



## MINUTES

### PUBLIC HEARING & REGULAR MEETING NOVEMBER 9, 2010

STEPHENS COUNTY BOARD OF COMMISSIONERS  
HISTORICAL COURTHOUSE  
5:00 P.M.

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

Chairman Dean Scarborough called the meeting to order at approximately 5:50 p.m. and welcomed those present. Mr. Philip Teasley gave the Invocation and led the Pledge of Allegiance.

Chairman Dean Scarborough opened the public hearing at 5:52 p.m. for the purpose of proposed abandonment on Wards Creek Road. Brian stated he wanted to clarify the notice in the paper stated 8:30 meeting and was changed from the first one sent to the paper, the error was caught and corrected to state 5:00 p.m. meeting. The corrected copy will be placed in the official minutes. After no public comment, Chairman Dean Scarborough closed the public hearing at 5:53 p.m.

#### I. APPROVE AGENDA

A motion was made by Commissioner Andrews, seconded by Commissioner Hudgins to approve the agenda as presented. **Motion carried unanimously.**

#### II. APPROVE MINUTES

A motion was made by Commissioner Hudgins, seconded by Commissioner London to approve minutes with changes to item #2 correcting the vote to be 4-1 with Chairman Scarborough voting no. **Motion carried unanimously.**

#### III. OLD BUSINESS

1. MOTION FOR BOARD TO APPROVE OR DENY REFUND OF \$56.97 TO MARILYN ARD FOR FILING FEES

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve the refund of filing FIFA fees to Marilyn Ard in the amount of \$56.97.

#### IV. NEW BUSINESS

- 1 BOARD TO CONSIDER AND DISCUSS DECLARING LEASE AGREEMENT DATED MARCH 1, 1994 WITH THE CITY OF TOCCOA FOR THE USE OF THE TRANSFER STATION TO BE DECLARED NULL AND VOID PURSUANT TO PARAGRAPH NO. 3 OF THE LEASE AGREEMENT. Board requested County Administrator to meet with the City Officials and have City prepare a proposal.
2. MOTION FOR BOARD TO CONSIDER ABANDONMENT OF A PORTION OF WARD'S CREEK ROAD ON THE BASIS THAT IT HAS CEASED TO BE USED BY THE PUBLIC TO THE EXTENT THAT NO SUBSTANTIAL PUBLIC PURPOSE IS SERVED BY IT AND THAT ITS REMOVAL FROM THE COUNTY ROAD SYSTEM IS OTHERWISE IN THE BEST PUBLIC INTEREST

A motion was made by Commissioner London, seconded by Commissioner Andrews to approve abandonment of a portion of Ward's Creek Road. **Motion carried unanimously.**

3. MOTION FOR BOARD TO APPROVE OR DENY PENALTIES AND INTEREST TO BE WAIVED FOR TINA MARINONI FOR LATE FEES ON BOAT TAXES

A motion was made by Commissioner London, seconded by Commissioner Hudgins to deny waiving interest and penalties for late fees. **Motion carried unanimously.**

4. MOTION FOR BOARD TO APPROVE FY 2011 BUDGET AMENDMENT FOR PUBLIC WORKS; BUILDINGS AND GROUNDS; AND AUTHORIZE CHAIRMAN TO SIGN BUDGET AMENDMENT RESOLUTION

A motion was made by Commissioner London, seconded by Commissioner Andrews to approve FY 2011 budget amendments and authorize Chairman to sign resolution. **Motion carried unanimously.**

5. MOTION FOR BOARD TO CONSIDER OR APPROVE REQUEST FROM THE EMERGENCY MANAGEMENT AGENCY FOR FINANCIAL ASSISTANCE FOR THE REPAIR OF THE RESCUE PONTOON BOAT IN THE AMOUNT OF \$1300.00 FROM CONTINGENCIES

A motion was made by Commissioner Haygood, seconded by Commissioner London to approve repairs for the pontoon boat for EMA in the amount of \$1300.00 to be paid from contingencies. **Motion carried 3-2; Commissioners Scarborough and Hudgins voted no.**

