



**MINUTES
REGULAR MEETING
MAY 11, 2010**

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

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

Chairman Dean Scarborough called the meeting to order at approximately 6:04 p.m. and welcomed those present. Commissioner Hudgins gave the Invocation and led the Pledge of Allegiance.

I. APPROVE AGENDA

A motion was made by Commissioner Haygood, seconded by Commissioner Andrews to approve the agenda with additions under new business Item #1 to add: and authorize Chairman to sign; plus adding additional motion to item # 1 to state: Motion for board to approve and authorize Chairman to sign easement transfer from foundation to county at appropriate time. **Motion carried unanimously.**

II. APPROVE MINUTES

1. APRIL 13, 2010 – REGULAR MEETING

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

III. OLD BUSINESS

1. MOTION FOR BOARD TO APPROVE OR DENY MOBILE HOME VARIANCE FOR BILL WOOD

A motion was made by Commissioner Haygood, seconded by Commissioner Andrews to postpone the variance until all paperwork is complete; septic permit and identify a specific lot location. **Motion did not pass with 2-3 vote; Commissioners Hudgins, London, and Scarborough voted no.**

Commissioner Haygood stated all material is to be submitted as per the Manufactured Mobile Home Variance Resolution passed a few weeks back, we are not following it if we pass this. Commissioner Scarborough stated the issue is the reason we have a ten year limit is to keep older mobile homes out of the county and we are watering it down and having a problem if we continue to grant a variance. County Attorney Brian Ranck stated if you are going to grant a variance, make sure there are

objective reasons and don't grant arbitrarily. County Administrator, John Rutan stated there are no conditions at this point. Commissioner London stated the issue is to grant a variance, it has nothing to do with the age.

Commissioner London made a motion to approve the variance for Bill Wood, seconded by Commissioner Hudgins. Motion passed

Commissioner London made a motion to approve the variance for Bill Wood, seconded by Commissioner Hudgins. Motion passed 4-1; **Commissioner Haygood voted no.**

IV. NEW BUSINESS

1. MOTION FOR BOARD TO ADOPT RESOLUTION FOR GRANT FROM GEORGIA DEPARTMENT OF NATURAL RESOURCES FOR TUGALOO CORRIDOR TRAIL AND AUTHORIZE CHAIRMAN TO SIGN; AND A MOTION FOR THE BOARD TO APPROVE AND AUTHORIZE CHAIRMAN TO SIGN EASEMENT TRANSFER FROM FOUNDATION TO COUNTY AT APPROPRIATE TIME

Mr. Joe Ferguson discussed the Tugalo Corridor project which will showcase Stephens County with outdoor classrooms and recreational trails. All requirements have been met; Bryan Alexander from the Department of Natural Resources was present to answer questions. Mr. Ferguson stated the Foundation was requesting two items to be approved, one is the adoption of the resolution between the county and DNR; the second request is to approve the chairman to sign the accepted easement at the appropriate time. The grant is a matching grant with funds coming from the Foundation. A motion was made by Commissioner Haygood, seconded by Commissioner Andrews to adopt the resolution and authorize chairman to sign resolution and authorize chairman to sign easement transfer at appropriate time.

Motion carried unanimously.

2. PRESENTATION FOR FISCAL YEAR 2011 BUDGET

Administrator John Rutan read budget commentary prepared by Finance Director Phyllis Ayers.

- 1) Millage rate remains unchanged at 11.32 with 1.1% decrease estimate in value of digest
- 2) Property tax collection rate is at 95% currently
- 3). Prior year fund balance \$1,058,800 budgeted for landfill closure cost is included; prior year fund balance is \$750,000 budgeted for force main relocation on 17 is included. Revenues are stagnant and declines due to economic condition

Expenditure Commentary

- 1) Retirement contribution remains currently at 1.5% currently; landfill cost increased for closure this FY
- 2) No furlough days are built in any departments
- 3) No new personnel included
- 4) No increase for health insurance – Blue Cross Blue Shield estimated 7.22% increase, a cost of \$107,055 and has cost the county to look for further options

