

**MINUTES, LIMESTONE COUNTY COMMISSION, SEPTEMBER 27, 2017**

The Limestone County Commission reconvened the meeting from September 18, 2017 at 10:00 a.m. today at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.

Present: Stanley Hill, Steve Turner, Jason Black, and Ben Harrison. Absent: None. Mark Yarbrough, Chairman presided.

**MOTION** was made by Ben Harrison and seconded by Jason Black to suspend the Rules of Order to approve a Solid Waste Resolution and Contract Exhibit A.

The Administrator called the roll. Ben Harrison, aye; Jason Black, aye; Stanley Hill, aye; and Steve Turner, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to authorize the Chairman to execute the following resolution:

**A RESOLUTION CONCERNING THE CONTINUED DELIVERY OF  
LIMESTONE COUNTY'S SOLID WASTE TO THE  
SOLID WASTE TRANSFER STATION**

**WHEREAS**, the City of Athens and Limestone County formed the Solid Waste Disposal Authority of Athens and Limestone County (the "Authority") in 1993 to provide for the disposal of solid waste in Athens and Limestone County; and,

**WHEREAS**, on March 11, 1997, the Authority entered into a twenty (20) year agreement with BFI Disposal Systems of Alabama, Inc. concerning the disposal of solid waste, and that agreement is expiring; and,

**WHEREAS**, the Authority has entered into a ten (10) year agreement with BFI Waste Services, LLC (d/b/a Republic Services of Huntsville) concerning the disposal of solid waste and the continuation of the operation of the existing solid waste transfer station, which term commences October 1, 2017; and,

**WHEREAS**, it is essential for solid waste generated within the City of Athens and Limestone County to continue to be delivered to the solid waste transfer station in order that the transfer and disposal services can remain in effect and in order that the cost of solid waste disposal to the citizens of Athens and Limestone County be and remain at a reasonable cost; and,

**WHEREAS**, the Limestone County Commission, as the governing body of Limestone County, desires to approve a contract with the Authority whereby the Commission obligates Limestone County to deliver the solid waste it collects, or has collected, to the transfer station, a draft copy of which agreement is attached hereto "Exhibit A"; and,

**WHEREAS**, upon motion having been made by Commissioner Ben Harrison, and seconded by Commissioner Steve Turner, with discussion having been conducted thereon, and a vote taken, with said vote being 4 to 0 in favor thereof.

## MINUTES, LIMESTONE COUNTY COMMISSION, SEPTEMBER 27, 2017

**THEREFORE, BE IT RESOLVED** by the Limestone County Commission, at its meeting on September 27, 2017, that the Chairman of the Commission is authorized, on behalf of the County Commission, to execute the above-addressed Solid Waste Contract; and,

**BE IT FURTHER RESOLVED** that the Chairman is further authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Resolution and/or the Solid Waste Contract referenced herein, including, but not limited to, authorizing the expenditure and use of County funds as required by such agreement; and approving and executing further agreement(s) that are consistent with and involved in carrying out the transactions contemplated by this Resolution and the Solid Waste Contract

**ADOPTED AND APPROVED** this 27<sup>th</sup> day of September, 2017.

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Mark Yarbrough, Chairman  
Limestone County Commission

ATTEST:

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Pam Ball, County Administrator  
Limestone County Commission

### **EXHIBIT A**

**STATE OF ALABAMA  
COUNTY OF LIMESTONE**

#### **SOLID WASTE CONTRACT**

This Solid Waste Contract (the “Contract”) is made and entered into by and between Limestone County, Alabama, a political subdivision of the State of Alabama, by the Limestone County Commission, its governing body, (the “County”) and the Solid Waste Disposal Authority of Athens and Limestone County (the “Authority”).

