MINUTES

PUBLIC HEARING
REGULAR MEETING
JULY 27, 2010

STEPHENS COUNTY BOARD OF COMMISSIONERS

HISTORICAL COURTHOUSE
8:30 A.M.

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

Chairman Dean Scarborough opened the Public Hearing at 8:40 a.m.
Development Authority Executive Director Tim Martin discussed the Urban Redevelopment Plan, stating it is his task of recruiting business and industry into the community creating an environment where the private sector investments can occur. One of the opportunities we have discovered offered by the State is an Urban Redevelopment Plan in a recovery zone which allow us to extend to companies locating into the community. The City of Toccoa has approved Urban Redevelopment and looking at specific areas. Nick Pugacus with Robert & Company worked with us and developed this plan. The plan has been advertised in the media and open for public comment and review for the last several weeks at the Library and Development Authority. Tim introduced Nick Pagacus to give a presentation on the Urban Redevelopment Plan. Mr. Pagacus stated the first step in revitalizing specific areas in Stephens County. The Urban Redevelopment Plan is in conjunction with other State Legislative Redevelopment tools along with Stephens County's comprehensive plan. It will be used to revitalize faltering commercial corridors, recruit and nurture small businesses and ensure compatible field development and generate new adaptive uses for commercial and industrial facilities. A couple of highlights of the plan contain four elements vital to assessing redevelopment areas within the county and to achieve redevelopment results. The first element is determining specific areas of the county which qualifies blighted. The properties tend to be traps are 40 years old and older, properties deteriorated or dilapidated within the county. The Development Authority looked at many properties that need to be revitalized over several years and targeted areas such as; Milliken Humphrey Plant on Ayersville Road, WABCO on Hwy. 123, and Meadowbrook Industrial Park on Hwy. 17. The second element looked at was properties determining land use, determining parcels, and greater needs or vitalization and surveys provided further support for the delineation of the Urban Redevelopment area which you had called for the need of and did a resolution at the end of June. Survey results along with demographic, economic, and development data were collected and analyzed and integrated into the report to be adopted today. The third element is a creation of enterprise zone by resolution that clearly illustrates how the negative condition found in Urban Redevelopment Plan area meets the definition of poverty, under development, general distress, slum and blight as outlined in the Georgia State law for Urban Redevelopment areas. The final plan element is designation of opportunities as Tim mentioned which helps encourage business growth and expansion by allowing properties within the zones to receive maximum job tax credits

allowable by State law and encourage residential and business development in corroboration with the State HUD and commercial lending institutes and other private governmental entities. A couple of

conditions we analyzed and put in our report in 2009 estimated population in Stephens County was 25,700 people according to the Georgia Department of Labor and this showed a very small growth rate of 1% for the county as that is supposed to continue for the next 5 years and shows basically growth rate going to be stable. Also, data showing unemployment rate in Stephens County increase from 7.5 to 11.7% from October 2008 till February 2010 that is showing that there is high unemployment here in this area that qualifies for stimulus and state tax credits. Also, with sufficient job losses in 2002-2008 where 15 manufacturing establishments seized opportunities and eliminated close to 1000 permanent jobs here in the county, just short term recommendations we make in the plan; in the Enterprise Zone, Stephens County may waive or reduce local regulatory fees such as occupation taxes, license fee, building inspections and or permitting fees for qualifying businesses. Enable community to capitalize potential incentives for businesses locating or expanding within the county in redevelopment area waive portion of property taxes on reassessed value of property for ten years. The first five years property taxes will be waived; years 6-10 will be increased by 20% each year in the opportunity zones and will allow for job tax credits when two or more jobs before jobs are credited. The business will receive $3500.00 for job tax credits for each employee for five years. Commissioner Scarborough explained Tier 1 and Tier 2 communities. Stephens County is a Tier 2 community but can offer some incentives as Tier 1 community, areas that are depressed, empty buildings we can pinpoint these areas as Tier 1 status trying to piggyback so we can be competitive with certain prospects and will help with existing businesses for their new hires. Commissioner Scarborough asked if there were any more comments, being none Commissioner Scarborough closed the public hearing at 8:50 a.m.

The Public Hearing closed at 8:50 a.m.

Chairman Dean Scarborough called the meeting to order at approximately 10:25 a.m. and welcomed those present. Richard Adams gave the Invocation and led the Pledge of Allegiance.

APPROVE AGENDA

A motion was made by Commissioner Haygood, seconded by Commissioner London to approve the agenda with one addition adding Item #2 to Old Business to read as follows:

Motion carried unanimously.

II. APPROVE MINUTES

1. JULY 13, 2010 REGULAR MEETING

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

OLD BUSINESS

1. MOTION FOR BOARD TO APPROVE BEER AND WINE APPLICATION FOR DHAKA TRADER

Administrator John Rutan stated this was the second reading and they had been SAVE approved. A motion was made by Commissioner London, seconded by Commissioner Hudgins to approve Dhaka Trader for beer and wine license. **Motion carried unanimously**.

