

Cleburne County Commission Meeting Minutes
Regular Commission Meeting April 8, 2019
Cleburne County Mountain Center

Roll Call

Present:

Chairman Ryan Robertson
Commissioner Laura Cobb
Commissioner Emmett Owen
Commissioner Terry Hendrix
Commissioner Jake Durham

Absent:

None

Chairman Ryan Robertson asks for a motion and second to approve to add the following items to the agenda of today's meeting:

New Business – Funding request by Cleburne County Search and Rescue

Old Business – Request to vacate County Roads 439 and 263 and the portion of County Roads 450 and 59 within the boundaries of Hancock Forest Management property

Action as related to **Resolutions #4958**

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolution #4958

The Commissioner approves to add to the agenda of today's meeting the following items:

New Business – Funding request by Cleburne County Search and Rescue

Old Business – Request to vacate County Roads 439 and 263 and the portion of County Roads 450 and 59 within the boundaries of Hancock Forest Management property

Comment from Citizens

Ms. Robi Mobley, Director of Hearts, is present to give the Commission an annual report and details of the 7th Annual Day of Hope BBQ set for Saturday, April 13, 2019. She thanks the Commission for the support they give with the funding for the power bill at the Heflin office.

Mr. Don Davis addresses concerns of the areas of cracking in the asphalt on the Chief Ladiga Trail. Chairman Ryan Robertson gives the Commission a history of the support for

the development of the trail. County Engineer Lee Estes informs the Commission that he has applied for a grant to replace up to 150 feet of asphalt where there is cracking.

Ms. Neva White discusses stray animal neglect in the area where she lives. Commissioner Jake Durham states that animal abuse is a criminal offense.

Mr. Ron White discusses the possibility of closing a portion of County Road #812 and his concerns are that the mandatory garbage vendor, Advance Solid Waste Disposal is not adhering to the following three stipulations in their contract: trash to be removed at least once per week, wind-blown matter, and charges for late fees.

Ms. Martha Lavender and Dr. Bridgett Burney with Gadsden State Community College to addresses the April 2019 National Community College Month and informs the Commission of the FAME program that the Ayers Campus is going the launch.

Mr. Henry Mullinax with the Alabama Law Enforcement Appreciation Foundation extends a thank you from the Sheriffs and Police Chiefs from Calhoun and Cleburne Counties to the Commission for their past support shown to the area law enforcement officers and asks for their support to continue this endeavor. All contributions are tax deductible and will go to support ALEAF's Law Enforcement Week's festivities, purchasing of equipment such as tourniquets and body armor, providing training, and finally, helping officers and their families who may be experiencing devastating illness or injury.

Consent Agenda

The Commission passed the April 2019 Consent Agenda including:

Action as related to **Resolutions #4959 – 1-12** April 2019 Consent Agenda:

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolution #4959-1

The Cleburne County Commission hereby resolves to approve the minutes of:

March 11, 2019

as presented.

Resolution #4959-2

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

Resignations: None

Resignations: None

Commission acknowledges the following vacancies:

Hospital Board: Coker Cleveland

Hospital Board: Mary Turner

Hospital Board: Beverly Owens

Library Board: Martha Brown

Board Reappointments:

Hospital Board: Beverly Owens

Resolution #4959-3

WHEREAS, the nation's 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe and vibrant communities; and

WHEREAS, counties provide health services, administer justice, keep communities safe, foster economic opportunities and much more; and

WHEREAS, Cleburne County and all counties take pride in our responsibility to protect and enhance the health, welfare and safety of our residents in efficient and cost-effective ways; and

WHEREAS, through National Association of Counties President Greg Cox's "Connecting the Unconnected" initiative, NACo is demonstrating how counties deliver "people-centered" services to our residents nationwide; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs, and services; and

WHEREAS, the Cleburne County Commission has made efforts to inform the public through the cleburnecounty.us website and the Cleburne County Commission social media page.

NOW, THEREFORE, BE IT RESOLVED THAT the Cleburne County Commission does hereby proclaim April 2019 as National County Government Month and encourages all county officials, employees, schools, and residents to participate in county government celebration.

