



**MINUTES
REGULAR MEETING
JANUARY 26, 2010**

**STEPHENS COUNTY BOARD OF COMMISSIONERS
HISTORICAL COURTHOUSE COURTROOM
9:00 A.M.**

PRESENT: Commissioners Harold Andrews, J.B. Hudgins Jr., Jonesy Haygood, Dean Scarborough, and Stanley London; County Administrator John Rutan; County Clerk Beth Rider; Finance Director Phyllis Ayers; County Attorney Brian Ranck

Commissioner Scarborough called the meeting to order at approximately 9:42 a.m. and welcomed those present. Rev. Phillip Teasley gave the Invocation and led the Pledge of Allegiance.

I. APPROVE AGENDA

A motion was made by Commissioner Haygood, seconded by Commissioner London to approve agenda with changes as follows:

Item # 4 to add A, B, and C section for Procedural Ordinance

Item # 8 to read as follows: **MOTION FOR BOARD TO AUTHORIZE CHAIRMAN TO SIGN AGREEMENT AND MOVE MONEY FROM CONTINGENCY TO COVER CATERPILLAR EQUIPMENT**

Item # 9 to read as follows: **MOTION FOR BOARD TO AWARD AND AUTHORIZE ENGINEERING FIRM HAYES JAMES TO ADMINISTER OFF SYSTEM ROAD SAFETY PROGRAM FOR STEPHENS COUNTY SUBJECT TO CONTRACT PREPARED BY STAFF**

Item # 10 to be moved to the end of Agenda to discuss in Executive Session

Item # 11 to read as follows: **MOTION FOR BOARD TO ADOPT AND SIGN ORDINANCE FOR THE CALLING AND CONDUCTING OF PUBLIC HEARINGS RELATING TO VARIOUS COUNTY LAND USE ORDINANCES, ZONING AND FOR OTHER PURPOSES TO BE INCLUDED IN THE ORDINANCE AS CHAPTER 3 SEC. 3.1-3.10.**

Motion carried unanimously.

II. APPROVE MINUTES

1. JANUARY 12, 2010 - REGULAR MEETING

A motion was made by Commissioner Andrews, seconded by Commissioner London to approve minutes with changes as follows:

Item #2 to add the word employ to the re-appointments and Item #15 to change the word Asbestos to Material. **Motion carried unanimously.**

III. OLD BUSINESS

IV. NEW BUSINESS

1. MOTION FOR BOARD TO APPROVE FY 2010 BUDGET AMENDMENT FOR SHERIFF'S DEPARTMENT; E911; AND MARSHALL

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve FY 2010 budget amendments. **Motion carried unanimously.**

2. MOTION FOR BOARD TO APPROVE APPLICATION FOR HAZARDOUS WASTE TRUST FUND IN THE AMOUNT OF \$17,185.85

A motion was made by Commissioner London, seconded by Commissioner Haygood to approve the application for Hazardous Waste Trust Fund. **Motion carried unanimously.**

3. MOTION FOR BOARD TO ADOPT AND SIGN RESOLUTION TO MAKE APPLICATION FOR FINANCIAL ASSISTANCE FOR HAZARDOUS TRUST FUND

A motion was made by Commissioner London, seconded by Commissioner Andrews to adopt and sign resolution. **Motion carried unanimously.**

4. MOTION FOR BOARD TO ADOPT PROCEDURAL ORDINANCES
A – SEC 1-16 – ORDINANCES POWERS EFFECTIVE
B - SEC 1-17 – ORDINANCE PROCEDURES
C - SEC 1-18 - RESOLUTION RECORDS

A motion was made by Commissioner London, seconded by Commissioner Hudgins to adopt (A) Sec 1-16 Ordinances Powers Effective. **Motion carried unanimously.**

A motion was made by Commissioner London, seconded by Commissioner Haygood to adopt (B) Sec 1-17 Ordinance Procedures. **Motion carried unanimously.**

A motion was made by Commissioner London, seconded by Commissioner Andrews to adopt (C) Sec 1-18 Resolution Records. **Motion carried unanimously.**

5. MOTION FOR BOARD TO APPROVE OR DENY REQUEST FOR ERRONEOUS TAX REFUND FROM DAVID AND PAMELA GRUEN

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve the request for refund for three years. **Motion carried unanimously.**

6. MOTION FOR BOARD TO APPROVE AND AUTHORIZE CHAIRMAN TO SIGN ADJUSTMENT SHEETS

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve and authorize Chairman to sign adjustments. **Motion carried unanimously.**

7. MOTION FOR BOARD TO APPROVE AND AUTHORIZE CHAIRMAN TO SIGN A CONTINUING CONTRACT FOR THE COLLECTION OF DELINQUENT PROPERTY TAX WITH APPALACHIAN MOUNTAIN SERVICES

A motion was made by Commissioner Haygood, seconded by Commissioner London to approve and authorize Chairman to sign contract with Appalachian Mountain Services. **Motion carried unanimously.**

