE OF ALABAMA )  
COLBERT COUNTY )

Minutes of a Regular Meeting  
of the  
Colbert County Commission  
09/01/2020

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Gardiner called the work session to order at 5:03 P.M. with the regular meeting following at 5:38 P.M., being the time and place previously scheduled for such work session and regular meeting. All Commissioners answered “present” at the call of the roll. Chairman Gardiner offered the invocation and led the Pledge of Allegiance. Chairman Black declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

CONSENT AGENDA

Chairman Gardiner announced that the business before the Commission was the approval of the consent agenda. Commissioner Black made motion to adopt and approve the matters placed on the consent agenda during the work session. The motion was duly seconded by Commissioner Bendall. Chairman Gardiner stated that the adoption and approval of a consent agenda comprised of the following items of business was properly before the Commission and stated the matters as follows:

1. Approve request for accrued unused annual leave from Bill McBrayer in the amount of \$1,855.98.
2. Adopted the following resolution awarding a contract for Commercial Waste Pickup to Waste Connections:

***RESOLUTION NUMBER 2020-0034A* RESOLUTION TO AWARD  
COMMERCIAL SOLID WASTE CONTRACT**

BE IT RESOLVED, by the Colbert County Commission as follows:

That the Colbert County Department of Waste Disposal (“Solid Waste Department”) did send out advertisements seeking bids from entities interested in contracting with the Solid Waste Department for the provision of commercial dumpster services to businesses located in the unincorporated areas of Colbert County; and

That at the appointed time and place, the following bids were opened and tabulated, and after evaluation of the bids received in comparison with the specifications and requirements advertised, that the bids received were as follows:

| <b>Bidder Name</b> | <b>2 YD</b> | <b>4 YD</b> | <b>6 YD</b> | <b>8 YD</b> | <b>Total Bid</b> |
|--------------------|-------------|-------------|-------------|-------------|------------------|
| Waste Connections  | \$2,294.90  | \$3,445.68  | \$3,060.52  | \$8,438.47  | \$17,239.57      |
| Waste Away         | \$1,813.13  | \$3,352.58  | \$3,899.56  | \$11,493.68 | \$20,558.95      |

That Waste Connections was the lowest, responsive, and responsible bidder for the provision of commercial dumpster services.

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that the lowest responsive and responsible bidder, Waste Connections, is now awarded the bid for the project set forth above.

- 3.
4. Adopted the following resolution declaring certain property of the Road Department as surplus:

**RESOLUTION NUMBER 2020 – 0035**

***A RESOLUTION TO DECLARE CERTAIN PROPERTY OF THE ROAD DEPARTMENT AS SURPLUS***

WHEREAS, the Colbert County Commission has been informed by the County Engineer that certain property hereinafter described and previously used in the performance of duties at the Road Department is no longer required for use by County personnel; and

WHEREAS, the Commission has determined that such property is surplus property and the County has no further use of such property due to the age and condition thereof, and that it is not economical for the County to retool or refit the property in order for it to be able to be placed in service at the Road Department.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION by the Colbert County Commission that the following described property be declared surplus property and be disposed of by the County Engineer in a manner that will require no further expenditure by the County or expose the County to any liability in the further use or operation of such property and the County Commission does hereby authorize the County Engineer to dispose of said property in such manner. The Commission finds that the following constitutes surplus property:

| <b>Equipment Description</b>             | <b>Equipment ID</b> |
|--|---------------------|
| <b>Camper Shell for Ford F-150 Truck</b> | <b>N/A</b>          |

5. Adopted the following resolution approving and accepting the proposed plat of The Bluffs at Bear Creek subdivision and providing a variance from certain requirements of the Colbert County Subdivision Regulations as they pertain to said subdivision:

**RESOLUTION NUMBER 2020-0036**

***A RESOLUTION TO ACCEPT AND APPROVE THE PROPOSED PLAT OF THE BLUFFS AT BEAR CREEK SUBDIVISION AND TO PROVIDE VARIANCES REGARDING THE SAME***

WHEREAS, New Heights Construction, LLC, and Bear Creek Landing, LLC, are the Developers<sup>1</sup> of a private subdivision of certain real property located in Colbert County lying and being in part of fractional Section 15, Township 3 South, Range 15 West; and