#### **RECITALS**

The City of Athens, Alabama, a municipal corporation, and the County have heretofore formed the Authority to provide solid waste disposal within the City of Athens and Limestone County, Alabama. The Authority has entered into a 2017 Transfer Station Agreement with BFI Waste Services, LLC (d/b/a Republic Services of Huntsville) (“Republic”), whereby Republic, for a term of ten (10) years, will operate a solid waste transfer station located at 16100 BFI Lane, Athens, Alabama (the “Station”), receive solid waste at the Station, and transfer that solid waste to a landfill located in Lawrence County, Alabama, for disposal. It is essential for solid waste generated within Limestone County to be delivered to the Station in order that the transfer and disposal services can remain in effect and in order that the cost of solid waste disposal to the citizens of Athens and Limestone County be and remain at a reasonable cost. This contract is entered into and authorized pursuant to § 11-89A-15 of the *Code of Alabama*.

**MINUTES, LIMESTONE COUNTY COMMISSION, SEPTEMBER 27, 2017**

NOW, THEREFORE, the County and Authority do hereby covenant, contract, and agree as follows:

1. The County will cause all solid waste collected by it within its jurisdiction, or anyone under contract with the County to collect solid waste from persons or entities within its jurisdiction, to be delivered to the Station for transportation and disposal. This obligation of the County shall extend only to such solid waste that the County or anyone under contract with the County to collect solid waste collects in connection with the disposal of such solid waste. It does not extend to solid waste disposed of other than through the collection systems of the County and its contractors, and it does not include green waste (although the County may cause green waste to be delivered to the Station).

2. The County will continue to cause solid waste to be so delivered as stated in Section 1 above, during the term of the 2017 Transfer Station Agreement, and any extensions or renewals thereof.

3. The obligations of the County pursuant hereto shall be subject to all applicable federal, state and local laws, and County shall not be liable for the failure to perform pursuant to this Contract because of any of its obligations under such laws, including rules and regulations thereunder.

4. This Contract is solely for the benefit of the County and Authority, and for the purposes herein stated, and it shall not be construed or interpreted otherwise. There are no third party beneficiaries with respect to this Contract.

5. The Base Fee for transfer, transportation and disposal services rendered by Republic under the 2017 Transfer Station Agreement shall be Thirty-Seven and 89/100 Dollars (\$37.89), and subject to additional adjustment in accordance with the terms of the 2017 Transfer Station Agreement.

**IN WITNESS WHEREOF**, the County and the Authority have executed this Contract by their duly executed officers, with full authority as of the 27<sup>th</sup> day of September, 2017.

**SOLID WASTE DISPOSAL AUTHORITY OF  
ATHENS AND LIMESTONE COUNTY**

By: \_\_\_\_\_  
Its Chairman

ATTEST: \_\_\_\_\_  
Its Secretary

**LIMESTONE COUNTY, ALABAMA**

By: \_\_\_\_\_  
Chairman, Limestone County Commission

ATTEST: \_\_\_\_\_  
Its County Administrator

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Ben Harrison, aye; Steve Turner, aye; Stanley Hill, aye; and Jason Black, aye. Motion carries unanimously.

## MINUTES, LIMESTONE COUNTY COMMISSION, SEPTEMBER 27, 2017

Assistant County Engineer Marc Massey gave an update of the chip sealing being performed by Charlie Watts, Inc. and the County paving crew.

Items were discussed for the October 2, 2017 agenda.

Commissioner Turner stated he wants to add a 45-mph speed limit on Mooresville Road from Highway 72 to Huntsville Brownsferry Road. He said District 2 is replacing a drain pipe on Meadows Road today.

Commissioner Black reported that District 3 is continuing to do road maintenance.

Commissioner Harrison gave an update on ATRIP projects: Parker Road, Baker Hill Road, Witty Mill Road and Elk River Mills Road.

**MOTION** was made by Jason Black and seconded by Ben Harrison to approve to enter Executive Session to discuss a matter of personnel.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Ben Harrison, aye; Stanley Hill, aye; and Steve Turner, aye. Motion carries unanimously.

Chairman Yarbrough announced there would be no further business after the executive session other than to adjourn. The executive session convened at 10:24 a.m.

Work Session adjourned at 11:07 a.m.