

ST. CLAIR COUNTY COMMISSION MEETING NOVEMBER 23, 2021

The St. Clair County Commission met in regular session on November 23, 2021, in the County Commission Chambers of the St. Clair County Courthouse in Pell City, Alabama.

Members Present: Paul Manning, Chairman  
Jeff Brown, Commissioner District One  
Ricky Parker, Commissioner District Two  
Tommy Bowers, Commissioner District Three  
Bob Mize, Commissioner District Four

Members Absent: None

Others Present: Tina Morgan, Administrator  
Corey Phillips, Assistant Deputy Administrator  
Dan Dahlke, Engineer  
James Hill, County Attorney  
Gary Hanner, License Inspector  
Jason Goodgame, Construction Manager  
Josie Howell, St. Clair Times  
Don Smith, EDC  
Carlos Staples  
Rocky Sullivan  
Mike Mitchell  
Wayne Young

**CALL TO ORDER of PUBLIC HEARING 9:05 a.m.**

Chairman Manning called the Public Hearing to order at 9:05 a.m. and turned it over to County Attorney, James Hill. Mr. Hill discussed a Project Development Agreement by and among the County, City of Moody, and TCG Crossroads Plaza, LLC, an Alabama limited liability company, in which the County proposes, as an inducement for Developer's agreement to purchase certain real property identified in the Agreement and to develop a Retail Center upon (including construction, site work, etc.) real property. This is a commercial or economic development project that we find is not withstanding any incidental benefit to the developer, the project served is adding a sufficient public purpose. Which I say it certainly does based on the revenues produced, the jobs produced, and the increased commercial activity within the city and the county. The other limiting factor that is pertinent in this particular agreement it rebates taxes from some specific uses that the city sees as best suited for that property. Just anything that shows up there, may not apply & we have laid out, in the agreement, with an exhibit the specific uses that would generate taxes that would be rebatable. For example, a regional or national grocer product, hardware products, those types of retail products that the city & the county would like to incentivize coming to that particular area. So, we have tried to tailor this agreement to be very narrow & certainly incentivizing the developer to bring in the type of business that we want, to rebate only taxes that are generated out of the, center & so it is an exclusively incentive based concept. Don Smith, EDC, stated that he & Mr. Hill have been working very closely with the City of Moody & that Mr. Hill has done a remarkable job. There is an empty building & a developer who wants to come in and buy it from the out of state owner & develop it with tenants that would be a good fit for the City of Moody & the County. The City & the County with this tax rebate structure will allow the developer some tools to be able to afford remodeling and other things so he will be competitive & bring someone in. Mr. Hill has done a great job in drafting a document that states not everything, but certain specific things that would generate some sales tax for

the County & the City of Moody. There are also clauses in the agreement that prevent someone from relocating & going into that center from outside the City and County. This is a great incentive because it is new money for the County & City. There was no opposition & no additional public comment, Chairman Manning closed the Public Hearing for the Project Development Agreement.

**CALL TO ORDER of PUBLIC HEARING**

Chairman Manning called the Public Hearing to order and turned over to County Engineer, Dan Dahlke. Mr. Dahlke stated that the purpose of the Public Hearing was to discuss vacating a portion of Petty Road. A portion of Petty Road is in the corporate limits of Odenville and a portion is County maintained and owned by Mr. Carlos Staples. Mr. Staples has proposed to close the County maintained portion and wants to build a turn-a-round for buses, garbage trucks, etc. This is a step by step process when the County is trying to vacate any portion of County maintained property & all notices have been sent out to the adjoining property owners. I have not received any comments as of today. Due to the workload of the surveyors, they have not been able to get out there and do the legal portion of the survey. There is a portion of property where the turn-around is going to be that will have to be deeded over to the County and once the surveyors have done their work an item will need to be approved in a meeting. Mr. Staples made a comment regarding a gate owned by Mr. Blair & stated that he was prepared to address that & to make sure that Mr. Blair would still have access. He also stated that the City of Odenville would still have access to make an entryway into their property if needed. There was no opposition and there being no additional comment, Chairman Manning closed the Public Hearing at 9:18 a.m.

**CALL TO ORDER of REGULAR MEETING**

Chairman Manning declared a quorum present at 9:18 a.m. and called the meeting to order.