- 5) No increase in employee deductions for health insurance
- 6) Personnel attrition is not budgeted in salaries or wages.
- 7) No cost of living increase at 2.3%
- 8) 1.7 million of request are missing from budget

Administrator John Rutan stated there will be two public hearings and the budget will be adopted at the last meeting in June. Commissioner Scarborough stated the Commissioners had one thing in mind; we all had a tough time asking so much of our employees to take the cuts they had to take and were committed to not doing furloughs this year. Whether it means we have to do them in the future or not we felt the employees took the brunt of the cuts last year and we are thankful we were able to work through the budget without furloughs. There were other hard cuts we had to make and because they suffered last year we wanted to see if we could keep them at their level pay this year. **No motion was needed.**

3. MOTION FOR BOARD TO APPROVE BUDGET AMENDMENTS FOR FY 2010 FOR E911; CODE ENFORCEMENT; COUNTY AGENT; PROBATION; SENIOR CENTER; PUBLIC WORKS; COMMISSIONERS; TAX COMMISSIONER; BUILDING AND GROUNDS; GENERAL ADMINISTRATION

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

4. MOTION FOR BOARD TO CONSIDER VARIANCE FOR PERMANENT INSTALLATION AND CONNECTIONS TO A PARK MODEL HOME FOR BONNIE BANTA – REFERENCE CODE SECTION 46-34

Building Inspector Larry Krul stated the park model homes are a specifically designed for permanent connection. They have no holding tanks for water or sewage; they are designed on a mobile home frame instead of an RV frame. It was originally designed for permanent connection in RV parks so people didn't have to pull their fifth wheel. They have been installed in other counties on private properties as second homes. Ms. Banta has all documentation and owns the property and it has an existing septic and she owns the home across from the property, it also meets the minimum mobile home size of 320 feet. Ms. Banta stated it will be a retreat away from her children and dogs and a guesthouse for her company and it will not be rented. Commissioner Scarborough asked if it would be skirted and fixed up to normal code, Larry stated that it would. Commissioner Haygood asked if it followed the same rules as manufactured mobile homes, Ms. Banta stated that was correct. A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve the variance for permanent installation for the park model home. **Motion carried unanimously.**

5. MOTION FOR BOARD TO APPROVE BUDGET AMENDMENTS FOR FY2010 FOR THE SHERIFFS DEPARTMENT

Administrator John Rutan read a statement from Finance Director Phyllis Ayers stating the Sheriff's office was needing the money in salaries because he did not furlough as was budgeted. He turned in a budget using 2080 hours for employees, and changed this to a higher amount that did not require overtime. He has replaced his people at a higher salary and is working off of 72 positions and Phyllis has

always communicated to him it was 71. He gave a bonus at the end of the year to salaried employees and is supposed to be deducting that through June. He is using some of the benefit money like Rex Nelms but Phyllis also instructed him to provide the detail to prove the amount and was asked not to use the gas savings because that was created by the county but wants to use the natural gas. It is clearly up to the board how to handle this situation. John stated it is currently in his budget. Chairman Scarborough stated the large figure was the one we considered a savings last year on our budget when we negotiated our health insurance cost, it would not have been in anybody's budget if we would have negotiated in July instead of October. Commissioner Haygood stated we set aside and was not supposed to be used out of general fund. Commissioner Andrews stated for the purpose of everybody understanding what this is, we probably should bring up what happens if we don't approve it. Chairman Scarborough stated they chose not to furlough employees, therefore their salary figure that was approved in the budget last year is going to run out and that is what the amendments are for. 72 positions currently being filled and 71 budgeted is why we have to deal with it. Commissioner Andrews stated if we don't approve it there are people in the Sheriff's department that will not get paid because they were not budgeted for. Chairman Scarborough stated Phyllis does not know where the money will come from; it is not there other than transferring it. Brian asked will this increase the Sheriffs overall budget or will it come from the total budget amount just by shifting dollars around that is a relevant question. Commissioner London stated it will come within but the group health insurance was a savings we created after the budget was voted on. It was originally included in the budget. Chairman Scarborough stated the \$60,000.00 he is requesting to be transferred from group health insurance where it was budgeted for last year we re-negotiated our health insurance and we saved several hundred thousand dollars. Each department's budget had a savings they did not have to spend; it is not coming out of contingencies. Commissioner Haygood stated we saved money last year and we have not budgeted for a 7% increase in insurance this year, we have to find money somewhere to take care of the increase. Chairman Scarborough stated the choice not to furlough is why the salary item is being depleted. Brian Ranck asked if the salaries were due now and is there a possibility this item could be postponed until further discussion. Brian stated he thought what Commissioner Haygood was saying is the problem is going to hit next year in the budget more than it is this year. If it is within the Constitutional Officers budget they have the right to use it as they see fit. Brian stated he believes it needs to be addressed for next year and may want to consider that before the amendment is considered. Commissioner Hudgins stated he would feel better if Phyllis were here and would like to see it postponed till next meeting. A motion was made by Commissioner London seconded by Commissioner Hudgins to postpone the amendment for further discussion. **Motion carried unanimously.**