Resolution #4959-4

Whereas, Commissioner Cobb has been approached with a request from the Muscadine VFD for assistance in the parking area, and

Whereas, the District 1 Commissioner has agreed to apply up to \$500 from her discretionary funds toward the project.

Therefore, the Commission authorizes this application of funds, recognizing it as having a valid public purpose, being in agreement with the County's Discretionary Fund Policy

adopted September 16th, 2013, and a valid use of the earmarked Tobacco Tax that funds the Commissioner's discretionary allocations.

Resolution #4959-5

Recognizing April as National Community College Month

WHEREAS, Alabama's public community college system is the State's single largest system of public higher education and is Alabama's most affordable and accessible system of higher education; and

WHEREAS, the three foundational pillars of the Alabama Community College System –academic transfer, workforce development and adult education – enable us to make a positive impact on people we serve annually and the people of our great state; and

WHEREAS, with our unified network of 24 community and technical colleges, including Marion Military Institute (one of only three public military two-year colleges in the country), and more than 130 locations, we are firmly planted within easy reach of every community in this State. Additionally, the Alabama Technology Network provides innovative technical assistance to hundreds of businesses each year; and

WHEREAS, in 2018, the Alabama Community College System served more than 168,000 students, and awarded 19,321 degrees and certificates; and

WHEREAS, 14,469 students participated in the Alabama Community College System's dual enrollment and early college programs, providing high-achieving students with rigorous courses beyond those offered at the secondary level, increasing college access to those who would not otherwise be college bound, preparing them for high-wage, high-demand occupations; and

WHEREAS, more than 509,357 students in Alabama's community colleges have utilized the Statewide Articulation and Transfer Reporting System to assure the transfer of their academic work toward bachelor's degrees at four-year institutions since the articulation agreement's inception in 1998; and

WHEREAS, the Alabama Technology Network has worked with more than 3,500 Alabama companies over the past decade, providing technical assistance that improved efficiency and profitability – ATN's work is credited with saving or retaining 12,100 jobs during that period; Alabama businesses, with the help of ATN, retained and increased sales by more than \$322 million during 2018; and

WHEREAS, more than 421,000 working-age adults in Alabama have neither a high school diploma nor a GED®. The Alabama Community College System awarded more than 2,937 GED® diplomas, 382 secondary school diplomas, 2,656 National Career Readiness Certificates and served 28,525 participants through its adult basic education programs in FY 2018; and

WHEREAS, the Alabama Community College System remains committed to its mission of educating and training the people of Alabama, thus building stronger communities, a stronger workforce and a stronger economy; and

WHEREAS, April is recognized nationally as Community College Month; and

WHEREAS, the Chancellor of the Alabama Community College System recommends this action:

NOW, THEREFORE, BE IT RESOLVED, that the Cleburne County Commission hereby recognizes the accomplishments of Alabama's public community college system as it continues to fulfill its unique and distinctive mission of providing a unified system of institutions delivering accessible, affordable and superior educational opportunities,

And workforce training and services to all of Alabama, yielding a well-educated, productive citizenry and a better prepared workforce; and

BE IT FURTHER RESOLVED That the Cleburne County Commission hereby proclaims April as National Community College Month in Alabama and urges all Alabamians and business and industry leaders, who are committed to developing Alabama's academic

transfer and workforce for the 21st century, to use and support their local community colleges.

Resolution #4959-6

WHEREAS, the Code of Alabama defines the payment schedule for Alabama Emergency Managers seeking CLEM certification; and

WHEREAS, the existing compensation agreement of 50/50 for the Emergency Manager and Deputy Emergency Manager between the Cleburne County Commission and the Cleburne County 911 District is in need of modification to meet aforementioned requirements.

THEREFORE, the Cleburne County Commission authorizes the Chairman to sign the contract modification that changes the percentages as follows:

Emergency Manager – 60% Commission, 40% E911
Deputy Emergency Manager – 33% Commission, 67 % E911

Resolution #4959-7

WHEREAS, the Cleburne County Commission desires to make some long overdue changes.

