

Cleburne County Commission Meeting
Cleburne County, Alabama
April 11, 2011

MINUTES

- Regular Commission Meeting The Cleburne County Commission met in regular session on Monday, April 11, 2011, at 4:00 p.m. in the Commission Meeting Room, Room 207 of the County Courthouse, Heflin, Alabama.
- Chairman Ryan Robertson called the meeting to order and open for business.
- Roll Call There were present:
Chairman Ryan Robertson
Commissioner Joel Robinson
Commissioner Emmett Owen
Commissioner Benji Langley
Commissioner Rex Nolen
- There were absent:
None
- Public Comment from Citizens Mr. Joe Nabors spoke on behalf of Calhoun/Cleburne Children's Center. He informed the Commission that he has spoken with Richard Lindsey about local legislation to add \$25.00 additional court costs to child custody cases with \$20.00 going to the Children's Center and \$5.00 going to the local Circuit Clerk's office and to add \$25.00 additional court costs to marriage license with \$20.00 going to the Children's Center and \$5.00 going to the local Probate Judge office. The state has cut off funding for the center and this legislation would replace some of the state revenue. Mr. Randall Sanders with Calhoun/Cleburne Drug Task Force briefed the Commission on a bill that ran in the local newspaper that has now been pulled.
- Commission Discussion The Commission held a public hearing regarding the closing of County Road #624.
- Public Comment from Other Elected Officials Circuit Clerk Jerry Paul Owen spoke on behalf of the Calhoun/Cleburne Children's Center. He has served on their board and believes that they represent the county well. Sheriff Joe Jacks also spoke highly of the Calhoun/Cleburne Children's Center. Newly appointed District Attorney Brian McVeigh and Assistant District Attorney Lynn Hammond briefed the Commission on a bill that ran in the local newspaper that now has been pulled. Revenue Commissioner Joyce Fuller gave the Commission an update on current collections. Heflin Councilman Ken Duhon discussed with the Commission the possibility of a pedestrian park. Mark Laminack briefed the Commission on the leadership breakfast scheduled for April 12, 2011 at 7:30 and the next Chamber of Commerce meeting is scheduled for Monday, April 18, 2011.
- Commission Discussion The Commission addressed items of the consent agenda from the agenda of today's meeting: a) Approve the Commission meeting minutes of March 2011 as presented; b) Approve March 2011 check register; c) Approve to vacate CR 624; d) Approve to authorize the County Engineer to lower the speed limit for County Road #80 to 40 MPH; e) Approve a 200 Manufacturer License (confirmation number 20110315135337046) for the Fruithurst Winery LLC at 27091 County Road 49, Fruithurst, AL 36262; f) Approve to re-appoint Ms. Sandy Weston to the Cleburne County Hospital Board-term ending April 2017; appoint Mrs. Gail Anderson to the Cleburne County Hospital Board to fill the un-expired term of Mrs. Susan Moore through March 2013; to reappoint Mr. Jerry Alonzo Vaughn to the Cleburne County Water Authority-term ending March 2017; to reappoint Martha Brown to the Cleburne County Library Board-term ending April 2015; g) Approve to establish the FY 2011-2012 county license fees for Alcoholic Beverages; h) Approve to authorize a joint project called the "Cleburne County Capital Asset Improvement Plan" and hereby authorize the Commission Chairman to establish necessary lines of credit for construction / renovation funds and to sign necessary contractual agreements to set this project in place. Item h was moved to New Business of today's agenda for further discussion.
- Resolution # 4347 On a motion by Commissioner Benji Langley and seconded by Commissioner Joel Robinson, the Commission passed the following resolution:**
- Be it resolved by the Cleburne County Commission to approve the following resolutions from the items of the consent agenda:**

4347-1 The Commission resolves to approve the March 2011 minutes as presented,

4347-2 The Commission resolves to approve the March 2011 check register,

4347-3 Whereas, the Cleburne County Commission recognizes the need to occasionally evaluate the infrastructure system of the county to better serve its citizens;

Whereas, various roads within the Cleburne County infrastructure are no longer useful as vital links within the transportation system and should be closed by vacation by the Cleburne County Commission to allow the county to better expend its resources;

Whereas, the Code of Alabama 1975 grants the Cleburne County Commission the legal authority to vacate public roads;

Therefore, at the request of Mr. Rusty Mattox and Mr. Darrell Teal, who reside on CR 624, and in the best interest of the public, the Cleburne County Commission has vacated CR 624. The overall length of the section of closed roadway is 3320 feet, approximately 0.629 miles. The property owners adjacent to the section of roadway to be closed are as follows:

Mr. Rusty Mattox, 80 CR 624, Ranburne, AL 36273.

Mr. Darrell Teal, 120 CR 611, Ranburne, AL 36273.

Mrs. Belinda Buchanan, 59 CR 624, Ranburne, AL 36273

Mr. L.B. Anderson, 1327 CR 95, Ranburne, AL 36273.

Mr. L.B. Anderson, Jr. 584 CR 624, Ranburne, AL 36273

Mr. Dale Pollard, 1257 CR 95, Ranburne, AL 36273.

4347-4 Whereas, the Cleburne County Commission has received various requests from concerned citizens to evaluate the conditions of Cleburne County Road 80; and

Whereas, the Cleburne County Commission recognizes the need to continually provide the traveling public with the safest conditions possible when traveling the infrastructure of the county.

