

Cleburne County Commission Meeting  
Cleburne County, Alabama  
January 11, 2010

**M I N U T E S**

Regular Commission Meeting	The Cleburne County Commission met in regular session on Monday, January 11, 2010, 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 Tracy Lambert Commissioner Dwight Williamson Commissioner Rex Nolen There were absent: None
Public Comment From Citizens	Public Hearing concerning closure of County Road 633.
Commission Discussion	The Commission addressed resolution presented for adoption # 3 on the consent agenda with discussion from concerned citizens in the county.
Public Comment From Other Elected Officials	Revenue Commissioner Joyce Fuller was present to give the Commission an update on property tax collections.
Commission Discussion	The Commission addressed items from the consent agenda from the agenda of today's meeting: a) Approve the December 2009 Check Registry Listing, b) Approve the Commission meeting minutes of December 2009 as presented, c) Approve to rescind Resolution # 4278 and intent to post County Road 663 for 13 ton weight limit on May 1, 2010, d) Approve the intentions to vacate a portion of County Road 633, e) Approve to pursue the passage of a bill for providing for additional court costs in civil and criminal cases in the county in order to provide additional financial support for county services, f) Approve for notes taken and recording of Commission meetings to be disposed of at such time as the Commission approves the minutes.
<b>Resolution # 4284</b>	<b>On a motion by Commissioner Dwight Williamson and seconded by Commissioner Rex Nolen, the Commission passed the following resolution:</b>  <b>Be it resolved by the Cleburne County Commission to approve the following resolutions from the items of the consent agenda:</b>
<b>4284-1</b>	<b>The Commission resolves to approve the December 2009 Check Registry Listing,</b>
<b>4284-2</b>	<b>The Commission resolves to approve the December 2009 minutes as presented,</b>
<b>4284-3</b>	<b>Whereas, the Cleburne County Commission recognizes the need to occasionally evaluate the infrastructure system of the county to better serve its citizens;</b>  <b>Whereas, various roads within the Cleburne County infrastructure are under the stress of heavy loads on a daily basis and should be considered for posting by the Cleburne County Commission to prohibit the heavy loads and, thereby, help preserve its infrastructure;</b>  <b>Whereas, the Code of Alabama 1975 grants the Cleburne County Commission the legal authority to post public roads for a weight limit;</b>  <b>Whereas, the Cleburne County Commission, in the November 2009 meeting due to various public complaints and the condition of the roadway, passed a resolution to post CR 663 to help preserve the public road;</b>  <b>Whereas, since the time of the November 2009 Meeting, The Cleburne County Commission has learned that the resolution has caused undue hardship to truck traffic that must use the roadway;</b>

Therefore, in the interest of serving the public, but while also being sympathetic to the hardships of those in need of hauling heavy loads on the road, the Cleburne County Commission rescinds resolution # 4278. By passing of this resolution, the Commission also intends to post CR 663 again for 13 tons on May 1, 2010. By posting the road at the later date, the Cleburne Commission is allowing the Randolph County Commission time to improve an alternate route for access for the truck traffic, while also preserving the route as necessary.

4284-4

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 considered for 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, the Cleburne County Commission intends to vacate a portion of County Road 633. County Road 633 shall be vacated from a point 975 feet from the intersection with County Road 41 on the north end, at the property boundary of Georgia Kraft. It shall also be vacated to a point 4145 feet from the intersection with County Road 41 on the south end, at the property boundary of Cahaba Forests. The overall length of the section to be closed is approximately 0.65 miles. The property owners adjacent to the section of roadway to be closed are as follows:

- a. Cahaba Forest, 3891 Klein Rd., Harpersville, AL 35078.
- b. Georgia Kraft, One SW Columbia, Suite 1700, Portland, OR 97258.

4284-5

Whereas, to have local legislation considered for passage by the Alabama State Legislature, the Commission must advertise such a bill for four consecutive weeks in the newspaper of local register; and

Whereas, the Commission desires to pursue an increase in local court costs in order to generate revenue which will allow law enforcement and judicial expenditures of the Commission to no longer depend financially on Road and Bridge funds desperately needed to improve the transportation infrastructure in Cleburne County;

Therefore, the Commission resolves to pursue the passage of the following bill and directs the County Administrator to expedite all necessary requirements to insure its timely passage:

**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.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA**

**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 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 waived.

**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.

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

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

Commission  
Discussion

The Commission addressed items of new business from the agenda of today's meeting: a) Resolution presented for adoption – 6 from the consent agenda of today's meeting-to direct the working papers and recordings of county Commission meeting to be disposed of at such time as the Commission approves the minutes taken there from.

**Resolution #  
4285**

**On a motion by Commissioner Dwight Williamson and seconded by Commissioner Rex Nolen, the Commission passed the following resolution:**

**Be it resolved by the Cleburne County Commission to approve the following resolution from the item of New Business of today's agenda:**

**Whereas, the Commission has received information and advice recommending a clear delineation be made regarding the status of working papers and recordings of Commission meetings being public records:**

**Whereas, the only official record of Commission meetings is the minutes approved by the Commission in each following meeting; and**

**Whereas, notes taken and recordings made are considered to be working papers and not public records;**

**Therefore, the Commission directs the working papers and recordings to be disposed of at such time as the Commission approves the minutes taken there from.**

**Commissioners Joel Robinson, Dwight Williamson, and Rex Nolen voted for the resolution and Commissioner Tracy Lambert voted against. The motion carried.**

Commission  
Discussion

Reports from staff were as follows: A) County Administrator Steve Swafford gave an update on the construction of the new facility and briefed the Commission on the phone system replacement for the courthouse; proposals are currently being sought, B) County Engineer Shannon Robbins updated the Commission on current projects, C) County Attorney Doug Ghee advised the Commission on concerns of weight limit for County Road 663 and vacation of County Road 633. Doug also asked for the Commissions blessing to confer with an additional attorney firm for the declaratory judgment on the Town of Edwardsville special development district. The Commission discussed road closure concerns for weather emergencies.

**Resolution #  
4286**

**On a motion by Commissioner Tracy Lambert and seconded by Commissioner Dwight Williamson, the Commission passed the following resolution:**

**Be it resolved by the Cleburne County Commission to approve to add to the agenda of today's meeting the discussion of road closings in case of emergencies. All members present voted for the resolution and none against. The motion carried.**

**Resolution #  
4287**

**On a motion by Commissioner Tracy Lambert and seconded by Commissioner Dwight Williamson, the Commission passed the following resolution:**

**Be it resolved by the Cleburne County Commission to approve the following resolution for closing roads due to weather emergencies:**

**Whereas heavy rains, icing, floods, landslides, natural disasters, man-made disasters, and other situations arise which make traveling county roads a high risk and danger to the public; and**

**Whereas, procedures need to be in place for determining how and when the County should make use of county roads temporarily unavailable to the public for their own protection;**

**Therefore, the Commission establishes the following policy for making temporary safety closings of county roads as follows:**

**A recommendation for temporary road closure may be made by either the District Commissioner or County Engineer (one to the other) and if the two of them are in agreement, a mutual decision shall be made and a plan devised for where, when and how the closure should take place and the length of time for closure**

**This same procedure exists for reopening a road having been temporarily closed. In the absence of the District Commissioner, the Commission Chairman shall act in his capacity. In the absence of the County Engineer, the Assistant County Engineer shall act in his capacity.**

**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 #  
4288**

**On a motion by Commissioner Joel Robinson and seconded by Commissioner Dwight Williamson, 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.**