THEREFORE, the Cleburne County Commission rescinds the following resolution:

Resolution #2939, passed April 8, 2002

Resolution #4959-8

WHEREAS, the Cleburne County Commission desires to make some long overdue changes; and

WHEREAS, rescinding Resolution #2939 has created vacancies for the Healthcare Authority.

THEREFORE, the Cleburne County Commission appoints the following members:

Kim Brown
Lee Estes
Lisa Milinkovich

Resolution #4959-9

WHEREAS, the Cleburne County Commission has considered the 24-hour operation and

As the nature of the Coroner's position; and

WHEREAS, the Commission has considered the Coroner's need to travel due to the responsibilities of said position; and

WHEREAS, the Commission is of the opinion that driving to and from work for reasons unrelated to the Coroner's official duties does not fall within the line and scope of the vehicle allowance;

THEREFORE, the Cleburne County Commission agrees to supply two vehicles to be used in the line and scope of the Coroner's official responsibilities, with one vehicle parked in a Heflin location and the other to be parked at the residence of the Coroner.

Resolution #4959-10

WHEREAS, retirement benefits differ for Cleburne County Commission employees based on Tier I or Tier II status; and

WHEREAS, a Bill has been proposed to provide that a local employer participating in the ERS could elect to provide the same retirement benefits given to Tier I plan members to its Tier II plan members ; and

WHEREAS, the members of the Cleburne County Commission believe this proposal would have a monumental impact for retaining Cleburne County Commission employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION that it does hereby voice its public support for legislation to give the County Commission the authority to provide to its Tier II plan members the same retirement benefits provided to Tier I plan members.

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, the chairs of the Senate and House Rules Committees, and the members of the Cleburne County Legislative Delegation.

Resolution #4959-11

WHEREAS, the Cleburne County Commission must from time to time seek bids for certain supplies and equipment in order to assure efficient and effective operations of county initiatives while assuring all state purchasing laws are abided by.

Therefore, the Cleburne County Commission authorizes the County Probate Judge to seek bids for the following materials and supplies:

Tag Recording Software
Deed and Mortgage Software
Probate Recording Software

Resolution #4959-12

WHEREAS, the Cleburne County Commission wishes to obtain the assistance of a consultant with strategic benefit planning, design, funding, administration, and communication with respect to its employee benefit programs; and

WHEREAS, Cobbs, Allen & Hall has experience in assisting employers with designing and servicing employee benefit plans;

THEREFORE, the Cleburne County Commission authorizes the Chairman to sign the proposed agreement after the County Attorney has reviewed and approved.

New Business:

Item A. Appoint Board Member

OPTION 1:

WHEREAS, the Cleburne County Commission has recognized a vacancy created by the end of Mr. Cleveland's term on the Hospital Board;

THEREFORE, the Commission Chairman has requested to appoint Jeff Smith to fill said vacancy.

OPTION 2:

WHEREAS, Cleburne County Commission has recognized a vacancy created by the end of Mr. Cleveland's term on the Hospital Board;

THEREFORE, Commissioner Cobb has requested to appoint Chris Davis to fill said vacancy.

Action as related to **Resolutions #4960**

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolutions #4960

WHEREAS, Cleburne County Commission has recognized a vacancy created by the end of Mr. Cleveland's term on the Hospital Board;

THEREFORE, Commissioner Cobb has requested to appoint Chris Davis to fill said vacancy.

Item B. Funding request Cleburne County Search and Rescue

The Commission discusses the request from Cleburne County Emergency & Rescue Squad, Inc. dba Cleburne County Search and Rescue, a non-profit organization for funding in the amount of \$7500. The said monies are to be allocated for up to \$5000 for liability insurance coverage and up to \$2,500 for vehicle maintenance, training materials, and/or activities.

Commissioner Jake Durham makes a motion to table the request until further discussion. He wants to discuss issues of their bylaws with the sheriff.

Commissioner Emmett Owen is of the opinion that the agency is good stewards of the funding and will use any future allocations to the best interest of the department.

