

Cleburne County Commission Meeting  
Cleburne County, Alabama  
August 8, 2011

**MINUTES**

- Regular Commission Meeting The Cleburne County Commission met in regular session on Monday, August 8, 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 No one met the Thursday noon prior to the meeting deadline for being allowed to speak to the Commission.
- Public Comment from Other Elected Officials Cleburne County Chamber of Commerce Executive Director Emily Brown and member Courtney Brown were present to give an update to the Commission. Sheriff Joe Jacks was present to inform the Commission that he has a correction officer that resigned and asked to add to the agenda of today's meeting the request to hire a replacement for the position.
- Resolution # 4370 On a motion by Commissioner Joel Robinson and seconded by Commissioner Emmett Owen, the Commission passed the following resolution:**
- Be it resolved by the Cleburne County Commission to approve to add to the New Business agenda of today's meeting the request of Sheriff Joe Jacks to hire a correctional officer. All members present voted for the resolution and none against. The motion carried.**
- Commission Discussion The Commission opened bids at this time for the awarding of annual maintenance supplies for the county Engineering Department. A public hearing was held for the purpose of vacating the section of CR 685 from the intersection with CR 112 to the intersection with CR 679.
- Awards and Presentations The Commission accepted an award from the U. S. Census Bureau in appreciation for the assistance given by county departments and support in raising awareness of and inspiring participation in the 2010 Census.
- Commission Discussion The Commission addressed items of the consent agenda from the agenda of today's meeting: a) Approve the Commission meeting minutes of July 2011 as presented; b) Approve July 2011 check register; c) Approve to authorize the speed limit to be lowered to 25 MPH for County Road 44; d) Approve, at the request of Mrs. Sharon Johnson, to vacate the section of CR 685 from the intersection with CR 112 to the intersection with CR 679; e) Approve the proposed improvements to Cleburne County Roads 11, 49, and 65; f) Approve request for 050 retail beer (off premises only) and 990 tobacco only alcohol license for Slopes Convenience Store by Mr. Andrew Kelley at 18754 Suite B, Muscadine, Al 36269; g) Approve to appoint Danny Waldrop to the Calhoun / Cleburne Mental Health Board; h) Approve to authorize payment for East Alabama Regional Planning and Development Commission dues for FY 2012 in the amount of \$6,358.20; i) Approve to authorize payment for annual dues for Alabama County Commission Association for FY 2012 in the amount of \$5,448; j) Approve to recognize the county's partnership with the West Georgia, Marines Toys for Tots program and the local stakeholders who are assisting their program to reach the children of Cleburne County.

**Resolution # 4371** On a motion by Commissioner Benji Langley and seconded by Commissioner Emmett Owen, 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:

**4371-1** The Commission resolves to approve the July 2011 minutes as presented,

**4371-2** The Commission resolves to approve the July 2011 check register,

**4371-3** Whereas, the Cleburne County Commission has received various requests from concerned citizens to evaluate the conditions of Cleburne County Road 44; 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 lane width, shoulder width, and sight distance of the route, among other safety aspects, the County Commission authorizes the speed limit to be lowered to 25 MPH. The route shall be signed with a 25 MPH speed limit sign at the each end for the notification and safety of the traveling public.

**4371-4** 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 Mrs. Sharon Johnson, who owns property on CR 685, and in the best interest of the public, the Cleburne County Commission has vacated the section of CR 685 from the intersection with CR 112 to the intersection with CR 679. The overall length of the section of closed roadway is 1056 feet, approximately 0.20 miles. The property owner adjacent to the section of roadway to be closed is as follows:

Mrs. Sharon Johnson, 609 West College Street, Bowdon, GA 30108.

**4371-5** Whereas, the Cleburne County Commission recognizes the need to continually provide the citizens of Cleburne County with the best possible infrastructure available for the economic advancement of the county and safety of the traveling public;

Whereas, Cleburne County has authorization, due to an Attorney General's Opinion, to apply proceeds from the existing tobacco tax to economically sensitive county road infrastructure within the county;

Whereas, due to the economically sensitive nature of County Roads 11, 49, and 65, the Cleburne County Commission intends to use \$100,000 of the tobacco tax proceeds in FY 2011 to fund various maintenance improvements to the routes; This project will help correct deficiencies to the roadways that have resulted from years of use by heavy trucks and equipment related to the construction, timber, and agriculture industries in the area. The amounts of traffic, as well as the weights of vehicles and the loads, have increased drastically over the years.

