

# **Cleburne County Commission Meeting Minutes Regular Commission Meeting May 20, 2013 Cleburne County Mountain Center**

## **Roll Call:**

### Present:

Chairman Ryan Robertson  
Commissioner Laura Cobb  
Commissioner Benji Langley  
Commissioner Emmett Owen

### Absent:

Commissioner Bobby Brooks

## **Public Comment from Citizens:**

- A) Mr. Joe Farlow discussed his concerns about County Road 10 encroachments.
- B) Mr. Doug Carter discussed his concerns about the chain link fence on his property on County Road 10 and the encroachment issue.
- C) Mr. Clyde Farlow discussed right of way concerns on County Road 10 and questioned the Commission on road maintenance and funding.
- D) Mr. Joey Hanson discussed concerns of speeding traffic on County Road 10 after the road paving is complete.
- E) Mr. Walter Thrower discussed concerns of a truck damaged by a tree on the County Road 635 right of way.

## **Awards and Presentations**

- A. Recognizing County Administrator Steve Swafford for being the recipient of the 2013 Excellence in County Administration Award issued by the Alabama County Administrators Association.
- B. Recognizing the Cane Creek Volunteer Fire Department on reducing their ISO rating to a five effective May 1, 2013.

## **Consent Agenda**

The Commission passed the May consent agenda including:

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### **Resolution #4451-1**

The Cleburne County Commission hereby resolves to approve the April 2013 minutes as presented.

### **Resolution #4451-3**

The Cleburne County Commission recognizes the following board appointment statuses as of the March meeting:

Resignations: None

Commission acknowledges the following vacancies:

Vacancies:

Cleburne County Water Authority –  
Joe Bill Conkle in March 2013

Board Appointments:

Cleburne County Water Authority –

**Resolution #4451-4**

**Whereas**, the Cleburne County Commission has received a request from a concerned citizen to evaluate the conditions of Cleburne County Road 201; 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 signed distance of the route, among other safety aspects of the dirt road, 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 each end for the notification and safety of the traveling public.

**Resolution #4451-5**

**Whereas**, when the State of Alabama Health Department has certified that the open well, cistern, or cesspool at Mars Hill Primitive Baptist Church on 10000 County Road 65, in the Mars Hill Community near Heflin, AL, is a public safety and health nuisance and should be abated by filling;

**Whereas**, the Cleburne County Commission recognizes the need to reduce public nuisance whenever possible for the benefits of the citizens of the county;

**Whereas**, the Code of Alabama, 1975, authorizes the Cleburne County Commission to work on private property to correct a health problem or nuisance that is certified by the Health Department;

**Therefore**, the Cleburne County Commission authorizes the Cleburne County Highway Department to fill the above referenced well after being recognized by the State of Alabama Health Department as a nuisance. The well will be filled with the material of choice as determined by the County Engineer depending upon an investigation of the well. The cost for work will need to be paid in full to the County by the landowner prior to the work being scheduled. In this case and in all future similar cases, the cost will be assessed at a flat fee of \$500.

**Resolution #4451-6**

**Whereas**, in June, 2008, the City of Heflin Industrial Development Board was founded for the promotion of Industrial recruitment in and around the Heflin, area, to improve the quality of life for the residents of the City of Heflin and Cleburne County through both employment opportunities and tax revenues, and

**Whereas**, for the last five years, the City of Heflin Industrial Development Board has continued to improve the infrastructure in and around the City of Heflin Industrial Park, and

**Whereas**, at our March, 2013 meeting, one of our state elected officials stressed the importance of having a unified local government, both City and County, when trying to recruit Industrial Clients.

**Therefore**, the Cleburne County Commission hereby recognizes and voices our support for the City of Heflin Industrial Development Board's initiatives and expresses our desire to help promote those efforts in our communications and actions so as to demonstrate this partnership of common purpose.

#### **Resolution #4451-7**

**Whereas**, the 2008 Agreement for Office Space for the Cleburne County Community Action Agency has expired,

**Therefore**, the Commission authorizes the County Administrator to update and implement this agreement under similar terms and conditions for an additional five-year period.

