



**MINUTES
PUBLIC HEARING
REGULAR MEETING
FEBRUARY 23, 2010**

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

PRESENT: Commissioners Harold Andrews, J.B. Hudgins Jr., Jonesy Haygood and Stanley London; County Administrator John Rutan; County Attorney Brian Ranck; Amy Hix

Commissioner Hudgins called the meeting to order at approximately 9:08 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 Andrews, seconded by Commissioner London to approve the agenda as presented. **Motion carried unanimously.**

II. APPROVE MINUTES

1. FEBRUARY 9, 2010 - REGULAR MEETING

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

III. PUBLIC HEARING

**PUBLIC HEARING ON PROPOSED ADOPTION OF ORDINANCES FOR BUILDING
CODE CHAPTER 18 OF THE CODE OF STEPHENS COUNTY**

County Administrator John Rutan stated at looking at the regulations we were lacking, non-compliant, or mis-stated with what should be in place set as revising code, to bring our code up to state standards and national standards. It is for public safety, for individual safety and quality of life in the county so we have well constructed residence in the county.

Larry Krul read the revised codes and stated he was revamping chapter 18 of the Stephens County Code and they will be in effect March 1, 2010. Larry stated it would bring Stephens County up to the 21st Century and to unify with the standards of surrounding counties. Larry stated the majority of the changes and additions were suggestions from the Georgia Department of Community Affairs. Larry stated building codes and inspections are not about infringing on personal property rights, but about safety, quality of life and property values. Larry stated he will verify that things are correct and will be

here to provide a service to the citizens, builders, contractors and subcontractors who live and work in Stephens County.

Mr. Frank Whittle asked regarding the moving of mobile homes, if there were any new standards set for Mobile Homes. Larry stated there will be inspections for mobile homes and the codes will stay the same for right now.

Brian Ranck stated the Clerk has copies of the Code in her office for public viewing.

Commissioner Haygood stated the qualifications for the building inspector states a minimum of ICC Certification to be met within 24 months he thought it was supposed to be 12 months in the original specifications under section 18-151 E2 so that the building inspector could be certified in the 12 month period and the county would be certified. Larry stated he was a certified ICC residential building inspector in current good standing. Brian asked if the Commissioners wanted to keep the Fire Academy Inspector course at 36 months or bring it to 24 months Commissioner Haygood advised to bring it to 24 months. Larry Krul stated it is a brutally tough course. Commissioner Andrews asked Larry if something happened to him and the county had to recruit for a Building Inspector, how would 36, 24, or 12 months limit us in our selection process. Larry stated that would be hard to assume, courses for certification are extensive, you do the work, leg work, and code book work. It is as much as an experience issue as a technical issue to pass the test. The Georgia Fire Academy Inspector test is a grueling extensive process. John stated in the code itself and since we have a certified building inspector it may be to our advantage to extend the time to have latitude with training and certification. Brian Ranck asks if there were any more comments or discussion and closed the public hearing.

IV. OLD BUSINESS

1. MOTION FOR BOARD TO CONSIDER ADOPTION AND REPEAL OF EXISTING CODE SECTIONS, AS APPLICABLE, OF BUILDING CODE ORDINANCE SECTIONS 18-31, 18-32, 18-33, 18-34, 18-71, 18-71.1, 18-71.2, 18-72, 18-72.1, 18-74, 18-75, 18-76, 18-77, 18-78, 18-79 AND 18-151 OF CHAPTER 18 OF THE CODE OF STEPHENS COUNTY, GEORGIA

A motion was made by Commissioner Andrews, seconded by Commissioner London to adopt and repeal existing codes of Building Code Ordinance. **Motion carried unanimously.**

V. NEW BUSINESS

1. PRESENTATION BY THE CHAMBER TOURISM PROMOTION COMMITTEE

Wendi Bailey and Steve Tilley made a presentation to the board on Hotel/Motel Tax and Tourism and encouraged the board to have a representative on the Tourism Committee.