Whereas, the Cleburne County Commission recognizes that as Major Collectors, County Roads 49 and 65 are vital to the transportation of many agricultural products including, but not limited to, timber, baby chickens, poultry, hay, livestock feed, and commercial nursery plants. The timber industry is especially entrenched in the area as demonstrated by the amount of land in Cleburne County covered in plantation pines. Also, a winery at the intersection of CR 49 and CR 65 looks to have major economic impact on the area for years to come, which further necessitates the need to preserve/improve the infrastructure in the area.

Whereas, the Cleburne County Commission recognizes that County Road 11 is a Minor Collector that is vital to the transportation of men, heavy equipment, and supplies for L. E. Bell Construction, a large pipeline construction business on County Road 11.

Whereas, the project will also provide safety improvements to the routes, correct deficiencies to the road that have resulted from use by industry and the general public over the years, and improve the infrastructure of Cleburne County, all of which are greatly beneficial from an economic standpoint to the county and its citizens.

Therefore, the Cleburne County Commission approves the proposed improvements to Cleburne County Roads 11, 49, and 65, as the economically sensitive projects for FY 2011. The project will involve widening and resurfacing by utilizing the Cleburne County Maintenance Annual Bid on CR 11. The Cleburne County Maintenance Annual Bid will also be utilized for traffic stripe and markers on CR 49 and CR 65.

In Addition, the Cleburne County Commission set aside an additional amount of \$100,000 of funds previously directed towards the FY-2012 transportation infrastructure economic development fund, to be used for projects determined by the District 2 Commissioner, with approval of the Commission in regards to their applicability with the provisions of the tobacco tax funds and subsequently ends the practice of perpetually directing tobacco tax funds towards the transportation infrastructure economic development fund in all future years.

4371-6      Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an 050-Retail Beer (Off Premises Only) and 990-Tobacco Only Alcohol License (Confirmation number 20110722092111086) being requested for Slopes Convenience Store by Mr. Andrew Kelley at 18754 Suite B, Muscadine, AL 36269; and

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

Therefore, the Cleburne County Commission approves a 050-Retail Beer (Off Premises Only) and 990-Tobacco Only alcohol license for the said location.

4371-7      Board Appointments –

The Cleburne County Commission hereby appoints:

**Danny Waldrop**

to the Calhoun / Cleburne Mental Health Board with a term ending July 2016.

4371-8      Whereas, the Commission has received notification of Annual Dues for the East Alabama Regional Planning and Development Commission (EARPDC) and the dues for Cleburne County are calculated at being \$6,358.20 for the upcoming year;

Therefore, the Commission resolves to acknowledge these dues for FY 2012 and authorizes said dues to be paid in accordance with terms provided by the EARPDC.

**4371-9** Whereas, the Commission has received notification of Annual Dues for the Alabama County Commission Association (ACCA) and the dues for Cleburne County are calculated at being \$5,448. for the upcoming year;

Therefore, the Commission resolves to acknowledge these dues for FY 2012 and authorizes said dues to be paid in accordance with terms provided by the ACCA.

**4371-10** Whereas, the Cleburne County Commission has received a request from Commissioner Nolen, who was instrumental in instituting a Toys for Tots distribution program for less fortunate children from across our County; and

Whereas, the West Georgia, Marines Toys for Tots program has been an exemplary contributor towards working with Commissioner Nolen to bring their program into our County and to benefit the children who otherwise might not be able to establish Christmas childhood memories that the more fortunate among us cherish throughout our lives; and

Whereas, the objective of the West Georgia, Marines Toys for Tots program is to help less fortunate children throughout the United States experience the joy of Christmas ; to play an active role in the development of one of our nation's most valuable resources – our children; to unite all members of local communities in a common cause for three months each year during the annual toy collection and distribution campaign; and to contribute to improving communities in the future;

