

Cleburne County Commission Meeting  
Cleburne County, Alabama  
January 12, 2009

**M I N U T E S**

Regular Commission Meeting      The Cleburne County Commission met in regular session on Monday, January 12, 2009, 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 Other Elected Officials      Coroner Rudy Rooks discussed with the Commission the position that State of Alabama Department of Forensic Science is taking on transportation of bodies to their lab for autopsy testing. The State previously transported a body to the State of Alabama Department of Forensic Science lab in Huntsville, AL once the District Attorney gave the order to the Coroner, but now will no longer be responsible for the transport. Revenue Commissioner Nikki Owen Smallwood updated the Commission on delinquent tax bills.

Commissioner Tracy Lambert made a motion and Commissioner Dwight Williamson seconded to add to the agenda of today's meeting to discuss transport of bodies to the Alabama Department of Forensic Science. Commissioner Tracy Lambert and Dwight Williamson voted for the motion and Commissioner Joel Robinson and Rex Nolen voted against. The motion did not carry.

Commission Discussion      The Commission addressed items from the consent agenda from the agenda of today's meeting: a) Approve the November and December Check Registry Listing, b) Approve December 2008 minutes as presented, c) Approve to commit to a three year obligation of participation with the ACCA Self Insured Liability Insurance Program, d) Approve to expand alcoholic beverage licensing criteria to include a 1,000 linear prohibition for day care and other child care type facilities regarding the licensing of establishments which sell alcoholic beverages, e) Approve to authorize the amount of \$250,000.00 in FY 09 and \$250,000.00 for FY10 to be transferred from the Tobacco Tax Fund to a special fund of the County Engineer to address economically sensitive transportation infrastructure projects as prioritized and approved by the Cleburne County Commission and approve to earmark \$100,000.00 per year of the stated tobacco tax proceeds starting in FY11 and continuing perpetually thereafter in support of this same initiative, f) Approve to establish a policy relating to new residential location or construction along County maintained roads whereby the County will provide installation of one driveway pipe at no cost to the landowner when the installation and specification of the pipe is coordinated with the County Engineer's Office and purchased accordingly by the landowner. Items e and f are moved to New Business.

**Resolution # 4229      On a motion by Commissioner Rex Nolen and seconded by Commissioner Dwight Williamson, the Commission passed the following resolution:**

**Be it resolved by the Cleburne County Commission to approve the following resolutions from the items of the consent agenda:**

**a) Commission moves to approve the November 2008 and December 2008 Check Register Listing.**

**b) Commission moves to approve the December 2008 minutes as presented.**

**c) Whereas, the Cleburne County Commission must periodically recommit to three year periods of participation in the ACCA Liability Insurance Program in order to remain a member of the self insured pool;**

**Therefore, the Cleburne County Commission resolves to commit to a three year obligation of participation with the ACCA Self Insured Liability Insurance Program,**

**d) Whereas, the Cleburne County Commission has the authority to establish general rules and regulations regarding the licensing of establishments which sell alcoholic beverages; and**

**Whereas, the Cleburne County Commission's only criteria at this time for approving or denying these applications is a general prohibition of licensing of such a facility if within 1,000 linear feet from a school or house of worship as measured via the 911 address system.**

**Therefore, the Commission seeks to expand these criteria to include a 1,000 linear prohibition for day care and other child care type facilities.**

**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) Approve to authorize the amount of \$250,000.00 in FY 09 and \$250,000.00 for FY10 to be transferred from the Tobacco Tax Fund to a special fund of the County Engineer to address economically sensitive transportation infrastructure projects as prioritized and approved by the Cleburne County Commission and approve to earmark \$100,000.00 per year of the stated tobacco tax proceeds starting in FY11 and continuing perpetually thereafter in support of this same initiative, b) Approve to establish a policy relating to new residential location or construction along County maintained roads whereby the County will provide installation of one driveway pipe at no cost to the landowner when the installation and specification of the pipe is coordinated with the County Engineer's Office and purchased accordingly by the landowner.

**Resolution #  
4230**

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

**Be it resolved by the Cleburne County Commission to approve the following resolution from the items of new business from the agenda of today's meeting:**

**a) 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, the Cleburne County Commission oversees the distribution of tobacco tax proceeds specifically earmarked for special use initiatives to include economic development;**

**Whereas, the Cleburne County Commission sees no stimulus to economic development greater than that of having a viable transportation infrastructure for agriculture, commerce, industry and trade;**

**Whereas, the Cleburne County Commission has sought and received an affirmative legal opinion as to the utilization of said earmarked funds for such a purpose; and**

Whereas, the Cleburne County Commission has transportation infrastructure reaching a critical state to which these funds will be applied while avoiding or delaying an increase in fuel taxes to support the maintenance of these critical structures.

Therefore, the Cleburne County Commission hereby authorizes the amount of \$250,000 in FY09 and \$250,000 in FY10 to be transferred from the Tobacco Tax Fund to a special fund of the County Engineer to address economically sensitive transportation infrastructure projects as prioritized and approved by the Cleburne County Commission. The Commission furthermore earmarks \$100,000 per year of the stated tobacco tax proceeds starting in FY11 and continuing perpetually thereafter in support of this same initiative.

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

**Resolution # 4231** On a motion by Commissioner Dwight Williamson and seconded by Commissioner Tracy Lambert, the Commission passed the following resolution:

Be it resolved by the Cleburne County Commission to approve the following resolution from the items of new business from the agenda of today's meeting:

b) Whereas, the Cleburne County Commission has over the years modified its policies and procedures on the installation of driveway pipes for new residential location and construction and must from time to time adjust policy based upon County finances and conditions; and

Whereas, the correct installation of driveway pipe along County right of ways is crucial to ensure proper drainage along County roadways and incorrect installations can result in severe damage to County owned and maintained infrastructure;

Therefore, the Commission establishes policy relating to new residential location or construction along County maintained roads whereby the County will provide installation of one driveway pipe at no cost to the landowner when the installation and specification of the pipe is coordinated with the County Engineer's Office and purchased accordingly by the landowner. Should a landowner desire multiple installations (circular drive, etc.) performed by the County, then all subsequent installations will carry a \$1,000 charge to the landowner. All installations of driveway pipe by the landowner shall be approved by the County Engineer, or his representative, and shall be of approved sizes, locations, and installation methods to ensure the safety of the traveling public.

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

Commission Discussion The Commission addressed items of Old Business from the agenda of today's meeting: a) Discuss consideration for open seat on the Cleburne County Department of Human Resources Board (District 1 Appointment).

**Resolution # 4232** On a motion by Commissioner Joel Robinson and seconded by Commissioner Rex Nolen, the Commission passed the following resolution:

Be it resolved by the Cleburne County Commission to approve the appointment of Ms. Anita Day to the Cleburne County Department of Human Resources Board to finish out the term of September 1, 2009 of Ms. Bernice R McGee whom resigned. This appointment is subject to Ms. Day's approval. All members present voted for the resolution and none against. The motion carried.

Commission Discussion Commissioner Joel Robinson discussed with the Commission the concerns of County Road 205 by a citizen in his district. Commissioner Tracy Lambert discussed the request to put on the agenda of next month's Commission meeting the discussion of transporting bodies to the forensic lab.

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

**Resolution # 4233** **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.**