2. BOARD TO APPOINT COMMISSIONER ANDREWS TO THE JOINT SERVICES COMMITTEE

A motion was made by Commissioner Haygood, seconded by Commissioner London to appoint Commissioner Andrews to the Joint Services Committee. **Motion carried unanimously.**

3. MOTION FOR BOARD TO ENTER INTO CONTRACT WITH SC SERVICES & ASSOCIATES TO COLLECT UNPAID "FAILURE TO APPEAR" FEES

A motion was made by Commissioner London, seconded by Commissioner Andrews to enter into contract agreement and chairman to sign contract with SC Services & Associates. **Motion carried unanimously.**

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

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

5. MOTION FOR BOARD TO APPROVE BUDGET AMENDMENTS FOR FY 2010 FOR PUBLIC WORKS; BUILDING & MAINTENANCE

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

VI. INVOICES OVER \$5000

VII. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR REPORT

John Rutan stated the Marine Corp League would be honoring the 65th anniversary of Iwo Jima by raising the flag at 10:30 a.m. ceremony

2. FINANCE REPORT

3. DEPARTMENT REPORT

Larry Krul discussed the mentoring program.

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

1. Mr. John Merck stated in 1987 he looked at the feasibility of building a subdivision and met with County Commission Chairman Mr. Mac Dalrymple and obtained regulation for subdivision requirements. There was a county road that had been around for 100 years that went through the property, Mr. Merck as Commissioner Dalrymple what would the county do if he developed a subdivision. Mr. Merck started the preliminary for the development and Commissioner Dalrymple told him the entrance would be too steep and he moved the position of the road. The next year Mr. Merck started constructing the streets and asked Commissioner Dalrymple when the county was going to upgrade their road. Commissioner Dalrymple told him since the road was graveled the county would accept the road as a graveled road. Mr. Merck stated he intended to pave his road; he said the county would upgrade their roads if we did a subdivision and if we paved our road they would pave their road. The next year Mr. Merck asked Commissioner Dalrymple again when the county was going to upgrade since he had already upgraded his, Commissioner Dalrymple told him the other commissioners would not go along with it and they would have to make adjustments. We were too deep into it so we hired our road builder to complete the road at a tremendous cost to us. After the road was completed Mr. Merck asked the county when he would get water, he was told he was on the SPLOST list. It was 15 years later before we got water. Mr. Merck stated he had to sell lots and had to put in two wells and two private