**APPROVAL OF AGENDA**

On a motion by Commissioner Mize, seconded by Commissioner Bowers, with all voting aye, it was

RESOLVED, that the Agenda be approved as presented.

**APPROVAL OF MINUTES**

On a motion by Commissioner Bowers, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that the minutes of the regular meeting on November 9, 2021, and Special Called Meeting on November 18, 2021, be approved.

**ENGINEER'S REPORT**

The first item of the Engineer's report was an informational item updating the road crews.

The next item was to discuss approval of an agreement with Terracon for soil testing for Beulah Circle Bridge in the amount of \$9,301.74 and a supplement agreement for the bridge on Washington Valley Road in the amount of \$1,850.00. On a motion by Commissioner Brown, seconded by Commissioner Parker, with all voting aye, it was

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RESOLVED, that an agreement with Terracon for soil testing for Beulah Circle Bridge in the amount of \$9,301.74 and a supplement agreement for the bridge on Washington Valley Road in the amount of \$1,850.00 is approved. (Agreement to be made a part of these minutes as Attachment #1)

The next item was to discuss approval an agreement with Long Engineering to do a hydraulic study for bridge on Beulah Circle in the amount of \$53,056.00. On a motion by Commissioner Brown, seconded by Commissioner Bowers, with all voting aye, it was

RESOLVED, that an agreement with Long Engineering to do a hydraulic study for bridge on Beulah Circle in the amount of \$53,056.00 is approved. (Agreement to be made a part of these minutes as Attachment #2)

The next item was to discuss approval of an agreement with Wisner, LLC., to handle Right of Way (ROW) Acquisition for the Trails End Project in the amount of \$55,800.00. On a motion by Commissioner Parker, seconded by Commissioner Bowers, with all voting aye, it was

RESOLVED, that an agreement with Wisner, LLC., to handle ROW Acquisition for the Trails End Project in the amount of \$55,800.00 is approved. (Agreement to be made a part of these minutes as Attachment #3)

The next item was to discuss approval of the recommendation of Dan Dahlke, County Engineer, to hire Justin Colley into the vacant Contract Road Worker I position. On a motion by Commissioner Parker, seconded by Commissioner Brown, with all voting aye, it was

RESOLVED, that the recommendation of Dan Dahlke, County Engineer, to hire Justin Colley into the vacant Contract Road Worker I position is approved. (Contract to be made a part of these minutes as Attachment #4)

Informational item to be recorded in the minutes: No item to approve related to the Public Hearing for vacating a portion of Petty Road until the surveyors complete their work.

#### **ADMINISTRATOR'S REPORT**

The first item of the administrator's report was to discuss approving travel requests as presented in the work session. On a motion by Commissioner Mize, seconded by Commissioner Brown, with all voting aye, it was

RESOLVED, that the travel requests as presented in the work session are approved. (List to be made a part of these minutes as Attachment #5)

#### **COUNTY ATTORNEY'S REPORT**

The first item of the County Attorney's report was to discuss a revision to Premium Pay Resolution 2022-10 to include 911 employees. On a motion by Commissioner Bowers, seconded by Commissioner Mize, with all voting aye, it was

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RESOLVED, that a revision to Premium Pay Resolution 2022-10 to include 911 employees is approved. (Resolution to be made a part of these minutes as **Attachment #6**)

The next item was to discuss approval for an agreement with Raymond James related to continuing disclosures requirements and agreement. On a motion by Commissioner Parker, seconded by Commissioner Brown, with all voting aye, it was

RESOLVED, that an agreement with Raymond James related to continuing disclosures requirements and agreement is approved. (Agreement to be made a part of these minutes as **Attachment #7**)

The next item was to discuss approval to amend the Handbook regarding Longevity Pay. On a motion by Commissioner Mize, seconded by Commissioner Brown, with all voting aye, it was

RESOLVED, that amending the Handbook regarding Longevity Pay is approved. (Amendment to be made a part of these minutes as **Attachment #8**)

**OLD BUSINESS**

None

**NEW BUSINESS**

The first item of New Business was to discuss the request from Scott Sweatt, Forestry Department, to sell a 2012 Ford F-250 to the Ashville Fire Department. Commissioner Brown made a motion to table until the next Commission meeting, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that the request from Scott Sweatt, Forestry Department, to sell a 2012 Ford F-250 to the Ashville Fire Department be tabled until the next Commission meeting.