Therefore, the Commission wishes to formally recognize the County's partnership with the West Georgia, Marines Toys for Tots program and the local stakeholders who are assisting their program to reach the children of Cleburne County. These stakeholders include Commissioner Rex Nolen for his past and ongoing efforts to bring the program to Cleburne County starting in the Christmas of 2010; the Cleburne County School System for assisting with the identification of eligible children and helping their families be informed of the opportunity; area churches and other civic, industry, and governmental groups who aided in identifying and informing families and in the physical distribution and housing of toys during the initial 2010 distribution period, the first of which to occur in Cleburne County.

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) Discuss Cleburne County Nursing Home System Analysis; b) Approve request of Sheriff Joe Jacks to hire a correctional officer due to the resignation of one of his current correctional officer positions. County Attorney Doug Ghee discussed and presented the Commission with a resume from Dr. Stefman, an organizational development consultant from Texas, who works all over the Southeast with the healthcare industry, to review concerns about the financial condition of the Cleburne County Nursing Home and Cleburne County Emergency Medical Service. Mr. Ghee stated to the Commission that he seems to be the most qualified. Sheriff Joe Jacks briefed the Commission on the resignation one of his current correctional officer position and asked that they consider allowing him to hire a correctional officer for replacement of this position.

**Resolution # 4372** On a motion by Commissioner Joel Robinson and seconded by Commissioner Emmett Owen, 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:

Authorize Sheriff Joe Jacks to hire a correction officer for the replacement of one of his current correctional officer positions due to their resignation. All members present voted for the resolution and none against. The motion carried.

**Resolution # 4373** On a motion by Commissioner Emmett Owen 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:**

**Approve to carry over discussion of the Cleburne County Nursing Home System Analysis until next months meeting. All members present voted for the resolution and none against. The motion carried.**

Commission  
Discussion

Reports from staff were as follows: A) County Administrator Steve Swafford informed the Commission that this Thursday at 9:00 am will be the architect field report for the new facility and the FY 2012 budget proposal will be completed on Friday of this week that will contain a number of nested policy changes for the Commission to consider for addressing financial issues and challenges that face the county in the upcoming year. Steve is waiting on numbers from Revenue Discovery Systems, the company that collects all the county sales and use taxes to explore the possibility of conducting a series of random sales tax audits to make sure we have a compliance program on sales tax collection and once we have the quote back so we can integrate them into to the budget for consideration. August 26, 2011 will be the closing date of the storm shelter grant process in Cleburne County that we are managing for FEMA, funded through mitigation dollars that are funded as a % of the overall recovery cost for the April 27, 2010 tornado. We have had over 50 households express interest in them, so far 20 of them have actually come in and filled out an application. Each grant is worth up to \$4,000 for the resident toward the installation of the storm shelter, so this is a wonderful opportunity for county residents. The deadline is ending soon so anyone interested is encouraged to do so as soon as possible. B) County Engineer Shannon Robbins was present for the meeting to give the Commission updates on bridge repairs on County Road 123; mowing will begin next Monday and should be finished a week or so before Thanksgiving, this will give time to get RRR work completed if necessary in order to make payroll; spoke with Mr. Tommy Elison with the City of Piedmont to get an update on the mowing of the Chief Ladiga Trail; the bids received have increases of 20 to 40 percent on material and supplies, metal pipes from 2011 bids have been ordered to save monies and may look at buying tires also to save monies; C) County Attorney Doug Ghee informed the Commission that he has been in contact with the Secretary of State office concerning a Federal Judge opinion on letting the voters choose their polling place with the changes in the 2010 district lines that the Department of Justice is reviewing for approval and he briefed the Commission on Judge Thomason's ruling in favor of the motion filed on the lawsuit of the Edwardsville District. Commissioner Rex Nolen briefed the Commission on the Toys for Tots program with an update on distribution, storage and entities involved.

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

Resolution #  
4374

**On a motion by Commissioner Joel Robinson and seconded by Commissioner Emmett Owen, 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.**