



MINUTES

PUBLIC HEARING & REGULAR MEETING

AUGUST 9, 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 Andrews read a Proclamation to the 9 & 10 year old All-Star State Champions and Coaches and Beth Rider presented each participate and coach with a Proclamation

County Attorney Brian Ranck opened the Public Hearing at 5:00 p.m.

Mike Staley came before the board stating he lived at 220 Hardy Farm Point in Martin, Georgia. Mike stated he was opposed to the addition of section F. On the surface the code looks suspicious to me and the changes to the code are to satisfy a small group of people and to remedy an existing circumstance and I think I have verified that is the case. This should be done on a vehicle, zoning appeals or a change to an individual's piece of property and not a change to an entire code section or add to a code section. The language in the section on the surface looks discriminating, it gives one class of citizens the ability to build within five feet of the property line where other classes of citizens that do not live on the lake, they have to abide by the ten foot. The first time someone wants to build closer than a ten foot setback and they do not live on the lake, someone will go to court. I am assuming these code provisions have been viewed for substance by legal counsel and that their view is nothing is wrong with this code section. There was a comment made to me that there were a lot of people that wanted this changed because they wanted to build as close to the lake as possible. I can assure you this is not true. Residence in Stephens County and other counties wants their house back from the corp line because the back yard is the most valuable piece of property you have. The county Tax Assessor's office uses a linear feet of corp. line abutment in their appraisal criteria. The other consideration is the septic tank lateral; there is usually a set back from the property line and the one biggest non-source pollution to the lake is failed septic tanks that drain to the lake; it is downhill from the house to the lake and you cannot go uphill. The closer the foundation of the house is to the line, the closer the lateral has to be to the line that gives you more opportunity for non-point source solution over a period of time after the septic tank fails. I appreciate your consideration and thank you for your time, but I don't think this is a good one. No one else came forward to speak and the Public Hearing was closed at 5:18 p.m.

Chairman JB Hudgins, Jr. called the regular meeting to order at approximately 5:25 p.m. and welcomed those present. Commissioner Scarborough gave the Invocation and led the Pledge of Allegiance.

I. APPROVE AGENDA

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

II. APPROVE MINUTES

1. JULY 29, 2011- CALLED MEETING

A motion was made by Commissioner London, seconded by Commissioner Scarborough to approve minutes with one change to remove Brian Ranck as Present for Meeting. **Motion carried unanimously.**

III. OLD BUSINESS

1. BOARD TO APPROVE ORDINANCE AMENDMENTS FOR SECTION 66-181 LOT SIZES AND PROPORTIONS AND SECTION 46-35.1 AND 46-35.2

Commissioner London stated the ordinances had been viewed and approved by legal counsel. County Attorney Brian Ranck stated he had looked at them and feel it is enforceable. Brian stated as a regulatory body you have the discretion to treat these citizens in similar situations a little different. In normal residential lots you may have other structures behind your property, the setbacks serve a purpose for fire safety, or just to keep density requirements and to keep structures from being too close together. Brian stated he had viewed the ordinances and feels it gives you a basis to make the distinction. Commissioner Scarborough addressed the septic comments by saying, the corp buffers them, and they do not require you to have any setbacks from their line. They create their buffer for pollution, if they put septic in front they have to have five foot setback.

A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough to approve and accept amendments as presented. **Motion carried unanimously.**

A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough for board to authorize Chairman to sign resolutions amending ordinances. **Motion carried unanimously.**

IV. NEW BUSINESS

1. BOARD TO CONSIDER MOTION TO APPROVE FY 2012 BUDGET AMENDMENT FOR BUILDINGS AND GROUNDS AND AUTHORIZE CHAIRMAN TO SIGN BUDGET AMENDMENT RESOLUTION

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

2. BOARD TO SUBMIT NOMINATIONS FOR THE STEPHENS COUNTY HOSPITAL AUTHORITY BOARD

A motion was made by Commissioner Andrews, seconded by Commissioner London to submit the following names as nominees to the Hospital Authority Board: Mark Wilkinson, Angie Garland, Kim Hudgins, Mark Randall, Henry Fields and Robert Slate. **Motion carried unanimously.**

3. BOARD TO CONSIDER MOTION TO ENTER INTO INTER-GOVERNMENTAL AGREEMENT WITH THE CITY OF TOCCOA TO CONDUCT CITY ELECTIONS

A motion was made by Commissioner Haygood, seconded by Commissioner Scarborough to enter into an Inter-Governmental agreement with the City of Toccoa to conduct elections. **Motion carried unanimously.**

