

Cleburne County Commission Meeting
Cleburne County, Alabama
February 14, 2011

MINUTES

- Regular Commission Meeting The Cleburne County Commission met in regular session on Monday, February 14, 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. John Hufspetler addressed the Commission with concerns of E911 road #487. Mr. Hufspetler states the road is currently posted with an E911 sign and not a county road sign. He presented documentation to the Commission from the State of Alabama that gives state law on requirements for maintaining public roads.
- Commission Discussion The Commission discussed adding to the agenda of today's meeting the request of maintaining E911 road #487 by Mr. John Hufspetler for further discussion.
- Resolution # 4336** **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 add to the agenda of today's meeting the request of maintaining E911 road #487 by Mr. John Hufspetler for further discussion. All members present voted for the resolution and none against. The motion carried.**
- Public Comment from Other Elected Officials State Senator Gerald Dial was present for the meeting to discuss with the Commission the following items: the possibility of putting a bid in for the purchase of the Heflin National Guard armory property; introducing a bill for providing additional court costs in civil and criminal cases in the county in order to provide additional financial support for county services; commended the county commission for good management with the county budget and approached the Commission on behalf of the logging industry in the county to speak against Cleburne County's logging policy. Upon conclusion several county residents spoke in support of the logging policy including Sheriff Joe Jacks.
- Commission Discussion The Commission addressed items from the consent agenda from the agenda of today's meeting: a) Approve the Commission meeting minutes of January 2011 as presented; b) Approve January 2011 check register; c) Approve to adopt the Cleburne County Commission Drug and Alcohol Abuse Testing Policy for FTA Identified Safety-Sensitive Employees; d) Approve to authorize the Sheriff to fill the open corrections officer position in the Jail effective January 28, 2011; e) Approve to authorize the County Engineer to advertise and hire workers for the Operator 2 classification; f) Approve the list of equipment being declared surplus and authorize the County Administrator to dispose of the said equipment in whatever form that is permissible by law; g) Approve to advertise a bill to be introduced into state legislature in order to seek additional revenues to support County road infrastructure by increasing court costs for civil and criminal cases; h) Approve the request for an 011-Lounge Retail Liquor – Class II (Package) license (confirmation number 20110124085918232) for Breed's Package Store by Mr. Kenneth Ross Breed, at 8518 Hwy 431, Suite b, Heflin, AL; i) Approve to adopt the millage rates for the Cleburne County Revenue Commissioner's Office for fiscal year 2011. Items d and e are moved to New Business of today's agenda for further discussion.
- Resolution # 4337** **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 the following resolutions from the items of the consent agenda:

- 4337-1 The Commission resolves to approve the January 2011 minutes as presented,
- 4337-2 The Commission resolves to approve the January 2011 check register,
- 4337-3 Whereas, the Cleburne County Commission is dedicated to providing friendly, safe, dependable and economical transportation services to our transit system passengers; and
- Whereas, The county is concerned about the effects of the use of illegal drugs, controlled substances and abuse of alcoholic upon the health and safety of its FTA identified employees and passengers, and
- Therefore, the County Commission adopts the Cleburne County Commission Drug and Alcohol Abuse Testing Policy for FTA Identified Safety-Sensitive Employees effective January 31, 2011.

- 4337-4 Whereas, the Cleburne County Commission must abide by state and federal laws regarding the disposition of equipment being deemed surplus; and
- Whereas, the following equipment has been deemed by the County Administrator to be surplus:

See attached Table 1: List of equipment being declared surplus.

Therefore, the County Commission authorizes the County Administrator to dispose of the said equipment in whatever form that is permissible by law.

- 4337-5 Whereas, the County Commission must seek approval of the state legislature in order to seek additional revenues to support county road infrastructure; and
- Whereas, prospective legislation must be approved by the Commission and advertised locally for four consecutive weeks prior to being introduced in the Alabama House of Representatives;
- Therefore, the Commission directs the County administrator to post and advertise the following bill:

**STATE OF ALABAMA
COUNTY OF CLEBURNE**

NOTICE is hereby given that a bill substantially as follows will be introduced in the next session of the Legislature of Alabama and application for its passage an enactment will be made to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Cleburne County, providing for additional court costs in civil and criminal cases in the county in order to provide additional financial support for county services.