6. MOTION FOR BOARD TO APPROVE REALIGNMENT OF CROSSDRAIN UNDER LAKESIDE TRAIL AND ACCEPT NEW DRAINAGE EASEMENT ON ADJACENT LOTS; PROPERTY OF SUTTONS AND SKIPPERS AT LAKE HARBOR SHORES PER REVIEW BY COUNTY ATTORNEY

A motion was made by Commissioner Haygood, seconded by Commissioner Andrews to approve and accept easement on adjacent lots and after signatures have County Attorney to review. **Motion carried unanimously.**

7. MOTION FOR BOARD TO APPOINT MEMBER OF THE HEALTH BOARD

A motion was made by Commissioner London, seconded by Commissioner Haygood to appoint Rex Anderson to the Health Board for another six year term. **Motion carried unanimously.**

8. MOTION FOR BOARD TO APPROVE RENEWAL APPLICATIONS FOR THE FOLLOWING BEER AND WINE LICENSE:

**THE CURRAHEE CLUB**

**ROYAL FOOD STORE # 28**

**ROYAL FOOD STORE # 32**

A motion was made by Commissioner London, seconded by Commissioner Haygood to approve all the above renewal beer and wine license applications. **Motion carried unanimously.**

9. MOTION FOR BOARD TO APPROVE OR DENY REFUNDS FOR ERRONEOUSLY PAID TAX TO TERESA LOWEN FOR TAX YEARS 2008-2010 ON TAX PARCEL 067D-089

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve refund for erroneously paid taxes for years 2008-2010. **Motion carried unanimously.**

10. MOTION FOR BOARD TO APPROVE OR DENY REFUND FOR ERRONEOUSLY PAID TAX TO WILLIAM & ELAINE CUTHBERTSON FOR TAX YEARS 2007-2010 ON PARCEL 033-194

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve refund for erroneously paid taxes for years 2007-2010. **Motion carried unanimously.**

11. MOTION FOR BOARD TO APPROVE OR DENY REFUND FOR ERRONEOUSLY PAID TAX TO DENNIS & REBECCA LEDFORD FOR TAX YEAR 2010

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve refund for erroneously paid taxes for tax year 2010. **Motion carried unanimously.**

12. MOTION FOR BOARD TO AUTHORIZE LETTER ADDRESSED TO MR. SCOTT MORGAN AND DATED SEPTEMBER 28, 2010, REGARDING STOVALL FARM ROAD, MAINTAINING AS A PUBLIC ROAD TO BE FILED IN THE CLERK OF COURTS OFFICE

A motion was made by Commissioner London, seconded by Commissioner Hudgins to authorize letter to be filed in the Clerk of Courts office. **Motion carried unanimously.**

13. MOTION FOR BOARD TO APPROVE LEASE AGREEMENT NO. DACW21-1-10-2044 FOR U S ARMY CORP OF ENGINEERS FOR BRUCE CREEK PARK, LAKE HARTWELL PROJECT AND AUTHORIZE PAYMENT OF \$500.00 FROM CONTINGENCIES FOR DOCUMENT PREPARATION, SURVEYS, MAPS, LEGAL DESCRIPTIONS AND ENVIRONMENTAL, CULTURAL AND HISTORICAL ASSESSMENTS AND AUTHORIZE CHAIRMAN TO SIGN AGREEMENT

A motion was made by Commissioner London, seconded by Commissioner Andrews to postpone lease agreement with Army Corp of Engineers for Bruce Creek Park for staff to investigate \$500.00 fee could be paid by grant. **Motion carried 4-1, Commissioner Haygood voted no.**

**V. INVOICES OVER \$5000**

1. **ACREE OIL COMPANY - \$16,631.53**

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

**VI. MATTERS FROM DEPARTMENTS**

1. ADMINISTRATOR REPORT –
2. FINANCE REPORT –

Finance Director Phyllis Ayers stated the auditors were moving right along and would be finished by the end of the week. By the first of December she would have their final blessing.

3. DEPARTMENT REPORT -

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

**VIII. EXECUTIVE SESSION –**

**IX. ADJOURNMENT**

A motion was made by Commissioner Andrews, seconded by Commissioner Haygood to adjourn the meeting at 6:10 p.m. **Motion carried unanimously.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Dean Scarborough, Chairman

Attest:

\_\_\_\_\_  
Beth Rider, County Clerk