



**MINUTES
PUBLIC HEARING
REGULAR MEETING
MARCH 9, 2010**

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

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

Chairman Dean 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

1. A motion was made by Commissioner Andrews, seconded by Commissioner Haygood to approve the agenda with one addition as follows: Item # 5 – MOTION FOR BOARD TO ADOPT BORROWING RESOLUTION AND AUTHORIZE BORROWING WITH BANK OF AMERICA FOR FIRE TRUCK LEASE PURCHASE AND AUTHORIZE CHAIRMAN TO SIGN ALL DOCUMENTS
Motion carried unanimously.

II. APPROVE MINUTES

1. FEBRUARY 23, 2010 - PUBLIC HEARING & REGULAR MEETING

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

IV. OLD BUSINESS

V. NEW BUSINESS

1. MOTION FOR BOARD TO ADOPT THE CENSUS 2010 RESOLUTION AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

A motion was made by Commissioner London, seconded by Commissioner Hudgins to adopt the Census 2010 Resolution and authorize Chairman to sign. **Motion carried unanimously.**

2. MOTION FOR BOARD TO ADOPT THE PET DAY PROCLAMATION AND AUTHORIZE CHAIRMAN TO SIGN PROCLAMATION

A motion was made by Commissioner Hudgins, seconded by Commissioner London to adopt Pet Day Proclamation and authorize Chairman to sign. **Motion carried unanimously.**

3. MOTION FOR BOARD TO APPROVE FY 2010 BUDGET AMENDMENTS FOR THE FOLLOWING:
COMMISSIONERS, CLERK, ADMINISTRATOR, FINANCE DIRECTOR, GENERAL ADMINISTRATION, REGISTRAR

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

4. MOTION TO AWARD LEASE PURCHASE FINANCING BID FOR SEVEN (7) NEW FIRE TRUCKS FROM SPLOST V FUNDS AND AUTHORIZE CHAIRMAN TO SIGN ALL RELATED DOCUMENTS

County Administrator John Rutan stated we are at the final point of the fire truck purchase. Phyllis Ayers stated this is a great opportunity and have given you a lot of information on the two that came in the cheapest over five years. It is our recommendation to do the tax exempt bank qualified with Bank of America and that is at 2.5796%. If you look at the five year interest cost, divided by seven trucks the economy of those trucks will increase over five years. Phyllis stated we should be fine unless SPLOST really goes south and we meet our landfill assurance measurement test taking on this new debt. Phyllis stated several banks wanted to back themselves with a Build America Bond. Chairman Scarborough asked if Build America Bond added another level of cost. Phyllis stated Bank of America came in with the best rate and what it does is you are issued at a higher rate; there are two rates and you are issued at the higher one. When you get rebates from the Federal Government to pay interest you have an effective rate. You have to make your request on time and it is only \$1500.00 less than tax exempt. If you miss one request to make a payment you can't go back and get money. It is a very competitive bid process and we got a lot of response. A motion was made by Commissioner Haygood, seconded by Commissioner London to award lease purchase agreement to Bank of America and authorize Chairman to sign all documents. **Motion carried unanimously.**

5. MOTION FOR BOARD TO ADOPT BORROWING RESOLUTION AND AUTHORIZE BORROWING WITH BANK OF AMERICA FOR FIRE TRUCK LEASE PURCHASE AND AUTHORIZE CHAIRMAN TO SIGN ALL DOCUMENTS

A motion was made by Commissioner Haygood, seconded by Commissioner Andrews to adopt borrowing resolution and authorize Chairman to sign all documents. **Motion carried unanimously.**

6. MOTION FOR BOARD TO AWARD BID FOR ADDITION TO BIG SMITH FIRE DEPARTMENT TO LEONARD GRIFFIN BUILDERS

A motion was made by Commissioner London, seconded by Commissioner Hudgins to award bid to Leonard Griffin for addition to Big Smith Fire Department. **Motion carried unanimously.**

7. MOTION FOR BOARD TO APPROVE OR DENY THE REMOVAL OF PENALTY AND INTEREST FOR EUGENE AND JOLENE BARLOW

Tax Assessor Sue Anderson stated this is the same situation as we have had before; we didn't change addresses because we had no address change. TBS the Tax Commissioners vendor changed the address on the tax bill but the Tax Assessors office never got a change of address. They received a tax bill one year and did not get it the next. We have had a number of those and hope they will soon be worked thru the system. Our recommendation is to deny the request as in previous times. Commissioner London asked when they first brought it to your attention; he noticed it was for 2008 and 2009. Ms. Anderson stated it had been recently, it was February for both years. A motion was made by Commissioner London, seconded by Commissioner Andrews to deny the request. **Motion carried unanimously.**

8. MOTION FOR BOARD TO APPROVE THE REMOVAL OF ADDITIONAL PENALTIES AND INTEREST FROM ALLISON BREWER ACCOUNT

Tax Assessor Sue Anderson stated this is one the board denied in April 2009 and they were not notified because of error on clerk's part of not knowing to notify them. Administrator Rutan stated we do have our system in place now it was our mistake and the recommendation is to remove the penalties and interest from April 2009 until now. A motion was made by Commissioner Andrews, seconded by Commissioner Hudgins to remove the penalties and interest. **Motion carried unanimously.**

9. MOTION FOR BOARD TO APPROVE AND ACCEPT PURCHASE OF PROPERTY FROM DOT FOR PARCEL 21 AND PARCEL 55 OFF OF EASTANOLLEE BY-PASS AND AUTHORIZE CHAIRMAN TO SIGN "OPTION OF RIGHT OF WAY"

Administrator Rutan stated these are good offers, the one parcel is a strip in front of the Eastanollee Fire station which will have very minimal impact if any; and a portion of land before you turn off of Clary Connector which has little or no value to us. Commissioner Haygood asked how much right-of-way and how close to the fire station. Mr. Rutan stated three-four foot closer to fire station which has a 150 ft parking lot; it would not be significant to the fire station. Commissioner Andrews stated they had walked it before and determined there would be no problems.

