

Cleburne County Commission Meeting Minutes Regular Commission Meeting October 21, 2013 Cleburne County Mountain Center

Roll Call:

Present:

Chairman Ryan Robertson
Commissioner Laura Cobb
Commissioner Emmett Owen

Absent:

Commissioner Benji Langley
Commissioner Bobby Brooks

Public Comment from Citizens:

Ms. Karen Davis and Tammy Mirono with The Arc of Calhoun and Cleburne Counties introduced their program to the Commission and discussed having an open house in the county to educate the public of their services.

Comments from Officials or Board Members:

Revenue Commissioner Joyce Fuller gave the Commission an update on collections of property tax and discussed the procedures for mobile homes.

Consent Agenda

The Commission passed the October consent agenda including:

Resolution #4481-1

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

Resolution #4481-3

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

Resignations: None

Commission acknowledges the following vacancies:

Hospital Board – District 4 Appointment

Department of Human Resources – formerly held by Anita Day

Board Appointments:

Hospital Board - Appointment- District 4 -Patrick Nolen-Term expires April 2015

Department of Human Resources – Appointment – Crystal Cavender - Term expires September 2015

Resolution #4481-4

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

Whereas, Cleburne County is participating in the Rural Assistance Match Program (RAMP) and the Alabama Transportation Rehabilitation and Improvement Program (ATRIP) administrated through the Alabama Department of Transportation for the utilization of Federal Aid, State, and County funds to finance the construction of various county projects;

Whereas, agreements addressing funding for the various design aspects of the projects are submitted to Cleburne County from the Alabama Department of Transportation for the utilization of Federal Aid funds to partially fund the required design and preconstruction services;

Whereas, the Cleburne County Commission intends to enter into the agreements with the Alabama Department of Transportation, to utilize the available Federal Aid funds as required for design and preconstruction services for the county roads and bridges in RAMP and ATRIP.

Therefore, the Cleburne County Commission agrees to enter into the agreements with the Alabama Department of Transportation to utilize the Federal Aid funds for preconstruction activities and authorizes the Commission Ex-officio to sign said agreements and supporting documentation as required. This resolution is intended to cover all design and preconstruction agreements from this point forward for the RAMP and ATRIP projects in order to facilitate the agreement process.

Resolution #4481-5

Whereas, it has been brought to the attention of the County that the Commission is in possession of the Abernathy Fire Department Building (Old Plainview School);

Whereas, from an operational and liability standpoint, it would be beneficial to transfer this property to the ownership of the volunteer fire department; and

Whereas, the Abernathy VFD already possesses a 99 year lease to utilize the building as a volunteer fire department, serving the Abernathy community.

Therefore, the Cleburne County Commission authorizes the County Administrator to coordinate with the Abernathy Volunteer Fire Department and necessary legal counsel to implement the transfer of said property from ownership by the County to that of the volunteer fire department.

Resolution #4481-6

Whereas, last year one in every four of the 821,268 Alabamians living in poverty experienced legal problems, with the majority of these civil problems being consumer issues (creditor harassment, utility non-payment, bankruptcy issues), health issues (Medicaid, government insurance, nursing home), family law issues (divorce, child support/custody, abuse), employment issues (unemployment benefits, pension, lost job), and housing issues (unsatisfactory repairs, foreclosure, eviction, poor living conditions); and

Whereas, 17.1 percent of the citizens in Cleburne County live in poverty; and

Therefore, each year the low-income citizens of Cleburne County lack access to legal assistance for their legal problems that are often critical to their safety and independence, forcing them to resolve complex legal problems on their own; and

Whereas, the need for legal aid in Alabama is dire, since unlike in the criminal defense system, funding for low-income Alabamians who need civil legal assistance has not yet been met, with the consequences being a lack of access to justice which is devastation for the poor and which weakens our democratic society as a whole; and

Whereas, there are fewer than 60 paid legal aid lawyers to serve the more than 422,119 low-income households in the State of Alabama; and

Whereas, although 14 percent of the members of the Cleburne County legal community donated their time and talents in free legal services each year, a huge unmet need for legal assistance remains for the disadvantaged in our area; and

Whereas, the State of Alabama continues to be impacted by the lingering national recession and high unemployment, resulting in significant budget cuts to numerous State programs and services, such indigent defense, and State agencies such as the judicial system; and

Whereas, as a result of these events and the continuing needs of Alabama's residents, the demand for pro bono services by members of the Alabama State Bar has never been greater; and

Whereas, sponsored by the Alabama State Bar and its Pro Bono Celebration Committee, with support from local bar associations statewide, Pro Bono Week 2013, from October 20th to 26th, 2013, will educate the public about the extensive work Alabama lawyers are doing donating their time to improve the lives of vulnerable members of our community, and will encourage more individuals in the legal community to get involved in pro bono work and financially support the legal aid system; and

Whereas, Pro Bono Week 2013 will feature legal aid clinics throughout the State, assisting Alabamians who greatly need legal assistance but cannot afford to pay for that help, and will also feature service projects throughout the State of Alabama helping lawyers and law students make volunteer connections with legal aid organizations serving Alabamians:

Therefore, Cleburne County does hereby proclaim October 20-26, 2013 to be PRO BONO WEEK, and urge all Cleburne County residents to recognize the contributions of our legal community helping those most in need.