#### **Resolution #4451-8**

**Whereas**, Cleburne County is home to a significant number of citizens 60 years of age or older, and

**Whereas**, the older citizens of Cleburne County represent a dramatic trend in our nation's demographic makeup; and

**Whereas**, older persons are diverse, respected citizens who continue to contribute to our nation's social and economic well-being; and

**Whereas**, a growing number of baby boomers are rapidly becoming older citizens, and the number of individuals providing care to family members and friends is expanding significantly; and

**Whereas**, the opportunities and challenges that lie ahead require us to think differently about health and long term care, and work together to re-balance and modernize our current systems so that we may adequately plan for and address the needs of current and future generations; and

**Whereas**, older persons are entitled to live lives of dignity and independence through:

A. Streamlined access to information and community services;

B. Information about cost-effective prevention practices and activities that will improve health and quality of life, and

C. Innovative affordable options of care and support that will provide an array of choices about how and where to live.

**Therefore**, the Cleburne County Commission does hereby proclaim May 2013 to be Older American Month and urge all citizens to honor adults and those who care for them during May and throughout the year. We urge all to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

#### **Resolution #4451-9**

**Whereas**, having received notification from the State of Alabama Alcoholic Beverage Control Board of a 050 – Retail Beer (Off Premises Only) and a 070 – Retail Table Wine (Off Premises Only) Alcoholic License being requested (Confirmation Number 20130308110556112) for Cheaha County Store - Zeeshan

Investments Inc by the request of applicant - Lima Akhter Chowdhury at 3412 Us Hwy 431 S. Heflin, Alabama, 36264, 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 a 070 – Retail Table Wine (Off Premises Only) Alcoholic License for the said location.

#### **Resolution #4451-10**

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

**Whereas**, the transportation network within Cleburne County is under the stress of increased traffic and heavy loads on a daily basis and the Cleburne County Commission must consider the preservation of the infrastructure for the benefit of the traveling public;

**Whereas**, the Code of Alabama 1975 grants the Cleburne County Commission the legal authority to govern the type traffic that is permitted to use the infrastructure and must erect signage for such;

**Whereas**, the Cleburne County Commission, due to public complaints and the damaged condition of County Road 24, has noted the need to preserve the public roads of the county;

**Therefore**, in the interest of serving the traveling public, the Cleburne County Commission desires to restrict thru truck traffic on Cleburne County Road 24 by prohibiting trucks from utilizing the route as a short cut, due to the fact that access is available on other existing State/Federal routes that are more suitable to accommodate heavier loads. By passing this resolution, the Commission intends to have "No Thru Trucks" signs places on each end of County Road 24 immediately, and requests that all Law Enforcement Agencies assist in enforcing the changes.

#### **Resolution #4451-11**

**Whereas**, the Cleburne County Commission is an advocate for the increasing of commercial sales within the boundaries of Cleburne County, and

**Whereas**, the Cleburne County Chamber of Commerce has developed a "buy local" promotion that seeks to increase sales for local businesses but is in need of funding in order to implement;

**Therefore**, the Cleburne County Commission hereby allocates an additional \$1,000 to the County Administration Budget in order to cover an allocation in the same amount to the Chamber to in-part fund this type of promotion with the County Administrator implementing the necessary agreements to properly document this type of expenditure on behalf of the Commission.

#### **Resolution #4451-12**

**Whereas**, the City of Heflin Industrial Development Board has approached the County Commission with desires to improve access to the city industrial park, and

**Whereas**, tobacco tax funds in a set amount have previously been set aside for projects specifically beneficial to District 2 and are currently budgeted for in the FY13 county budget.

**Therefore**, the Cleburne County Commission hereby authorizes the amount of \$25,000 to be provided to the City of Heflin Industrial Board based upon the development of a scope of work and memorandum of understanding to be negotiated and put in place by the County Administrator with the Board.

**Resolution #4451-13**

**Whereas**, the Commission has been approached by Celebrate Recovery (a local non-profit 501(c)3 organization) who has asked for permission to co-occupy county owned office space for the purposes of providing rehabilitative services for Cleburne County citizens; and

**Whereas**, the Commission is currently under agreement with the Cleburne County Foster & Adoptive Parent Association (CCFAPA) regarding the use of office space located on Brockford Road in Heflin, AL and with the understanding that the CCFAPA supports being co-located with Celebrate Recovery.

**Therefore**, the Commission hereby approves for Celebrate Recovery to utilize this same property located on Brockford Road and directs the County Administrator to engage Celebrate Recovery towards the development of a MOU detailing expectations and understandings of all entities and authorizes the Administrator to implement said agreement on behalf of the Commission.