8. MOTION FOR BOARD TO AUTHORIZE CHAIRMAN TO SIGN AGREEMENT AND MOVE MONEY FROM CONTINGENCY TO COVER CATERPILLAR EQUIPMENT

Pat Hardesty representative from Yancey Bros., came before the board to discuss the agreement to buy back the Caterpillar motor grader at \$106,000.00. The County still owed \$113,000.00 and would owe Caterpillar \$7,120.00. The agreement came due in November 2009 and needs to be addressed immediately. They also agreed to take back a 420 backhoe and replace with another 420 backhoe if condition of backhoe was in order. The approved amount was \$60,000.00 with residual of \$32,000.00 and buy back in five years of replacement. The amortization schedule is higher due to the fact the months that have lapsed due to the last contract. A motion was made by Commissioner Andrews, seconded by Commissioner Hudgins to authorize Chairman to sign agreement and move money for Caterpillar Equipment **Motion carried unanimously.**

9. MOTION FOR BOARD TO AWARD AND AUTHORIZE CHAIRMAN TO SIGN AGREEMENT TO HAYES JAMES ENGINEERING FIRM TO ADMINISTER OFF SYSTEM ROAD SAFETY PROGRAM FOR STEPHENS COUNTY SUBJECT TO CONTRACT PREPARED BY STAFF

Bobby Hanley stated this program is for stripping and signage which was administered by the State, but with the cut-backs they are pushing it to the Counties. Bobby recommended Hayes James in the amount of \$7,980.00 and stated it needed to be in by March to DOT. \$100,000.00 has been set aside for Stephens County and if not used will be reallocated. A motion was made by Commissioner Haygood, seconded by Commissioner London to award Off Road Safety Program to Hayes James and for County staff to draw up a contract to be signed by the Chairman. **Motion carried unanimously.**

10. MOTION FOR BOARD TO CONSIDER ENGINEERING AND SURVEY COMPANIES TO EVALUATE ROAD SLOPE STABILITY ON WINDING BLUFF

A motion was made by Commissioner London, seconded by Commissioner Hudgins to table item for Executive Session and move to end of agenda. **Motion carried unanimously.**

11. MOTION FOR BOARD TO ADOPT AND SIGN ORDINANCE FOR THE CALLING AND CONDUCTING OF PUBLIC HEARINGS RELATING TO VARIOUS COUNTY LAND USE ORDINANCES, ZONING, AND FOR OTHER PURPOSES TO BE INCLUDED IN THE ORDINANCE AS CHAPTER 3, SECTION 3.1-3.10

A motion was made by Commissioner Haygood, seconded by Commissioner London to adopt and sign ordinances. **Motion carried unanimously.**

V. INVOICES OVER \$5000

1. PREMIER ELECTION SOLUTIONS – \$9,150.75

A motion was made by Commissioner Andrews, seconded by Commissioner London to approve the above invoice for payment. **Motion carried unanimously.**

VI. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR REPORT
 2. FINANCE REPORT
 3. DEPARTMENT REPORT
1. Bobby Hanley discussed the storm damage and the many clogged pipes due to the storm. His staff blocked roads and have been working to unclog pipes and roads that were washed. Bobby stated he wanted to make the public aware they are working diligently to get the roads fixed.

VII. MATTERS FROM CITIZENS – TIME LIMIT OF THREE (3) MINUTES

VIII. EXECUTIVE SESSION – Possible Threatened Litigation

A motion was made by Commissioner London, seconded by Commissioner Andrews to enter into Executive Session at 10:22 a.m. **Motion carried unanimously.**

A motion was made by Commissioner London, seconded by Commissioner Hudgins to reconvene the meeting at 10:34 a.m. **Motion carried unanimously.**

10. MOTION FOR BOARD TO CONSIDER ENGINEERING AND SURVEY COMPANIES TO EVALUATE ROAD SLOPE STABILITY ON WINDING BLUFF

County Administrator John Rutan stated before we can correct the problem, we have to know what the problem is and we are not sure what is under the road and what it is built on. Commissioner Haygood stated FEMA should have been contacted and staff should have included this road in the flood damage projects. There is no grandfathering clause. At the time the road was built it should have been inspected, if the road was accepted it should have been built to County specs and we need to bring it up to where the road was when it was built and abandon the road. John stated FEMA was not contacted due to the fact the road was damaged prior to the flood and we would not want to jeopardize other flood projects.

A motion was made by Commissioner Haygood, seconded by Commissioner London to postpone vote for further investigations by staff. **Motion carried unanimously.**

A motion was made by Commissioner London, seconded by Commissioner Hudgins to enter back into Executive Session for possible litigation at 10:37 a.m. **Motion carried unanimously.**

A motion was made by Commissioner London, seconded by Commissioner Hudgins to exit executive session at 11:04 a.m. **Motion carried unanimously.**

IX. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Hudgins to adjourn the meeting at 11:04 a.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2010

Dean Scarborough, Chairman

Attest:

Beth Rider, County Clerk