The next item was to discuss approval of the September 30, 2021, Financial Statement to be published in the newspaper as required by law. On a motion by Commissioner Bowers, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that the September 30, 2021, Financial Statement to be published in the newspaper as required by law is approved. (Document to be made a part of these minutes as **Attachment #9**)

The next item was to discuss adopting Resolution 2022-12 selecting Williams Blackstock Architects to provide architectural services converting the St. Clair County Arena into an Infectious Disease/Emergency Response Center/Pandemic Site. Pending the County Attorney's review. On a motion by Commissioner Brown, seconded by Commissioner Bowers, with all voting aye, it was

RESOLVED, that adopting Resolution 2022-12 selecting Williams Blackstock Architects to provide architectural services converting the St. Clair County Arena into an Infectious Disease/Emergency Response Center/Pandemic Site. Pending the County Attorney's review is approved. (Resolution to be made a part of these minutes as **Attachment #10**)

The next item was to discuss adopting Resolution 2022-14 for a Project Development Agreement by St. Clair County, City of Moody & TCG Crossroads Plaza. LLC. In which the County proposes, as an inducement for Developer's agreement to purchase certain real property identified in the agreement & to develop a Retail Center upon real property. On a motion by Commissioner Parker, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that adopting Resolution 2022-14 for a Project Development Agreement by St. Clair County, City of Moody & TCG Crossroads Plaza. LLC. In which the County proposes, as an inducement for Developer's agreement to purchase certain real property identified in the agreement & to develop a Retail Center upon real property is approved. (Resolution to be made a part of these minutes as **Attachment #11**)

The next item was to discuss adopting Resolution 2022-15 authorizing the issuance of limited obligation certificate of indebtedness & approving other financing matters, including the filing of a validation lawsuit with regard to the development agreement by & between the City of Moody, St. Clair County & TCG Crossroads Plaza. On a motion by Commissioner Parker, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that adopting Resolution 2022-15 authorizing the issuance of limited obligation certificate of indebtedness & approving other financing matters, including the filing of a validation lawsuit with regard to the development agreement by & between the City of Moody, St. Clair County & TCG Crossroads Plaza is approved. (Resolution to be made a part of these minutes as **Attachment #12**)

The next item was to discuss adopting Resolution 2022-17 National Incident Management System for federal preparedness assistance. On a motion by Commissioner Bowers, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that adopting Resolution 2022-17 National Incident Management System for federal preparedness assistance is approved. (Resolution to be made a part of these minutes as **Attachment #13**)

The next item was to discuss the approval of the request of Revenue Commissioner, Ken Crowe, for a Letter of Commitment on the behalf of employee, Bryan Price, to Alabama All-Hazards Incident Management Team (AHIMT). On a motion by Commissioner Brown, seconded by Commissioner Mize, with all voting aye, it was

RESOLVED, that the request of Revenue Commissioner, Ken Crowe, for a Letter of Commitment on the behalf of employee, Bryan Price, to Alabama All-Hazards Incident Management Team (AHIMT) is approved.

### **Board Appointments**

The next item was to discuss board appointments. Commissioner Parker made a motion to reappoint Gary Hanner to the Metropolitan Planning Organization (MPO). His term will expire November 23, 2021. Motion was seconded by Commissioner Bowers, and with all voting aye, it was

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RESOLVED, that the request to reappoint Gary Hanner to the Metropolitan Planning Organization (MPO) with his term expiring November 23, 2021 is approved.

The next item for discussion was to approve payment of the monthly bills. On a motion by Commissioner Mize, seconded by Commissioner Bowers, with all voting aye, it was

RESOLVED, that the monthly bills be approved for payment with the exception of those that are questioned by the Commission before the close of business today.

There being no further business, the meeting adjourned, subject to call, at approximately 9:37 a.m. On a motion by Commissioner Brown, seconded by Commissioner Parker, with all voting aye.

{ SIGNATURE PAGE TO FOLLOW }

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Paul Manning, Chairman

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Jeff Brown, Commissioner

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Ricky Parker, Commissioner

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Tommy Bowers, Commissioner

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Bob Mize, Commissioner