



MINUTES

REGULAR MEETING

JULY 12, 2011

5:00 P.M.

STEPHENS COUNTY BOARD OF COMMISSIONERS HISTORICAL COURTHOUSE

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

Chairman JB Hudgins, Jr. called the regular meeting to order at approximately 6:10 p.m. and welcomed those present. Reverend Teasley gave the Invocation and led the Pledge of Allegiance.

I. APPROVE AGENDA

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

II. APPROVE MINUTES

1. **JUNE 28, 2011 – BUDGET HEARING & REGULAR MEETING**
2. **JUNE 28, 2011 – PUBLIC HEARING-WINDING BLUFF ROAD & REGULAR MEETING**

Brian Ranck stated he wanted to be sure the minutes reflect a copy of the Winding Bluff Road plat. A motion was made by Commissioner London, seconded by Commissioner Scarborough to approve minutes as presented. **Motion carried unanimously.**

III. OLD BUSINESS

1. **FIRST READING OF ORDINANCE AMENDMENTS FOR SECTION 66-181 LOT SIZES AND PROPORTIONS AND SECTION 46-35.1 AND 46-35.2**

Commissioner London stated he felt the interior section should be deleted from our county ordinance. Commissioner Scarborough stated he agreed; dealing with mobile homes it talks about the exterior condition should be free of rot and rust, a mobile home with one end sitting under a tree will develop a little rust, there needs to be some kind of condition a little rust versus a lot of rust. John Rutan stated you

could use the word excessive or structural damaging rust. We did define sound condition which is basically an engineering term: anything in sound condition, door staying on wall, if it swings, locks, when someone goes to open it, it will not fall off; it does not have to be new. Commissioner Scarborough stated the rust was one of the problems he had and interior inspection; he stated he understood about safety, fire, wiring and plumbing; don't know that we should be judging the condition of the carpet, flooring or paneling. If teenagers are fighting and put a hole in the wall that should be a condition we do not have anything to do with. Commissioner Haygood asked if there was anywhere that states the mobile home has to be set up by a licensed contractor. Larry Krul, Building Inspector stated it was in the existing codes and it is a State Code. Steve Hughes, contractor stated a person cannot set up their own mobile home; a lot of counties enforce that. They have to have a licensed contractor, the contractor has to put a sticker in the switch box with their license number, name and phone number when they inspect it they find the sticker without the sticker it is not supposed to be approved. If the sewer, water and electrical is good, that is all checked over in this code; the rest of it is appearance and the State does not care what the appearance looks like. Brian Ranck stated the State code says the county may establish Health and Safety standards which clearly is what he alluded to. Brian stated he was not saying that what we have has anything to do with appearance. The intent is to deal with things that will be a health risk or safety risk, I don't think the intent that Larry has when he goes to inspect a house is whether it looks good or not. I think we are talking about making sure people are safe and that is not a health risk that is what the regulation should be geared toward not something unsightly. John Rutan stated when we wrote this in the interior condition, this is written not necessarily for those who can speak for themselves but for those who can't such as children. Water damage floors that are unsafe, deteriorating floors and walls can do a lot of damage to somebody who does not have any case in this and should not have to suffer from such conditions. Brian Ranck stated that Larry does not have the right to deny a permit if a door knob hole is in a wall; that would be beyond the authority given to the counties by the State law. This is health and safety, if Larry or someone down the road in Larry's position is going beyond what the state law will require that clearly is not an enforceable ordinance. We can only act under the authority given to us by the state which is to establish health and safety standards. Not esthetic or beautification standards that is not what we are dealing with. Dale Smith stated if you get an issue with children where they should be living and you have an ordinance that say certain interior is not up to standard, that could be grounds for someone not having their children living with them. Brian stated state law as far as having an inspection done by a licensed installer or contractor, we are bound by state law whether in our code or not; the issue is really where it poses a safety or health issue. A motion was made by Commissioner London, seconded by Commissioner Scarborough to remove from Section 46.35.2 Minimum Health and Safety Standards section, section B to delete the whole section and remove from section C "and rust". **Motion carried unanimously.**

IV. NEW BUSINESS

1. **BOARD TO CONSIDER MOTION TO APPROVE FY 2011 BUDGET AMENDMENT FOR MAGISTRATE; COMMISSIONERS; EMERGENCY COMMUNICATIONS; RECREATION DEPARTMENT AND AUTHORIZE CHAIRMAN TO SIGN BUDGET AMENDMENT RESOLUTION**

Finance Director stated there needed to be a change in the Emergency Communication amendment, the line item needs to be changed from 52.2200 to 51.1100 salaries. A motion was made by Commissioner London, seconded by Commissioner Scarborough to approve budget amendments and authorize Chairman to sign resolution. **Motion carried unanimously.**

