



**MINUTES
CALLED MEETING**

JANUARY 4, 2011

**STEPHENS COUNTY BOARD OF COMMISSIONERS
HISTORICAL COURTHOUSE
11:00 A.M.**

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

Chairman Dean Scarborough called the meeting to order at approximately 11:15 a.m. and welcomed those present. Mr. Richard Adams gave the Invocation and led the Pledge of Allegiance.

I. APPROVE AGENDA

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve the agenda with additions and changes; adding #7 to read **BOARD TO CONSIDER MOTION TO AWARD ROSELANE COMPLEX CONCESSIONS TO KRISTAL TOMLINSON AND AUTHORIZE CHAIRMAN TO SIGN CONTRACT;** and changing item # 2 to read **LAW OFFICE OF SANDERS AND SMITH. Motion carried unanimously.**

II. APPROVE MINUTES

1. DECEMBER 13, 2010 CALLED MEETING
2. DECEMBER 14, 2010 EXECUTIVE SESSION
3. DECEMBER 14, 2010 REGULAR MEETING

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve minutes as presented. **Motion carried unanimously.**

III. OLD BUSINESS

IV. NEW BUSINESS

1. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN

A motion was made by Commissioner London, seconded by Commissioner Andrews to appoint J.B. Hudgins as Chairman for 2011. **Motion carried unanimously.**

Commissioner Hudgins presided over the remainder of the meeting

A motion was made by Commissioner Andrews, seconded by Commissioner London to appoint Dean Scarborough to serve as Vice-Chairman for 2011. **Motion carried unanimously.**

2. RE-APPOINTMENT OF DEPARTMENT HEADS

- County Clerk – Beth Rider
- County Attorney – Law Offices of Sanders and Ranck

A motion was made by Commissioner London, seconded by Commissioner Scarborough to re-appoint Beth Rider as County Clerk, and the Law Offices of Sanders and Ranck as County Attorney's. **Motion carried unanimously.**

3. SET DATE, TIME AND PLACE FOR WORK SESSIONS AND REGULAR MEETINGS

A motion was made by Commissioner Andrews, seconded by Commissioner London to approve 2nd and 4th Tuesdays, with first meeting to remain at 5:00 pm. and second meeting at 8:30 a.m. at the Historic Courthouse. **Motion carried unanimously.**

4. APPOINTMENT OF BUDGET OFFICER FOR FISCAL YEAR 2012

A motion was made by Commissioner London, seconded by Commissioner Andrews to appoint Phyllis Ayers as Budget officer for FY 2012. **Motion carried unanimously.**

5. APPOINTMENTS TO VARIOUS BOARDS

- Stephens County Development Authority – J. B. Hudgins
- Health Board – Stanley London
- Airport Authority – J. B. Hudgins
- Chamber of Commerce – J. B. Hudgins
- Litter & Blight - Stanley London
- Roads & Bridges – Harold Andrews & Jonesy Haygood
- Building & Grounds – J. B. Hudgins
- E911 Advisory – Stanley London
- Joint Services – Stanley London & Harold Andrews
- Emergency Services – Stanley London & Dean Scarborough
- Soil & Water Conservation – Jonesy Haygood
- Georgia Mountain Regional Commission – Dean Scarborough

A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough to appoint the Commissioners to the various boards as stated above. **Motion carried unanimously.**

6. BOARD TO CONSIDER MOTION TO APPROVE AMOUNT NECESSARY TO FINISH THE REMAINDER OF FEMA PUBLIC WORKS FROM THE FLOOD

A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough to approve \$115,512.00 for Public Works to finish projects from the flood and move from prior year fund balance. **Motion carried unanimously.**

7. BOARD TO CONSIDER MOTION TO AWARD KRISTAL TOMLINSON FOR ROSELANE COMPLEX CONCESSIONS AND AUTHORIZE CHAIRMAN TO SIGN CONTRACT

A motion was made by Commissioner London, seconded by Commissioner Andrews to award contract to Kristal Tomlinson and authorize Chairman to sign contract. **Motion carried unanimously.**

V. INVOICES OVER \$5000

1. **ACREE OIL - \$20,618.32**

A motion was made by Commissioner Scarborough, seconded by Commissioner Haygood to approve invoice and pay. **Motion carried unanimously.**

VI. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR REPORT –
2. FINANCE REPORT –
3. DEPARTMENT REPORT –

Bobby Hanley stated Public Works has started doing earth work for public works projects for FEMA; Bobby stated he had talked with the engineers for the Off Road System and they have submitted Historical and Environmental assessments to the state and he is waiting on them to give DOT the ok and be able to go out to bid on striping and signage. Jerry Norris is working on the sign inventory. The Fuel Depot is coming along; and they are working with Recreation Department on the walking trails. Bobby also addressed the board regarding Jessie Pitts. Bobby discussed the vehicle that Jessie carries home and thought it unfair he has to pay for taxes on the vehicle and it is not considered a fringe benefit when he could get called out in the middle of the night for every type of weather. Finance Director stated the history is the county calculated the tax and complied by all guides. In 2008 she received opposition from every person that carries a vehicle home that they did not believe it was a fringe benefit; in 2009 Phyllis stated that she did not even bring it up; in 2010 Commissioners brought it up for her to get it corrected. In the early years, I excluded Jess because I considered him a working fringe benefit. John asked for a formal third party opinion and they did not exclude anyone and they used the fair market value rule and not the \$3.00 a day commuting rule and that is where we are. We have a formal opinion on and IRS publication and I don't know if I would go against a formal written opinion. John stated he went to a county Managers meeting with surrounding counties and they were discussing how a county in Georgia was sued because they did not follow the letter of the IRS law correctly, not only did the County receive a substantial fine, but the employee received a substantial fine. John asked Phyllis to get one more totally independent analysis of the situation so the county and employees are on good ground. Jessie stated he had worked for the county for 31 years and has been on call for that many years. He does not see this as a fringe benefit but a service to the County, he stated he enjoys his job and is called out at two and three o'clock in the morning.

Dean made a motion, seconded by Commissioner Andrews to comply as a county and instruct Jessie to comply with what the IRS states and we look at the financial requirement we have required him to undertake and reimburse him in his salary because we require him to get out in the middle of the night for emergencies. **Motion carried 4-1. Commissioner London voted no.**

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

VIII. EXECUTIVE SESSION –

A motion was made by Commissioner Andrews and seconded by Commissioner Scarborough to enter into Executive Session at 12:03 p.m. to discuss threatened or potential litigation. **Motion carried unanimously.**

A motion was made by Commissioner Scarborough, seconded by Commissioner Haygood to exit Executive Session at 1:00 p.m. **Motion carried unanimously.**

IX. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Scarborough to adjourn the meeting at 1:00 p.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2011

Chairman

Attest:

Beth Rider, County Clerk