VI. INVOICES OVER \$5000

1. ACREE OIL COMPANY - \$17,469.97

A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve and pay Acree Oil. **Motion carried unanimously.**

VII. MATTERS FROM DEPARTMENTS

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

1. Richard Adams- Recreation Director

Richard discussed the recreation departments 12 and under midget girls basketball team as winning the State Championship for their age division and presented the commissioners with the trophy. Richard stated it is a pleasure doing his job and recognized that times are hard and parents are still finding a way for their kids to be involved. Richard thanked Todd Mayfield Athletic Director, Coaches Megan Flentall, Heather Heaton, and Shaquanna Johnson for their hard work and dedication to the team as well. Richard also thanked WNEG and the Toccoa Record. Richard discussed they had finished sign-ups for 4-5 yr olds and 6-8 yr. olds and will have around 210-213 participants for t-ball and prep ball. Richard thanked the board and staff for working so well with the recreation department.

2. Larry Krul- Building Inspector

Larry Krul gave an update on enforcing the codes that were adopted in February. Larry stated the building department is up and running and has issued their first permit and first inspection. Larry stated he had dealt with about 70 calls and in person visits in the past 7 days. He stated he is getting positive feedback and the biggest issue is getting the word out to average homeowners. Jerry Norris has set up a spreadsheet that will be easy to track information. Larry thanked the staff and everyone who has helped in every step of the way. Frank Whittle asked if there was a monetary point where a permit is required. Larry stated it is not a monetary issue.

3. Stacy Pulliam VFD

Stacy stated the volunteers are still volunteering; fires are still going out; lives are still being saved; and property is still being preserved. Stacy stated to Commissioner Haygood about the comment he made about the Tates Creek fire station being renovated and wanted to know if someone had approached him about it. Commissioner Haygood stated it was the only one left off of the list. Commissioner Scarborough stated that station did not need any renovations. Eastanollee, New Hope, and Big Smith were the only ones needing renovations. Carnes Creeks new station due to the cost we have to go to a formal bid process and it takes time. Big Smith came in under the purchasing policy. We are meeting Thursday at New Hope to do a walk through. Stacy stated he had encouraged the chief at Eastanollee to communicate and have tried to hook him up with Larry numerous times. As coordinator, I can only do so much and have let each chief know they need to do the recommendations and decide what they need and relay information to the board. Phyllis stated since the RFP is set around a six month delivery of fire trucks and if they are going to be longer, the principle and interest payment set up for the \$2.1 million will be put in an escrow account and if the trucks are going to be later we may be paying the principle and interest before we get the trucks. The rate doesn't change; they set the ammorization schedule up on those trucks being delivered six months after December.

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

Denman McFarlin – Mr. McFarlin stated he owned a poultry and cattle farm on Bruce Road. His concern is the dirt road that goes through the property. The deed states that his property is the center of the line on both sides of the road. In 1987 Bethel Crunkleton, and Mac Dalrymple, and Cecil Clifton said it was a county road and I have been paying taxes on it. Mr. McFarlin stated he had asked Bud Graves to come and look before he put up his fence and Bud told him where to put it. He is asking for the ditches to be ditched back in. He stated the road was never scraped until the Morgan's started getting it scraped. He had asked for them to put in the minutes years back to open the road to the lake at that time the commissioners said it would cost too much money. If it is

a county road and my deed states my property is on both sides of center line, I am not going to object if you dig the ditches back in. Commissioner Scarborough stated they would look into it further.

Dan Cisson- Mr. Cisson stated he sent an email to the Commissioners asking them to consider his request to use the old landfill for an annual fee where the public would not be involved. When the City closed the Alewine site, it put a kink in things for me. He stated he used the old landfill for the first 12-15 years, the gate was left open and he had a key. Commissioner Scarborough asked if he used the current landfill. Dan stated no because it is cost prohibited, he asked for anything and to work out an annual fee. He stated Mr. Rutan thought they would have to get a permit from EPD, and there would be nothing put over there that is not already there, it would be compacted and firewood would be available for county employees to use. Brian Ranck stated he wanted to understand the request, which is to dump in the landfill, or requesting different treatment as far as fees from what we normally charge. Commissioner Scarborough stated not the current landfill but the old jail site behind the jail. John stated he wants to use that but John cautioned you are reopening the landfill. John stated he would put in bold letters and underline twice and say “don’t do it.” Commissioner Scarborough stated that staff recommends not to reopen the site behind the jail. Brian stated if you want us to explore the options as far as entering into a contract with Mr. Cisson we could, what John is cautioning you about is if you make available for one you have to make available for others. Commissioner Scarborough stated we need to know the implementation and qualifications we would have to meet. John stated we have a permitted site and can except waste it is \$40 a ton and it is operational and would not recommend establishing additional sites. Commissioner Scarborough asked when we close the landfill will we still be open for this type of dumping. John stated we can keep that permit active and will close C & D site and shut down phase 3. Commissioner Scarborough stated they would look into it further.

Frank Whittle – Mr. Whittle stated his concern of Suttles Road, that it had not only become a neighboring problem but a county problem. It had turned a neighbor into a mortal enemy. Mr. Whittle stated the codes were not being enforced and the county was breaking the law by not enforcing and misleading state officials. He asked where the counties integrity was and would like for them to clean up Suttles Road.

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