6. MOTION FOR BOARD TO AWARD BREATHING AIR COMPRESSOR BID AND AUTHORIZE ADMINISTRATOR TO SIGN ALL DOCUMENTS

Administrator John Rutan stated this will be purchased through SPLOST in lieu of options on fire trucks. The bid was for \$18,999.00 for the compressor and \$2300.00 for the monitor. A motion was made by Commissioner Andrews, seconded by Commissioner Haygood to award the bid to Breathing Air Systems. **Motion carried unanimously.**

7. MOTION FOR BOARD TO APPROVE TAX ABATEMENT FOR LEWIS PEEPLES AND MARVIN BATSON PROPERTY

A motion was made by Commissioner Hudgins, seconded by Commissioner London to approve abatement for properties the county purchased from Peeples and Batson for closure on landfill. **Motion carried unanimously.**

8. MOTION FOR BOARD TO CONSIDER NEW APPLICATION FOR BEER AND WINE LICENSE FOR PURE MART, INC.

This was the first reading and consideration for beer and wine license for Pure Mart. **No motion was needed.**

9. MOTION FOR BOARD TO APPROVE AND AWARD TO IRVIN/HARBIN THE MODIFICATION TO CLOSURE AND POST-CLOSURE CARE PLAN AND AUTHORIZE ADMINISTRATOR TO SIGN CONTRACT UPON APPROVAL BY COUNTY ATTORNEY AND ALL PURCHASE ORDERS RELATED TO PROJECT

A motion was made by Commissioner Andrews, seconded by Commissioner Hudgins to approve and award modification care plan to Irvin/Harbin and authorize administrator to sign contract. **Motion carried unanimously.**

10. MOTION FOR BOARD TO CONSIDER VARIANCE FOR TIM POWELL TO PLACE THREE MOBILE HOMES ON 2.5 ACRES OF LAND

Tim Powell stated in September 2009 he bought property, 2.45 acres of land on 190 Coker Road that had one mobile home and septic tank and was lived in. He started looking for two more mobile homes to go on the property; he went to the tax commissioner's office and told them he had found two mobile homes he wanted to place on the property. The lady (not sure of name) looked at the lot size of 2.45 and did not see a problem and told Mr. Powell to go and talk to the Marshal, who at the time was Josh Roberts. Josh told Mr. Powell as long as he was not putting more than six on the property it would not be a problem. If he put more than six it was considered a mobile home park. Mr. Powell stated he went back to the tax commissioner's office and she gave him the permits to move both mobile homes on that property and he is already receiving tax statements where the mobile homes belong on the property. He cannot get them set up because he can't get a septic permit until he gets a 911 address and cannot get the 911 address until Mr. Krul approves it because of the lot size. All this was done before the code enforcer officer took his job. Mr. Powell stated he had spent all his money grading the land, moving the trailers and is in the process of remodeling but has had to stop because he can't go any further and needs to see if Commissioners can help him. He did what he was told to do by talking to the right people and now has had to stop. Larry stated the lot size is the issue of one acre and read the codes section 66.181 sub-section B. Chairman Scarborough asked what year the codes were passed. Larry stated in April 2004, the land was purchased in September 2009, moved the mobile homes in October and came to get building permit in late March that is what they got caught up in. **Commissioner London made a motion to approve the variance but the motion died for lack of second.**