Commissioner Laura Cobb wants the Cleburne County Search and Rescue to stay active and does not want the agency to feel the Commission is not supporting them by delaying this request.

Action as related to **Resolutions #4961**

Motion made by Commissioner Jake Durham, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolutions #4961

The Commission approves to table the request of Cleburne County Search and Rescue for funding allocation of \$7500 until the next Commission meeting after discussion with the Sheriff as it relates to the Search and Rescue bylaws.

Commissioner Jake Durham is requesting to add to the agenda of today's meeting to extend 1300 feet of County Road 802, a dirt road, to the county road maintenance schedule. He asks the County Engineer if we have a plat of this road showing that it stops at County Road 802 as he believes it has been maintained in the past. This extension would benefit the four houses on this section of the road.

Commissioner Terry Hendrix asks if this requires an easement, right-of-way document, or public hearing. He asks if the Commission can maintain a road that is not an established county road and if it will become a permanent county road if the Commission chooses to maintain this portion.

County Attorney Jason Odom informs the Commission that it is a descriptive easement.

County Engineer Lee Estes states that there is not a plat of this road; however, there is a record of the county roads on a maintenance schedule. He informs the Commission that state law deems that if a road has not been included on the county road maintenance map for a 20 year period, it is considered an abandoned road. He states that the Commission has the authority to adopt any / all roads they believe necessary to the county maintenance schedule; however, he does not think it is favorable to do this as it will likely lead to more requests in the future.

Commissioner Laura Cobb asks if it is legal to proceed. She reminds the Commission that she has made similar requests in the past and has been advised that it is not favorable to adopt a 911 road.

Commissioner Jake Durham decides after the discussion to withdraw his motion to extend 1300 feet of County Road 802.

Reports from staff:

- A. Chief Finance Administrator Kim Brown is not present for this meeting.
- B. County Engineer Lee Estes does not have anything new to report at this time.
- C. County Attorney Jason Odom does not have anything new to report at this time.

Old Business:

The Commission discusses the request to vacate County Roads 439 and 263 and the portion of County Roads 450 and 59 within the boundaries of Hancock Forest Management property.

Action as related to **Resolutions #4962**

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Terry Hendrix

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolution #4962

County Road Closure

Whereas, the Cleburne County Commission has completed the statutory requirements to provide official public notice of its intent to vacate County Roads 439 and 263 and the portion of County Roads 450 and 59 within the boundaries of Hancock Forest Management property; and

Whereas, the Commission held a public hearing regarding this intent during its regularly scheduled meeting on February 11, 2019; and

Whereas, the names of all land owners whose properties abut the roads to be vacated are as follows: Hancock Forest Management, Weyerhaeuser Company, William Jeff Davis Jr., William J. & Wanda A. Davis, James C. & Athesia H. Davis, Bertley V. & Brenda R. Englade, Gerald F. Mayo, and Scott Dennis; and

Whereas, the Commission specifically recognizes the need and right of ingress and egress for Mr. Scott Dennis to be able to access his property, which is essentially landlocked by adjoining property owners; and

Whereas, the Commission deems the vacation of said roads in the public interest.

Therefore, the Commission hereby resolves to vacate County Roads 439 and 263 and the portion of County Roads 450 and 59 within the boundaries of Hancock Forest Management property,

Furthermore, the Commission tasks the County Engineer with conducting the publishing and filing of said vacation as required by law and delegates the authority required to draw this issue to closure including implementing whatever means necessary to invest or reinvest the abutting landowners with title to the vacated portions of the road.

Discussion Items by Chairman and Commissioners:

Commissioner Emmett Owen gives the Commission an update of the roof replacement on the Courthouse

There is not any further business to come today before the Commission for the meeting.

Adjourn the meeting

Action as related to Resolution #**4963**

Motion made by Commissioner Terry Hendrix, and Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolution #4963

The meeting is adjourned.

Certified by:

Ryan Robertson – Chairman

Laura Cobb – District 1

Emmett Owen – District 2

Terry Hendrix – District 3

Jake Durham – District 4