Therefore, after evaluation of the route in question and an engineering study performed by the County Engineer and Staff, which evaluated the land width, shoulder width, and sight distance of the routes, among other safety aspects, the County Commission authorizes the speed limit to be posted at 40 MPH. The route shall be signed with a 40 MPH speed limit sign at each end for notification and safety of the traveling public.

4347-5 Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of a 200 Manufacturer Alcoholic License transfer being requested (Confirmation number 20110315135337046) by Mr. Joshua Laminack, 27091 CR49, Fruithurst, Alabama; and

Whereas, no apparent violation of the County's criteria is evident and the application received from the Board appears in order;

Therefore, the Cleburne County Commission approves a 200 Manufacturer alcohol license transfer for the said location.

4347-6 Board Appointments - The Cleburne County Commission resolves to appoint:

Cleburne County Hospital Board:

Ms. Gail Anderson - term ending April 2013 to fill unexpired term of Ms. Susan Moore

Ms. Sandy Weston - term ending April 2017

Cleburne County Water Authority:

Mr. Jerry Alonzo Vaughn - term ending March 2017

Cleburne County Library Board:
Mrs. Martha Brown - term ending April 2015

4347-7 **Whereas, Section 28-3A-4, Code of Alabama requires the Alcoholic Beverage Control Board to collect all county license fees for all new license applications and renewed licenses; and**

Whereas, the Commission must periodically acknowledge the local rates as set by the Commission;

Therefore, the Commission establishes the FY2011-2012 county rates as being equivalent to those fees charged as a “State License Fee” or in the case of there being a maximum county fee that is less than the “State License Fee”, the County Fee shall be the maximum amount permissible by law.

All members present voted for the resolution and none against. The motion carried.

Commission Discussion The Commission discussed items of New Business on the agenda of today’s meeting: a) item h from the consent agenda of today’s meeting - Approve to authorize a joint project called the “Cleburne County Capital Asset Improvement Plan” and hereby authorize the Commission Chairman to establish necessary lines of credit for construction / renovation funds and to sign necessary contractual agreements to set this project in place.

Resolution # 4348 **On a motion by Commissioner Rex Nolen and seconded by Commissioner Joel Robinson, the Commission passed the following resolution:**

Be it resolved by the Cleburne County Commission to approve the following resolution from the items of new business on the agenda of today’s meeting transferred from the consent agenda of today’s agenda:

Whereas, the Cleburne County Commission has received significant funding for construction of a new combined County Administration and JSU Talladega Mountain Natural Resource Center facility;

Whereas, architectural and engineering plans have been developed, the project competitively bid and the low bidder determined to be Metro D Construction of Talladega, Alabama;

Whereas, the cost of this facility will be approximately 80% funded by outside sources and present a tremendous and unique benefit to the people of Cleburne County; and

Whereas, there are additional critical capital improvements needed to be performed on the Cleburne County Courthouse;

Therefore, the Commission hereby authorizes a joint project called the “Cleburne County Capital Asset Improvement Plan” and hereby authorizes the Commission Chairman to establish necessary lines of credit for construction / renovation funds and to sign necessary contractual agreements to set this project in place.

The Commission furthermore requires the Chairman to keep the Commission informed as to the status of the progress of the initiative and the status of the funds planned to be financed for the project which is \$650,000 for the new administration facility / TMNRC and \$650,000 for the renovation of the Courthouse.

It is noted that upon completion of the project, the construction debt will be rolled into a warrant debt issue of the County with an estimated debt repayment schedule of approximately 15 years and no significant increase to capital debt outlays of the county over those in place in FY 2011.

Commissioner Joel Robinson, Commissioner Rex Nolen and Chairman Ryan Robertson voted for the resolution and Commissioner Emmett Owen and Commissioner Benji Langley voted against. The motion carried.

Commission Discussion

Reports from staff were as follows: A) County Administrator Steve Swafford briefed the Commission on transferring surplus equipment and requirements of disposition of federal products, B) County Engineer Shannon Robbins updated the Commission on various current projects and asked the Commission to consider the approval of resolutions to use safety monies allocated from the State of Alabama Department of Transportation, C) County Attorney Doug Ghee briefed the Commission on the lawsuit pending for the declaratory judgment and briefed the Commission on the health care issue concerning EMA and the nursing home.

Resolution #4349

On a motion by Commissioner Rex Nolen and seconded by Commissioner Emmett Owen, the Commission passed the following resolution:

Be it resolved by the Cleburne County Commission to add to the agenda of today's meeting the request of the county engineer to consider approval of resolutions for using safety monies allocated from the State of Alabama Department of Transportation. All members present voted for the resolution and none against. The motion carried.

Resolution #4350

On a motion by Commissioner Rex Nolen and seconded by Commissioner Emmett Owen, the Commission passed the following resolution:

Be it resolved by the Cleburne County Commission to approve resolutions for Project No. CCP 15-24-10; CCP 15-22-10 and CCP 15-21-10 to use safety monies allocated from the State of Alabama Department of Transportation. All members present voted for the resolution and none against. The motion carried.

The Commission entered into executive session at this time.

There was no further business to come today before the Commission for the meeting.

Resolution #4351

On a motion by Commissioner Joel Robinson and seconded by Commissioner Rex Nolen, the Commission passed the following resolution:

Be it resolved by the Cleburne County Commission to approve to adjourn the meeting All members present voted for the resolution and none against. The motion carried.