WHEREAS, the aforesaid Developers have presented to the County Engineer a proposed plat of a private subdivision to be known as The Bluffs at Bear Creek, and seek approval from the Commission to record the same in the office of the Judge of Probate of Colbert County, Alabama; and

WHEREAS, in addition to presenting said plat for approval, the Developers have requested a variance from certain requirements imposed by the Subdivision Regulations of Colbert County, Alabama (the "Regulations"); and

WHEREAS, specifically, the Developers have requested the following variances from the provisions of the Regulations:

1. Any Regulation or other provision of the Regulations pertaining to or arising from the design, construction, dedication, paving, or planning of streets or rights-of-way, structures, or drainage, as the planned or existing roads, structures, and drainage shall be maintained by the Developer and/or property owners;
2. Any Regulation or other provision of the Regulations which would require the Developers to submit surety, improvement, maintenance, or other bonds for the purpose of ensuring compliance with a Regulation or provision of the Regulations;
3. Any Regulation or other provision of the Regulations requiring any proposed lot or the proposed subdivision itself to have a minimum amount of front footage on a public road.

WHEREAS, the County Engineer has reviewed the proposed plat and the requested variances submitted by the Developers, has informed the Commission that the variances requested are justified and would not violate the integrity of the Regulations as a whole, and has recommended that the Commission approve and accept the proposed plat of The Bluffs at Bear Creek and grant the variances set forth above.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION that, having received favorable recommendation by the County Engineer, the proposed plat of The Bluffs at the Bear Creek is hereby accepted and approved as a Private Subdivision as described in Section 4:09 of the Regulations.

BE IT FURTHER RESOLVED that, having received favorable recommendation by the County Engineer, the Colbert County Commission does hereby provide and grant the following variances applicable to The Bluffs at Bear Creek to the Developers, their heirs, successors, and assigns:

1. The Developers, their heirs, successors, and assigns, are hereby exempted from any Regulation or other provision of the Regulations pertaining to or arising from the design, construction, dedication, paving, or planning of streets or rights-of-way, structures, or drainage, as the planned or existing roads, structures, and drainage shall be maintained by the Developer and/or property owners;
2. The Developers, their heirs, successors, and assigns are hereby exempted from any Regulation or other provision of the Regulations which would require the Developers to submit surety, improvement, maintenance, or other bonds for the purpose of ensuring compliance with a Regulation or provision of the Regulations; and
3. The Developers, their heirs, successors, and assigns are hereby exempted from any Regulation or other provision of the Regulations requiring any proposed lot or the proposed subdivision itself to have a minimum amount of front footage on a public road.

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<sup>1</sup> The definition of "Developer" is contained in Section 1.05 of the Regulations.

6. Adopted the following resolution regarding the resurfacing of portions of CR-40 and CR-48 and authorizing issuance of a Letter of Intent regarding same:
  
7. Approve request made by the County Engineer that the Commission advance payment for new Mack trucks purchased by the Road Department until such time as the contemplated auction of Road Department trucks is complete and proceeds arising therefrom are received.
  
8. Approve request for accrued unused annual leave from Jimmy Smith in the amount of \$5,058.79.
  
9. Rejected all Bids for Woodmont Paving Project

## **REPORTS FROM STAFF**

Chairman Gardiner announced that the Commission would now hear reports from staff. Upon being recognized by the Chair, the following reports were heard by the Commission:

### **County Administrator:**

SEDA will be hosting luncheon for the Commissioners with Dura Automotive September 10, 2020 at 11:30. Announced public hearing dates and location for Muscle Shoals Heritage Association, Recreation Planning Grant.

### **Chief Financial Officer**

Requested that date for budget hearing be set for September 8, 2020 at 5:00 P.M.

### **County Attorney:**

No report.

### **EMA Director:**

No report.

### **County Engineer:**

Made recommendation that all bids for the Woodmont Drive repaving project be rejected due to their exceeding budget for the project. This being the result of the project being pushed into the winter months. Project to be re-bid possibly April 2021.

## **NEW BUSINESS**

None.

There being no further business to come before the Commission, upon motion duly made and seconded, Chairman Gardiner announced that the meeting was adjourned.

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COMMISSIONER, DISTRICT 1

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CHAIRMAN

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COMMISSIONER, DISTRICT 3

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COMMISSIONER, DISTRICT 4

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COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6

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