2. BOARD TO CONSIDER MOTION TO APPROVE FY 2012 BUDGET AMENDMENT FOR EMERGENCY COMMUNICATIONS; RECREATION DEPARTMENT; PUBLIC WORKS; SHERIFF DEPT; CLERK OF COURT; TAX ASSESSOR; TAX COMMISSIONER; REGISTRAR; ACCOUNTING; GOVERNING BODY; SOLID WASTE AND AUTHORIZE CHAIRMAN TO SIGN BUDGET AMENDMENT RESOLUTION

A motion was made by Commissioner Scarborough, seconded by Commissioner London to approve budget amendments for FY2012 and authorize Chairman to sign resolution. **Motion carried unanimously.**

3. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN RESOLUTION TO SET POLICY WITH REGARD TO INTERGOVERNMENTAL TRANSFER OF REAL PROPERTY WITH THE INTENT FOR STAFF TO PREPARE AN ORDINANCE FOR BOARD'S CONSIDERATION

Brian Ranck stated Commissioner Haygood wanted a resolution or county policy when the county conveys property to a municipality or the State of Georgia a reversionary clause will be added to all deeds that the property sold and not being used or no longer wanted will revert back to the county. Commissioner Haygood stated he would like this to be made into an ordinance to make it more enforceable. A motion was made by Commissioner Scarborough, seconded by Commissioner London to adopt and authorize Chairman to sign resolution with intent for staff and County Attorney to prepare an ordinance. **Motion carried unanimously.**

4. MOTION FOR BOARD TO ALLOW ANTI-DRUG COALITION TO USE \$10,000 OF D.A.T.E FUND FOR ON-GOING DRUG EDUCATION AND PREVENTION PROGRAMS

Finance Director Phyllis Ayers stated the balance in the D.A.T.E fund to date is \$211,244.80, and we receive \$21,000 per year in revenues. A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough to approve \$10,000 of D.A.T.E Funds for the Anti-Drug Coalition. **Motion carried unanimously.**

5. MOTION FOR BOARD TO AUTHORIZE CHAIRMAN TO SIGN NOTICE OF INTENT 3551 AND LOCAL STATE ROUTE ACCEPTANCE RESOLUTION FOR THE PROPOSED STATE HIGHWAY SYSTEM REVISIONS FOR FRANKLIN AND STEPHENS COUNTIES (PROJECT EDS-545(20), P.I. 122110)

John stated the State will maintain the road until the new road is complete. A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough to accept Notice of Intent from DOT and authorize Chairman to sign resolution for the proposed State Highway revisions. **Motion carried unanimously.**

6. MOTION FOR BOARD TO ACCEPT DEED FROM THRIFT DEVELOPMENT CORPORATION FOR 2.29 ACRES ADJOINING THE LANDFILL AND AUTHORIZIE CHAIRMAN TO SIGN DEED AND RESOLUTION AND MOTION FOR BOARD TO GRANT WATER AND SEWER EASEMENT ACROSS LANDFILL PROPERTY AND AUTHORIZE CHAIRMAN TO SIGN EASEMENT AND RESOLUTION

John Rutan stated this is the land swap which will bring all wells into the landfill property; this will make all adjoining to the Phase III of the landfill owned by the county. All wells will be on site of the landfill definition and adjoiners to Phase III with be the Stephens County Board of Commissioners; it gives the landfill good protection and gives us the ability to design water and sewer to the bypass. Brian Ranck stated this has been a long time in the works, this is the last piece of the puzzle and John has been the brain child of this whole thing and he should be commended. John has done a lot of hard work and it was his idea to do the swap, it was a great idea and did not cost the county any money. A motion was made by Commissioner London, seconded by Commissioner Haygood to authorize Chairman to sign deed and grant water and sewer easement across landfill property and authorize Chairman to sign easement and resolution. **Motion carried unanimously.**

II. INVOICES OVER \$5000

1. ACREE OIL - \$26,389.20

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

III. MATTERS FROM DEPARTMENTS

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

1. Commissioner Stanley London reported for the Citizens Advisory Panel which met on June 30, 2011 at the Chamber of Commerce office. Commissioner London stated they had a guest speaker Tim Browning, Recyclables Manager at Rabun County; they take in \$154,000 in revenue just in recyclables; they have seven centers open six days a week, 12 hours a day, they are manned and have 28 employees; 5 full time and 23 part time. Commissioner London stated it was a good presentation and worth going to look at.

IV. MATTERS FROM CITIZENS – TIME LIMIT OF THREE (3) MINUTE

V. EXECUTIVE SESSION

1. PERSONNEL

A motion was made by Commissioner Scarborough, seconded by Commissioner London to enter into Executive Session at 6:28 p.m. for personnel.

VI. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Scarborough to adjourn the regular meeting at 7:05 p.m.

Approved this _____ day of _____, 2011

J.B. Hudgins, Chairman

Attest:

Beth Rider, County Clerk