Resolution #4481-7

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 to include the transfer of old computer equipment to volunteer fire departments throughout the county.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

New Business

The Commission discussed Resolutions presented for adoption #2, #5, and #7 from the consent agenda of today's meeting;

Resolution #4482

The Commission tables Resolutions presented for adoption #2 and #5 from the consent agenda of today's meeting.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

Resolution #4483

Whereas, The Cleburne County Commission has contracted for and received a coordinated solid waste management plan in accordance with ADEM and state of Alabama requirements, and

Whereas, the Cleburne County Commission held a public hearing regarding the proposed plan in our September meeting as required by law.

Therefore, the County Commission hereby approves the Cleburne County Solid Waste Management Plan dated October 21, 2013 – October 21, 2023.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Pass

Resolution #4484

Whereas, the Cleburne County Commission owns both a:

2009 Ford Crown Vic

Car #**7709**

County ID #**003323**

VIN **2FAHP71V39X120057**

2007 Ford Crown Vic

Car #**5507**

County ID #**003159**

VIN **2FAFP71W17X148838**

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

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

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

Commissioner Emmett Owen discussed a request to apply for discretionary funds for a project the City of Heflin is undertaking to build a walking track and playground on Martin Luther King Drive at the Heflin Arts Building. He asked to add it to the agenda of today's meeting for consideration.

Resolution #4485

The Commission authorizes to add to the agenda of today's meeting the resolution proposed for adoption to allow Commissioner Emmett Owen to apply for discretionary funds for a project the City of Heflin is undertaking to build a walking track and playground on Martin Luther King Drive at the Heflin Arts Building.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

Resolution #4486

Whereas, the Cleburne County Commission has been presented a proposal by District 2 Commissioner Owen to apply all his available discretionary funds towards the funding of a Walking Track and Playground project being undertaken by the City of Heflin on Martin Luther King Drive, and

Therefore, The Cleburne County Commission hereby recognizes this project as one contributing to the public good and authorizes the application of said funds towards this project and directs the County Administrator to enter into a memorandum of understanding with the City of Heflin in order to accurately document the scope of the project and the application of public funds.

Note-Fund available Commission District 2 balance prior to FY14.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

Reports from Staff were as follows:

A. County Administrator Steve Swafford briefed the Commission on auditing of the county's sales tax by Revenue Discovery Systems, the county's clean-up day, the meeting of the Emergency Services Committee, and the renewal of the health care

provider contract for our county jail inmates. Steve informed the Commission of the ICS 400 training class to be held October 23&24, 2013 and the National Weather Severe Sky Warning training class to be held November 7 & 8, 2013. Steve discussed acquiring a part-time receptionist for the entry desk at the Mountain Center provided by the East Alabama Regional Planning & Development Commission senior program. Steve informed the Commission that he met with Jacksonville State University concerning some points of coordination for some ways the two entities could work together to co-promote some issues for the up-coming year.

Commissioner Owen asked if all concerns for the Mountain Center's newly constructed building have been addressed. Steve reported that everything has been relatively stable the last three months. We are waiting on the final walk through however; most of the problems up front have been addressed.

Commissioner Owen discussed concerns of funding for the County Search and Rescue and Volunteer Fire Departments.

Commissioner Cobb discussed concerns of beer tax revenue.

B. County Engineer Shannon Robbins briefed the Commission on routine operations and maintenance. Shannon gave an update on the removing of fencing on County Road 10 and discussed the possibility of passing a resolution to approve a deed transfer of the rock wall that has historical significance.

Commissioner Emmett Owen discussed coordinating forces for mowing maintenance for roads in his district that border the City of Heflin.

Resolution #4487

Approve to add to the agenda of today's meeting the approval of a deed transfer to convert property back to the land owner for the rock wall that has historical significance on County Road #10.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

Resolution #4488

Approve a deed transfer to convert property back to the land owner for the rock wall that has historical significance on County Road #10.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None

Motion Passed

C. County Attorney Doug Ghee briefed the Commission with an update on the ongoing litigation for the bridge issue.

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

Resolution #4489

The Commission meeting is adjourned.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: None