4. BOARD TO CONSIDER MOTION TO AUTHORIZE ESRI QUOTE FOR \$35,000.00 FROM PLANNING & ZONING DEPARTMENT BUDGET AND AUTHORIZE CHAIRMAN TO SIGN ALL CONTRACTUAL DOCUMENTS

A motion was made by Commissioner Andrews, seconded by Commissioner Scarborough to authorize ESRI amount of \$35,000.00 from the Planning and Zoning Department as the third and last year of contract. **Motion carried unanimously.**

5. BOARD TO CONSIDER MOTION TO AUTHORIZE FINANCE DIRECTOR TO TRANSFER \$600,000.00 FROM GENERAL FUND TO CAPITAL PROJECTS FUND

A motion was made by Commissioner Scarborough, seconded by Commissioner Haygood to authorize Finance Director to transfer \$600,000 from General Fund to Capital Projects Fund. **Motion carried unanimously.**

V. INVOICES OVER \$5000

1. **ACREE OIL CO. - \$26,531.44**
2. **MANATRON - \$5,510.70**

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

VI. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR REPORT –
Carnes Creek Fire Station RFP is 90 % complete, trying to get it exactly right to fit specifications;
Finishing up the Tugalo Corridor grading;
Seen the plans for the Animal Shelter and will get with Bobby Hanley and look at it.
2. FINANCE REPORT –
3. DEPARTMENT REPORT –

Randall Cleveland – gave an update for the Government Building and the air is back on, and need to ask permission to go out to bid for a new chiller. We have put in about 260 hours on air conditioned related problems.

A motion was made by Commissioner Scarborough, seconded by Commissioner London to override the purchasing policy with regard to the bid process. **Motion carried unanimously.**

A motion was made by Commissioner Scarborough, seconded by Commissioner London to approve the emergency purchase order in the amount of \$18,750.00 for rental of a temporary chiller. **Motion carried unanimously.**

Tom Bennett – gave a report to the Commissioners regarding the roof tops on Hwy 17. Tom stated this is a proposal from Mr. Kasey for your approval. Brian Ranck asked if this was pending in State Court, Tom stated yes. Brian stated this would be for informational purposes only and let the Commissioners state their objections and not take any action, Judge Irvin could bless that. There were no objections.

4. COMMISSIONERS REPORT –

Commissioner London reported the Citizens Advisory Panel met on July 28 at the Chamber office and discussed the pilot program for litter pick up. There were no details for this meeting.

Commissioner Haygood reported he had been at a meeting earlier in Blairsville on the Re-Authorization of the Secure Rural School and Community Self Determination Act passed in 2008. Under this act Stephens County received \$43,507 and at the present time Congress has not applied any money for this. In September it will come back up and we need to get in touch with our representatives and senators. Paul Broun would not sign on at this time. Federal land within the county, the government does not pay taxes on it. The government has refunded x amount of dollars to the county in lieu of property taxes. In 2008, it was \$2,000,000.00 total; today it is \$144,000.00. If we do not get receive this from the Federal Government this year it will be cut and our share will be only \$2002.00. This is not the total amount of money the County receives. Stephens County received \$169,000.00 under Title I and the other portion of the money will go to the School System. More details will be coming at the next meeting.

Commissioner Haygood reported about the Georgia Mountain Work Force. This is the work force development system that was created to upgrade individuals work place skills economically benefiting the work force employer in the State of Georgia. It eliminates unwanted duplication services, reduces administrative cost and enhances participation and performance of customer service through a quality driven system. It is to provide cooperative working relationships to facilities, joint planning, and evaluate to develop an efficient management and limited financial and human resource and provide universally accessible information to the general population with wide and easy access to a comprehensive array of information. Under this they found that mismanagement of the system has taken place. The State of Georgia recommends that it be placed under and work under a State Agency within themselves. They will cover all the investments for our area that have been covered. There were three participants wanting to take over because of the money that goes along with it. Bids were submitted and each bid was at 7% of the cost to oversee the program. The board that was elected had to elect one of the three that had submitted bids; Gainesville Housing Authority; Pioneer RESA and Georgia Mountain Regional Commission each gave a 15 minute presentation and the board reviewed what they had submitted and selected the GMRC to oversee the project. In 60 days the board will meet again to get an overview of the project.

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

VIII. EXECUTIVE SESSION

1. PERSONNEL & LITIGATION

A motion was made by Commissioner Scarborough, seconded by Commissioner Andrews to enter into Executive Session at 6:08 p.m. to discuss personnel and litigation. **Motion carried unanimously.**

IX. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Scarborough to adjourn the regular meeting at 6:40 p.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2011

J.B. Hudgins, Chairman

Attest:

Beth Rider, County Clerk