

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting November 9, 2015
Cleburne County Mountain Center**

Roll Call

Present:

Chairman Ryan Robertson
Commissioner Laura Cobb
Commissioner Emmett Owen
Commissioner Terry Hendrix
Commissioner Bobby Brooks

Absent:

None

Comments from Officials or Board Members:

A. Tracy Lambert, Cleburne County Coroner gave the Commission a brief update.

Scheduled Public Hearing

The Commission held a public hearing at this time for the closure of County Road #408.

Consent Agenda

The Commission passed the November 2015 consent agenda including:

Action as related to Resolutions #4654-1,3,4,5,7,9:

Motion made by Commissioner Bobby Brooks, Seconded by Commissioner Terry Hendrix

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, and Bobby Brooks

In Opposition: None

Motion Passed

Resolution #4654-1

The Cleburne County Commission hereby resolves to approve the September (Regular on 14th, Special Called on 28th, & Continued Meeting on 28th) and October 2015 minutes as presented.

Resolution #4654-3

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

Resignations: **None**

Commission acknowledges the following vacancies: **None**

Board Appointments: **None**

Resolution #4654-4

Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an Alcohol License being requested (Confirmation number 20151028141257262) by Alan Wren Goodman for Alabama Cue and Restaurant LLC, for the location of 6645 Highway 9, 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 an alcohol license for the said location.

Resolution #4654-5

Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an Alcohol License being requested (Confirmation number 20151019151632455) by Peatrice Bumgarner for Rosewood Corner LLC, for the location of 26468 CR 49 Muscadine, Alabama 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 an alcohol license for the said location.

Resolution #4654-7

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

Whereas, CR 118 is an important route in the Cleburne County transportation system and a bridge replacement project will be let to contract by the Alabama Department of Transportation to utilize the Federal, State, and County Funds available to fund Project ACBRZ61699-ATRP(011), CCP 15-37-12;

Whereas, the Cleburne County Commission intends to enter into the agreement with the Alabama Department of Transportation to utilize the available Federal and State funds as required to construct the bridge replacement project on CR 118;

Therefore, the Cleburne County Commission agrees to enter into an agreement with the Alabama Department of Transportation to utilize the Federal and State Funds and authorizes the Commission Ex-Officio to sign said agreements and supporting documentation as required pertaining to the project.

Resolution #4654-9

Whereas, the Cleburne County Commission desires to reschedule the "second work session of the month".

Therefore, the Cleburne County Commission hereby moves the "second work session of the month" from the third Monday of the month to 2 p.m. the same day as the Commission's regular monthly meeting.

New Business:

The following resolutions were reviewed for passage in new business:

Resolution 1. Related to Agenda Item A under New Business

Resolution 1: TO END

Whereas, the Cleburne County Commission has historically operated a county transportation program for approximately 20 years; and

Whereas, the Cleburne County Commission has received the impending resignation of the county transportation manager; and

Whereas, the Cleburne County Commission has upon numerous occasions questioned the sustainability and value of the transportation program;

Therefore, the Cleburne County Commission resolves to discontinue the county transportation program effective January 1st, 2016.

Motion made by Commissioner Terry Hendrix, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Terry Hendrix

In Opposition: Commissioner Emmett Owen, Bobby Brooks and Chairman Ryan Robertson

Motion Did Not Pass

Action as related to Resolutions #4655:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Bobby Brooks

In Support: Commissioners Emmett Owen, Bobby Brooks and Chairman Ryan Robertson

In Opposition: Commissioners Laura Cobb, Terry Hendrix

Motion Passed

Resolution #4655

Resolution 2. Related to Agenda Item A under New Business

Resolution 2: TO CONTINUE

Whereas, the Cleburne County Commission has historically operated a county transportation program for approximately 20 years; and

Whereas, the Cleburne County Commission has received the impending resignation of the county transportation manager; and

Whereas, the Cleburne County Commission has upon numerous occasions questioned the sustainability and value of the transportation program;

Therefore, the Cleburne County Commission resolves to continue the county transportation program and directs the County Administrator to refill the position of the retiring Curt Adair as soon as possible.

Action as related to Resolutions #4656:

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Bobby Brooks

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, Bobby Brooks

In Opposition: None

Motion Passed

Resolution #4656

Resolution Related to Agenda Item B under New Business

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, in the best interest of the public, by passage of this resolution, the Cleburne County Commission has vacated a section of CR 408. CR 408 shall be vacated from the intersection with CR 66 to the intersection with the Thomas Statham property. The overall length of the section of CR 408 to be closed is approximately 3850', or 0.729 miles. The property owners adjacent to the closed roadway are as follows:

- James Fordham, 12370 CR 66, Heflin, AL 36264

Action as related to Resolutions #4657:

Motion made by Commissioner Bobby Brooks, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, Bobby Brooks

In Opposition: None

Motion Passed

Resolution #4657

Resolution Related to Agenda Item C under New Business

Whereas, the Cleburne County Commission desires to find a possible way to allocate county funds to the Coroner's Department.

