



**MINUTES  
REGULAR MEETING  
FEBRUARY 9, 2010**

**STEPHENS COUNTY BOARD OF COMMISSIONERS  
HISTORICAL COURTHOUSE COURTROOM  
5:30 P.M.**

**PRESENT:** Commissioners Harold Andrews, J.B. Hudgins Jr., 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 5:45 p.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 London, seconded by Commissioner Hudgins to approve the agenda as presented. **Motion carried unanimously.**

**II. APPROVE MINUTES**

**1. JANUARY 26, 2010 - REGULAR MEETING**

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

**III. OLD BUSINESS**

- 1. MOTION FOR BOARD TO AWARD AGI CONTRACT FOR GEOTECHNICAL AND ENGINEERING SERVICES AND BARTLETT & CASH SURVEYING SERVICES AND AUTHORIZE ADMINISTRATOR TO SIGN BOTH CONTRACTS PERTAINING TO WINDING BLUFF ROAD**

A motion was made by Commissioner London, seconded by Commissioner Andrews to table until after executive session. **Motion carried unanimously.**

A motion was made by Commissioner Andrews, seconded by Commissioner London to award AGI and Bartlett and Cash contracts not to exceed \$24,000.00 to do evaluations to bring the road to a minimal safe passable standard. **Motion carried unanimously.**

#### IV. NEW BUSINESS

1. JUDGE CORNWELL TO ADDRESS COMMISSIONERS REGARDING COURT SYSTEM USE OF STEPHENS COUNTY DRUG TREATMENT FUND

Superior Court Judge Jim Cornwell addressed the board about a Drug Court Program. Judge Cornwell stated there were people in the community that feel very strongly that we need a drug court in Stephens County if we have the money to fund one. Judge Cornwell stated the money would come from the Date Fund which is a drug assessment and education fund; it is a surcharge of 50% of the fine. Finance Director Phyllis Ayers stated there was around \$191,000.00 in the date fund. Habersham County has a drug court which was created in 2007 in part with state funds that are no longer available. Judge Cornwell stated the alternative to the program is coming back before the judge, pleading guilty or not guilty and being placed on probation. There are one to two ways with the drug court, you plead guilty you are placed on probation, it goes away and record is expunged, after two years. There are five levels they would go through; they would have counseling and meetings with a drug team member. They would have to have a job and there would be drug test two times a week. Judge Cornwell stated it will take approximately \$60,000-75,000.00 to fund for one year and can be self-sufficient with what we take in from revenues and it would cost less to do the drug court than probation. Chairman Scarborough asked who manages the date fund. Judge Cornwell stated there is a program coordinator paid out of the date fund \$700.00 a month which is a supplement. There is a need for a full time person to work on the Mountain Judicial Circuit, but this is for Stephens County only.

2. 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 – FIRST MEETING TO READ TITLES AND CONSIDER ADOPTION - FINAL VOTE ON ADOPTION TO TAKE PLACE FEBRUARY 23, 2010 FOLLOWING PUBLIC HEARING

Building Inspector Larry Krul read the headings for the new codes. Larry stated he had researched the existing codes that were adopted in the 70's and 80's and the Georgia State Department was trying to unify the general concerns and bring everything up to the 21<sup>st</sup> Century. Commissioner Scarborough stated we were not trying to re-invent the wheel just bring them up to standards. Attorney Brian Ranck stated there are copies in the Clerk's office and a legal ad had been put in the Toccoa Record for the citizens to see.

3. MOTION FOR BOARD TO APPROVE BUDGET AMENDMENTS FOR FY 2010 FOR COMMISSIONERS; AND EMA

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

4. MOTION FOR BOARD TO AUTHORIZE DISTRICT ATTORNEY AND SHERIFF TO ENCLOSE VACANT SPACE OUTSIDE OF SHERIFF'S OFFICE FOR OFFICE SPACE TO BE USED FOR CHIEF DEPUTY (ALL COST WILL BE INCURRED BY THE DISTRICT ATTORNEY'S OFFICE)

Sheriff Randy Shirley and District Attorney Brian Rickman discussed with the board the proposed renovations to make an office for Chief Deputy from the unused space outside of the Sheriff's office.

The office previously being used by Murray Kogod is outside the District Attorney's office; an entrance will be cut into that office and will be used as an office for the DA. The District Attorney will fund the project from the Fine Surcharge fund. Renovation plans are placed in the minutes as an attachment. A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve renovations to enclose vacant space and DA to fund not holding commissioners responsible. Motion approved unanimously.

5. MOTION FOR BOARD TO APPROVE OR DENY REQUEST FOR MARINE TAX REFUND FOR DANIEL CISSON

Christen Collier stated in 2003, Daniel Cisson traded in a boat he is still being billed for, Christen called Mr. Cisson to let him know the procedure and documents needed to remove the boat from tax bill. Mr. Cisson brought in what was needed and the boat was removed from the list. Christen recommended to the board to stay within the three year window. Attorney Brian Ranck stated the Georgia code states three years from the date of payment. Christen stated based on the value dollar wise estimate for three years would be \$265.17, at the time of the transfer in 2003 the refund would be \$237.90. Mr. Cisson no longer owns that boat, since the new boat was purchased in 2003 in was not on the digest in 2004 to collect and we would have to add \$189.00, the value would be the same as in 2005. Commissioner Hudgins reminded citizens to look at what they are being charged for from year to year. Mr. Cisson thanked the commissioners and stated his concern was the boat being new that Mr. Collier referred to, it was new to him at the time but the boat was a 1999 model purchased in 2003. Mr. Cisson stated regardless of the explanation of the way it happened and should have happened he was not interested in a certain dollar amount. A motion was made by Commissioner London, seconded by Commissioner Andrews to refund for a three year period 07, 08, and 09 the amount of \$265.17 to be paid from the Tax Commissioners Office. **Motion carried unanimously**

**V. INVOICES OVER \$5000**

**1. ACREE OIL COMPANY - \$18,322.05**

**VI. MATTERS FROM DEPARTMENTS**

1. ADMINISTRATOR REPORT

1. John Rutan stated GIS is slowly moving ahead and within 6 months we should have maps

2. FINANCE REPORT

3. DEPARTMENT REPORT

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

1. Melvin Barrett – Mr. Barrett was concerned why someone was able to obtain a license plate if they did not show proof of insurance at the time. Commissioner Andrews stated if someone comes in without proof of insurance does not mean they don't have insurance. Melvin proposed placing a \$10.00 fee when purchasing license plate to use to repair roads.

**VIII. EXECUTIVE SESSION –**

- 1. Personnel**
- 2. Potential Litigation**

A motion was made by Commissioner Andrews, seconded by Commissioner London to enter into Executive Session at 6:04 p.m. **Motion carried unanimously.**

A motion was made by Commissioner Andrews, seconded by Commissioner London to reconvene the meeting at 7:59 p.m. **Motion carried unanimously.**

**IX. ADJOURNMENT**

A motion was made by Commissioner Andrews, seconded by Commissioner London to adjourn the meeting at 8:02 p.m. **Motion carried unanimously.**

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

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

Attest:

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