systems which was an excessive cost. The county accepted the roads and he asked when the county was going to pave the roads, he was told after the first of the year; it never happened. Mr. Merck asked if he could pave the road and was told that was up to the county since they own the road now, it took 2-3 months for him to get permission to pave the road. Mr. Merck stated he got to this street he was about to build and met with the county about the grandfather clause, Alan Smith at the time said there is no grandfather clause in the county. Mr. Merck stated this meant he had all this approved and had to go back to the board and get this road approved, he told them he needed to go 18 feet wide on pavement because that was all the room that was up there. Alan told him he would have to go 20 feet now; Mr. Merck stated where they told him he had to put the proposed road there is private property on one side and a sprinkler head on the other side, it will be impossible to do that. Mr. Merck asked if there were any other permits or anything else he needed to do, Alan told him he may want to file an NOI if it is over three (3) acres. Mr. Merck stated he went back and recalculated and it was 2. something acres, then Mr. Rutan told him a few months ago it was more than an acre. Mr. Merck met with the Commissioners and got a pre-plat approval at a later meeting and asked for a variance. He was told Alan had said he didn't use a sheeps foot roller with grader and said it had to compact to same standard specifications. The builder said he had it compacted to that standard. The county said they wanted a letter from the engineering firm. About the time the road was finished we started having excessive rain, after rain, there was loose dirt on the sides of the road. The code says we have to guarantee the road for a year. Mr. Merck stated he stayed in there and guaranteed it for a year, we did everything anytime it washed off we replaced it and sowed grass. After a year we had the road, we started having super heavy rains some of the dirt started washing away. I kept fixing it and now I have been fixing it for 2 ½ years. In late summer 2008, we had heavy rains and it covered the county roads, Mr. Merck told the Commissioners to look at schedule C he had given them, the road I am talking about is Summit Ridge Drive, there is a culvert all the rain on the mountain is supposed to go in the direction away from the Summit on government property; that culvert was stopped up and the county had not cleaned it out in a long time and all the water was forced down on the road. Mr. Merck stated Kip Herring had called him and told him the road was solid water and pouring over the left hand side of the road. Mr. Merck stated he called the county and talked to some man and should have written down his name, he asked if he could go unstop the culvert it was going to hurt the road, and he told John it would be tomorrow. Mr. Merck stated he came up the following day and it still was not unstopped and had filled up both our pipes with rock and debris and forced it over and washed out a lot of dirt on both ends. The county still didn't come replace the dirt, I hauled dirt in at my expense, then the road has started cracking already and they didn't do anything about that. Mr. Merck stated he took sack reed and poured it in the crack because if you have a crack in the road and water is pouring in it, it is only going to get worse. Then we had the big flood it broke out the curb and made more cracks, that is when I brought the letter to Mr. Rutan to show him where the damage was done. I accidentally saw them going up there one day and went and met with them and told him about the pipe stopped up and he said, "no that is not what caused it, the road wasn't built right." That is when we started with all this problem we are having now. Mr. Rutan told me it would cost \$250,000,000.00 (2 ½ million) to fix this road, \$300,000.00 to pave it. Mr. Merck stated he didn't pay but \$70,000.00 to pave it to begin with and didn't think it had gone up that much and thought it couldn't be that high to fix this road. Mr. Merck got Al Thomason who is a paver in this town to go and look at it and said it would cost \$ 47,000.00. When I gave the estimate to Mr. Rutan he said we might be able to work with this and said he would call Al Thomason. Al Thomason called Mr. Merck a few hours later and told him that he didn't know what Mr. Rutan was talking about but he could not guarantee a guarantee he is wanting on it, he never told me what the guarantee was. Before that Mr. Rutan thought they didn't own that road when I showed him the minutes of the meeting where they had been

unanimously accepted, that didn't seem to change anything. Mr. Rutan's objective was to abandon that road and he never lost sight of that objective. I have approximately \$300,000.00 invested just in that part of the property, retail value is \$820,000.00. The county is offering me \$50,000.00 to abandon the road; you can't sell property on an abandon road. It will cost me \$800,000.00 if anybody wants to trade me \$850,000.00 I will go to the bank and trade all day long. You wouldn't do that and I hope you wouldn't expect me to do that. I would ask you to go out and fix this road; we have the Vena family here that has tried to build, went to get a permit and were denied a permit. They went back and were told they could have a permit but the county was going to close the road off. Mr. Merck told Mr. Rutan he needed to put silt fencing up to keep the dirt from going down there, they did nothing so Mr. Merck sent some men out to put up the silt fencing, they opened the barrels back out of the way to get in to put up the fencing and the county showed up and got miffed about it, they went ahead and put up the silt fence and the county came in and piled dirt across the road and blocked the access. Mr. Merck stated he didn't have access to get in there and sell lots; the Vena's can't build their house. They are restricting me the right to make a living and restricting these people their right for peace of enjoyment of building their house. Gentlemen, all I am asking you to do is vacate the idea of abandoning the road and get out there and fix it and let those people build their house and me sell my lots.

IX. EXECUTIVE SESSION –

1. Potential Litigation

A motion was made by Commissioner London, seconded by Commissioner Andrews to enter into Executive Session at 9:58 a.m. for potential litigation. **Motion carried unanimously.**

A motion was made by Commissioner Andrews, seconded by Commissioner London to reconvene the meeting at 11:02 a.m. **Motion carried unanimously.**

X. ADJOURNMENT

A motion was made by Commissioner Andrews, seconded by Commissioner London to adjourn the meeting at 11:05 a.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2010

Dean Scarborough, Chairman

Attest:

Beth Rider, County Clerk