Therefore, the County Commission directs the County Administrator to work with state legislators and Legislative Reference in order to draft a bill that would be supported by our legislative delegation and would enable the Commission to allocate county funds towards the office of Coroner.

Resolution Related to Agenda Item D under New Business - Resolution Presented for Adoption – 2 from the consent agenda of today's meeting

The Cleburne County Commission hereby resolves to approve the September & October 2015 check registers.

Commissioner Bobby Brooks made a motion to approve Resolution Presented for Adoption 2 from the Consent Agenda of today's meeting, however there was not a second given, therefore the motion dies for lack of a second.

Action as related to Resolutions #4658:

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix,

In Opposition: Commissioner Bobby Brooks

Motion Passed

Resolution #4658

Resolution Related to Agenda Item E under New Business Resolution Presented for Adoption – 6 from the consent agenda of today's meeting

Whereas, the Cleburne County Commission owns a:

2005 Chevrolet Blazer (VIN # 1GNLT13X55K107586);
2010 Ford Explorer (VIN # 1FMEU7082AUAB4427);
Truck Lift at the County Public Works Shop;

Whereas, the Commission desires for these vehicles to be made surplus for the County so that they can be disposed of in whatever manner permitted by law; and

Therefore, the Commission deems said vehicle to be surplus and directs the County Administrator to take whatever steps necessary to dispose of said property in whatever manner is permissible by law.

Action as related to Resolutions #4659:

Motion made by Commissioner Terry Hendrix, Seconded by Commissioner Bobby Brooks

In Support: Commissioners Terry Hendrix, Bobby Brooks and Chairman Ryan Robertson

In Opposition: Commissioner Laura Cobb, Emmett Owen

Motion Passed

Resolution #4659

Resolution Related to Agenda Item F under New Business-Resolution Presented for Adoption – 8 from the consent agenda of today's meeting

Whereas, in the October 2015 Commission meeting, the Commission authorized the County Administrator to develop and implement a debt instrument (line of credit / loan) to provide the funds necessary for the procurement of these systems along with future needs related to the spill remediation efforts; and

Whereas, the County Administrator now presents the County Commission with this instrument;

Therefore, the Cleburne County Commission here agrees to the following:

Section 1. **Agreement.** The Cleburne County Commission, by and through its Commissioners does hereby agree to sign a general obligation warrant in the amount of \$600,000 with Metro Bank for the purpose of acquiring funds to purchase equipment, employ MK Environmental, Inc. and any other expenses incurred with the cleanup of the Haley Road fuel spill. County Administrator Steve Swafford has been authorized to sign the general obligation warrant on behalf of the County Commission.

Section 2. **Payment.** The County Commission, by and through its Commissioners agrees to the following annual interest only payments for the next three years beginning on January 1, 2017, at the end of the this three year period annual payments of principal and interest will begin no later than January 1, 2020, and extend no more than five years from said date or until the loan balance is paid in full. The interest rate charged on this warrant will be fixed for the total of eight years from the date of signing at the tax free rate of 2.95%.

Section 3. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. **Conflicting Ordinances and Resolutions** - All Ordinances or parts of Ordinances which conflict with the provisions of this Ordinance are hereby repealed.

Action as related to Resolution #4660

Motion made by Commissioner Bobby Brooks, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Bobby Brooks

In Opposition: None

Motion Passed

Resolution #4660

Resolution Related to Agenda Item G under New Business-Resolution Presented for Adoption – 10 from the consent agenda of today's meeting

Whereas, the Cleburne County Commission has been approached by the County Coroner with a request to approve Deputy Coroners.

Therefore, the Cleburne County Commission hereby approves the following individuals as Deputy Coroners:

Gary Mayfield
Dan Hopkins
Patrick Nolen

Reports from staff:

- A. County Administrator Steve Swafford did not have anything new to report at this time.
- B. County Engineer Shannon Robbins gave the Commission an update on current road projects and discussed his request for a one-year extension of his employment contract.

C. County Attorney Doug Ghee briefed the Commission on the contract extension for the County Engineer.

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

The Commission adjourned the meeting.

Action as related to Resolution #4661:

Motion made by Commissioner Bobby Brooks, and Seconded by Commissioner Terry Hendrix

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, and Bobby Brooks

In Opposition: None

Motion Passed

Resolution #4661

The meeting is adjourned.