Mr. Powell came back before the board and stated he wanted to make things clear that two of the mobile homes were already on the property and didn't feel it was his responsibility to know all the county ordinances. He feels that he did exactly what he was told to do. Brian Ranck stated he was not trying to disagree at all, the Tax Commissioners office grants the relocation permit, it is not a variance from any of the other county code requirements, and you still have to meet the code requirements. The variance request has to be made to the Board of Commissioners. Mr. Powell stated he did not know that and did exactly what they told him to do. Commissioner London stated he felt Mr. Powell attempted in good faith unknowingly the outcome. Commissioner London made a motion for the board to approve variance to Tim Powell to place one mobile home on .45 acres, Commissioner Hudgins seconded the motion. **Motion carried 3-2. Commissioners Haygood and Andrews voted no.**

11. MOTION FOR BOARD TO APPROVE OR DENY REFUND OF PENALTY AND INTEREST TO MARILYN ARDD

Sue Anderson stated their office had made a typo in the address from what the Attorney had given to them and the taxes are paid. A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve refund of penalties and interest to Marilyn Ardd. **Motion carried unanimously.**

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

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

13. MOTION FOR BOARD TO AMEND AND TAKE EFFECT JULY 1, 2010 THE STEPHENS COUNTY GEORGIA EMPLOYEE HANDBOOK SECTION H-11 "CARRY HOME VEHICLES" TO READ:

EMPLOYEES WILL NOT BE ALLOWED TO DRIVE COUNTY OWNED VEHICLES HOME OR CONDUCT ANY PERSONAL BUSINESS WHILE DRIVING A COUNTY OWNED VEHICLE, NOR SHALL THE USE OF A COUNTY OWNED VEHICLE BE CONSIDERED PART OF A COMPENSATION OR BENEFITS PACKAGE. COUNTY OWNED VEHICLES SHALL ONLY BE DRIVEN FOR THE SOLE PURPOSE OF CONDUCTING OFFICIAL COUNTY BUSINESS OR TRAVEL TO AND FROM TRAINING.

County Attorney Brian Ranck stated he had one suggestion; there should remain some provision in the wording about IRS rules. Brian stated he has to record commutes to and from his house on the vehicle his employer provides for him. Brian stated we should make it clear that even if there are commuting miles there may be some income to the employee and would keep some language to that effect. Commissioner Andrews stated in reference to the motion, and he was objecting the motion, basically the intent is that we restrict county owned vehicle use for personal use and am in total agreement but have exception to the other issue. In reference to what Commissioner Andrews would term Senior Administrative personnel, those people whose employment packages have been negotiated with the clause they are able to use this vehicle in any way or for personal use. This is a common practice if you look around the state. If we restrict this for future commissions and restrict this use, the concern is if you had to go out and recruit a new administrator; the county would be severely hampered if we cannot compete with other cities and provide a package and pay package overall for the person we want. Commissioner Andrews stated he firmly believes if we include this it will restrict future commissions in their recruitment efforts and other agencies within the county look to us to set the tone and try to follow it. Commissioner Andrews stated the proposal should be divided into two sections. The reference in the personnel employee manual is designed for those people in the category just mentioned. Commissioner Andrews agrees with Brian the title should be changed and update on mileage allowable. Income tax has to be reported and that figure is wrong, the reference would lead to believe that this particular section in the employee handbook is designed for that. Commissioner Andrews stated he believes all other county vehicles should be restricted to county business and this is and administrative function and management function. Commissioner Hudgins asked if this had been reviewed by staff or legal staff and cleared with suggestions and input. Brian Ranck stated he has suggestive language that might cover what Commissioner Andrews concerns are. Brian stated if it is the desire of the board to have this provision, it might cover everything. One thing to keep in mind is your personnel policy is just that, it is your policy