**Resolution #4451-14**

**Whereas**, having received notification from the State of Alabama Alcoholic Beverage Control Board of an 050 Retail Beer (Off Premises Only) and an 070 Retail Table Wine (Off Premises Only) Alcoholic License being requested (Confirmation Number: 20130503140252725) for Express Mart 23 by Mohammed T Haque of Jubel Investments Inc. at 7000 Highway 46, 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 a 050 Retail Beer (Off Premises Only) and a 070 Retail Table Wine (Off Premises Only) Alcoholic License for the said location.

Action:

Motion made by Commissioner Benji Langley, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen and Benji Langley

In Opposition: None

Motion Passed

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**New Business Agenda**

- A. Resolution presented for Adoption – 2 from the consent agenda of today's agenda.

**Resolution #4452**

The Cleburne County Commission hereby resolves to approve the April 2013 check register.

Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Benji Langley

In Support: Commissioners Laura Cobb, Emmett Owen and Benji Langley

In Opposition: None

Motion Passed

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- B. Request by Emmett Owen to establish a committee to review job contracts.

**Resolution #4453**

Be it resolved, that a committee is hereby created to evaluate the total dollar value of the employment contract of the Cleburne County Administrator and the total dollar value associated with the job position.

This committee shall consist of two commissioners chosen by the Commission and the County Human Resource Officer.

This committee shall have the authority to task the County Attorney to review the Administrator's employment contract and related documents, and for the County Attorney to report to the Commission his legal assessment of these documents.

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Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen and Benji Langley

In Opposition: None

- C. Resolution by Emmett Owen to research changing the organizational structure of Cleburne County Government.

**Resolution #4454**

Be it resolved, that the County Attorney is hereby tasked to research, prepare, and present to the Commission at its next meeting a system whereby each Commissioner would have primary oversight over a department or various departments of county government for the purpose of commissioners being better informed of daily operations of county government and to be fully informed of all activities.

Nothing herein shall in any way diminish the Commission's control as a body, over any aspect of county governmental operation.

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Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen, and Benji Langley

In Opposition: None

Motion Passed

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**Resolution #4455**

The Cleburne County Commission approves to appoint Commissioner Laura Cobb to the committee to evaluate the total dollar value of the employment contract of the Cleburne County Administrator and the total dollar value associated with the job position.

Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Benji Langley

In Support: Commissioners Laura Cobb, Emmett Owen, Benji Langley

In Opposition: None

Motion Passed

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D. Resolution to move the June and July meeting dates.

**Resolution #4456**

Be it resolved, to move the June and July work sessions and business meetings to the second and fourth week of each month, reverting back to the normal schedule in August.

Action:

Motion made by Commissioner Benji Langley, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen, Benji Langley

In Opposition: None

Motion Passed

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**Resolution #4457**

The Cleburne County Commission approves to appoint Commissioner Emmett Owen to the committee to evaluate the total dollar value of the employment contract of the Cleburne County Administrator and the total dollar value associated with the job position.

Action:

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Benji Langley

In Support: Commissioners Laura Cobb, Emmett Owen, Benji Langley

In Opposition: None

Motion Passed

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**Reports from Staff were as follows:**

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A. County Administrator Steve Swafford presented the Commission with the mid-year budget summarization. He reported to the Commission that the county attorney and county compliance departments will need modifications due to overage in expenses. Those are due to the Commission usage of the County Attorney budget and well testing requirements by ADEM at the closed landfill of the County Compliance budget.

B) County Engineer Shannon Robbins briefed the Commission on the Department of Transportation program for repairing bridges and briefed the Commission on the damages from the heavy rain on Friday, May 17, 2013 and Saturday, May 18, 2013. He reported to the Commission that his department has begun mowing season.

C) County Attorney Doug Ghee gave the Commission an update on the current lawsuit related to County Road 123.

Chairman Ryan Robertson informed the Commission that the Cleburne County School Board is looking at the possibility of utilizing the former Emergency Operations Center.

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

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**Resolution #4458**

The Commission meeting is adjourned.

Action:

Motion made by Commissioner Emmett Owen, and Seconded by Commissioner Benji Langley

In Support: Commissioners Laura Cobb, Emmett Owen and Benji Langley

In Opposition: None

Motion Passed

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