Section 1. In addition to any court costs and fees now or hereafter authorized in Cleburne County, the Cleburne County Commission may impose by resolution of the Commission an additional fee in an amount not to exceed thirty-dollars (\$30) to be assessed and taxed as costs on each traffic case filed in the Circuit Court, District Court, or any municipal court in Cleburne County. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waved.

Section 2. The additional fees, when collected by the clerks or their collection officers of the courts, shall be paid into the General Fund of Cleburne County. Notwithstanding the foregoing, if a municipal court is established in any municipality in the county, the additional

court costs from cases in the municipal court shall be collected by the municipal court clerk and deposited in the general fund of the municipality.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

4337-6 **Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an 011-Lounge Retail Liquor – Class II (Package) License (Confirmation number 20110124085918232) for Breed’s Package Store being requested by Mr. Kenneth Ross Breed at 8518 Hwy 431, Suite B, Heflin, Alabama; 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 an 011-Lounge Retail Liquor-Class II (Package) license for the said location.

4337-7 **Whereas, the Cleburne County Commission is required to approve millage rates for the Cleburne County Revenue Commissioner’s Office each year;**

Therefore, the Cleburne County Commission approves the following millage rates for fiscal year 2011:

General Fund	5.0
Road & Bridge	2.5
Hospital	4.0
Fire	2.0
County-Wide School	9.0
School District 1 & 2	8.0
Total County	30.5

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) Road concerns of Mr. John Hufspetler for E911 #487; b) item d from the consent agenda of today’s meeting - Approve to authorize the Sheriff to refill the open corrections officer position in the Jail effective January 28, 2011; c) item e from the consent agenda of today’s meeting - Approve to authorize the County Engineer to advertise and hire workers for the Operator 2 classification.

Resolution
#4338

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 the following resolution from the items of New Business transferred from the consent agenda of today’s meeting:

Whereas, the Cleburne County Commission FY11 Budget includes an attrition statement that requires all vacancies that become available during the year must be approved by the County Commission before the position can be filled; and

Whereas, a Corrections Officer position in the jail has become open due to the resignation of an employee; and

Whereas, the Cleburne County Sheriff’s Office has requested approval to fill this position; and

Therefore, the County Commission approves to fill the open Corrections Officer position in the jail effective January 28, 2011.

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

**Resolution
#4339**

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 transferred from the consent agenda of today's meeting:

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

Whereas, the Cleburne County Commission requires the use of various labor classifications as a means to improve the infrastructure of the county through various construction and maintenance activities;

Whereas, for Fiscal Year 2011 the Cleburne County Commission implemented the requirement for any additional hires within any department to have prior approval by the Commission in the form of a resolution;

Therefore, due to the various labor needs of the Cleburne County Highway Department, the Cleburne County Commission authorizes the County Engineer to advertise and hire workers for the Operator 2 classification. The slots will be utilized as deemed necessary by the County Engineer, with not more than 3 slots being filled at this time.

Commissioners Joel Robinson, Benji Langley, and Rex Nolen voted for the resolution and Commissioner Emmett Owen voted against.

Commissioner Joel Robinson made a motion to adopt E911 Road #487 as a county road, however due to the lack of a second, Commissioner Robinson withdrew his motion.

**Resolution
#4340**

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 table the road concerns of Mr. John Hefspetler for E911 Road #487 until March 2011 Work Session. 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 gave the Commission an update, B) County Engineer Shannon Robbins updated the Commission on various current projects and discussed the pros and cons of a four-day ten hour work week schedule for county engineering and road department employees, C) County Attorney Doug Ghee briefed the Commission on the lawsuit pending for the declaratory judgment.

**Resolution
#4341**

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 add to the agenda of today's meeting the discussion of a four-day ten hour work week schedule for county engineering and road department employees. All members present voted for the resolution and none against. The motion carried.

**Resolution
#4342**

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 authorize the county engineer to establish the work week schedule for county engineering and road department employees as long as all work tasks are completed. All members present voted for the resolution and none against. The motion carried.

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

**Resolution
#4343**

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