not an ordinance; you can vary from policy when you think it is fit. If you are going to pass this you might add a sentence to the effect that says "Accept as otherwise agreed in writing by the Board or the Board's designee" meaning if you have an employee contract and want to give somebody this you can leave that option out, then that would cover what Commissioner Andrews concerns are or you can go on to read as written in the agenda. You could add language when there is income to the employee whether it is for commuting use or as otherwise agreed and it is that employee's responsibility to report the income on their state and federal tax return. You can cover all the concerns and still get to the intent of what the board wants to do, which is try to have some control over the use of the county vehicles. Commissioner Hudgins asked would it be better to wait and have a motion that would encompass all of the problems. Commissioner Haygood asked does this include all county vehicles regardless of what department or Constitutional Officer? Brian stated from a Constitutional Officers standpoint if they have it in their budget to allow them to use that vehicle, typically that is what they can do. If it exceeds their budget for gas, that is where it would impact them. Chairman Scarborough stated he was ok with delaying or voting today. The intent is for the county cars not to be used for personal use and this particular wording is too black and white. Chairman Scarborough stated if he were a county employee for ten years and had the use of a county vehicle he would take offense to this as it is stated. Where we can do a better job managing and administering our vehicle and use, I think we can and should, and need to work on the wording. Brian Ranck stated it can be drafted to build in some discretion when you have a situation you want to negotiate that as part of overall compensation package in a contract if you can't meet monetary equivalence to surrounding counties. Chairman Scarborough asked Stanley if it was his desire to bring the motion to the table if this states what you want it to state, we will vote on it today. Commissioner London stated he feels we could vote on it and amendments could be added just as this one is being added. It has to be voted on regardless, no board can bind another board and any board can amend. **Commissioner London made a motion to amend the employee handbook as stated, motion died from lack of second.**

V. INVOICES OVER \$5000

1. MULSOW, INC - \$12,640.00
2. ACREE OIL - \$20,131.20
3. STEEDLEY FIRM – 17,500.00 (\$10,500.00 Grant) (\$6,500.00 County) Budget amendment

A motion was made by Commissioner Andrews, seconded by Commissioner Haygood to pay all bills. **Motion carried unanimously.**

VI. MATTERS FROM DEPARTMENTS

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

1. Tax Assessor Sue Anderson – Sue stated HB 346 was passed and their office will see a lot of changes. They will be sending assessment notices, and the Board of Equalization will be totally re-worked

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

1. Paul Chalmers –

Brian Ranck stated before Mr. Chalmers spoke this issue is an ongoing investigation and asked that the Board of Commissioners listen and not respond.

Mr. Chalmers stated in 1999 he paid between \$100,000 -\$200,000 in taxes in the county. In 2008 the Assessor's office made a mistake and put four pieces of property on a larger track. This was someone else's property on my taxes. Mr. Chalmers went and tried to borrow money to further develop his property and was told he could not get a clear title until he paid his taxes. He realized the property had been put on his bill and Sue said the investigation confirmed that someone in their office had made an error. Mr. Chalmer explained to Sue he had a pending closing and she told him to pay the taxes and he would be refunded in 2-3 weeks. He talked to Sue after he was not refunded and she told him to talk to Mr. Ranck. Mr. Chalmers stated he felt like he had not been treated fairly the staff had made the error and the County Attorney had given him the runaround and does not understand. Mr. Ranck said Mr. Chalmers threatened to file a lawsuit, we did hire an attorney, but didn't threaten a lawsuit and just trying to get an understanding and it has been two years. Mr. Ranck brought to you to negotiate and don't believe you understand the Assessors made a mistake. John stated for the record he had not talked to Mr. Chalmers about being placed on the agenda. Brian Ranck stated for the record he has been in discussion with Mr. Chalmers attorney and as a lawyer has to limit his communication and suggest Mr. Chalmers contact his attorney. Mr. Chalmers stated he would be glad to fire his lawyer he did not make it clear that it was not a miss-appraisal in fact a county error. Chairman Scarborough stated they would look into it.

VIII. EXECUTIVE SESSION –

IX. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Hudgins to adjourn the meeting at 7:03 p.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2010

Dean Scarborough, Chairman

Attest:

Beth Rider, County Clerk