2. MOTION FOR BOARD TO RESCIND LETTER OF SUPPORT AND RESOLUTION TO DEPARTMENT OF COMMUNITY OF AFFAIRS FOR REA DEVELOPMENT FERN POINT PROJECT

Attorney Brian Ranck stated he wanted everyone to understand the Commissioners voted to give a letter of approval so the developer can qualify under certain subsidy program through the Department of Community Affairs. There is no force of law in what they did, no approval or disapproval of the project. We have no ordinance or zoning that would allow them to say you can or cannot do the project. It was a policy decision that was made, they reconsidered that and it did not in any way involve approval or disapproval of the project, it is just saying we support it so Department of Community Affairs will give the developers a certain program. Commissioner Scarborough stated he had talked with several employees with DCA and will keep in contact with them to see how things are going on this project. A motion was made by Commissioner London, seconded by Commissioner Hudgins to rescind letter of support and resolution for REA Development Fern Point Project. Motion carried unanimously.

NEW BUSINESS

1. MOTION FOR BOARD TO ADOPT COUNTY MILLAGE RATE AT 11.32 MILLS AND AUTHORIZE CHAIRMAN TO SIGN ALL NECESSARY DOCUMENTS INCLUDING THE 2010 TAX LEVY AND ADOPT STEPHENS COUNTY BOARD OF EDUCATIONS MILLAGE RATE AT 18.40 MILLS

A motion was made and amended by Commissioner London to include the Board of Education's millage, seconded by Commissioner Andrews to adopt millage rate at 11.32 mills and Stephens County Board of Education's millage rate at 18.40 mills. **Motion carried unanimously**.

2. MOTION FOR BOARD TO APPROVE FY 2010 BUDGET AMENDMENTS AND ADOPT BUDGET AMENDMENT RESOLUTION FOR ENTITY ALLOCATIONS

A motion was made by Commissioner London, seconded by Commissioner Andrews to approve 2010 budget amendments and adopt budget amendment resolution. **Motion carried unanimously.**

3. MOTION FOR BOARD TO APPROVE FY 2011 BUDGET AMENDMENTS AND ADOPT BUDGET AMENDMENT RESOLUTION FOR CORONER; RECREATION DEPARTMENT; COMMISSIONERS; SUPERIOR COURT;

A motion was made by Commissioner Andrews, seconded by Commissioner London to approve FY 2011 budget amendments and adopt budget amendment resolution. **Motion carried unanimously.**

4. MOTION FOR BOARD TO ADOPT RESOLUTION ESTABLISHING JOINT ANIMAL CONTROL OPERATION

Commissioner Haygood asked when we are getting together with the City Commission to understand the process that is going on. Commissioner London stated the Joint Services Committee will make a presentation, they have one more meeting. Commissioner London stated that committee was charged with a 90 day time frame to come back with both Commissions a recommendation of a whole from start to finish. We have one more meeting to get together and work out and we will come back to both parties, City and County with a recommendation from that board. A motion was made by Commissioner

London, seconded by Commissioner Andrews to adopt joint Animal Control resolution. **Motion carried unanimously**.

5. MOTION FOR BOARD TO ADOPT RESOLUTION TO DECLARE ENTERPRISE ZONE FOR STEPHENS COUNTY

A motion was made by Commissioner London, seconded by Commissioner Andrews to adopt resolution to Declare Enterprise Zone for Stephens County. **Motion carried unanimously.**

6. MOTION FOR BOARD TO ADOPT RESOLUTION FOR URBAN REDEVELOPMENT PLAN FOR STEPHENS COUNTY

A motion was made by Commissioner Andrews, seconded by Commissioner Haygood to adopt a resolution for the Urban Redevelopment Plan for Stephens County. **Motion carried unanimously**.

7. MOTION FOR BOARD TO AMEND FY 2011 BUDGET FOR REGISTRAR IN THE AMOUNT $630.00 FOR VOTING EQUIPMENT

A motion was made by Commissioner Hudgins, seconded by Commissioner London to amend FY 2011 budget for registrar in the amount of $630.00 from contingencies for voting equipment. **Motion carried unanimously.**

V. **INVOICES OVER $5000**

1. MANATRON – $9731.00 - POSTAGE

2. MANATRON - $7,800.00 – SUPPORT

A motion was made by Commissioner Haygood, seconded by Commissioner London to approve Manatron invoices. **Motion carried unanimously.**

3. CLS, LLC - $20,218.40 – THIS IS 80% OF THE TOTAL AMOUNT OF $25,273.00. REMAINING BALANCE TO BE PAID WHEN JOB IS COMPLETED

Commissioner Scarborough asked Richard Adams to update the citizens about the courthouse lawn and the reason for paying the 80% amount. Richard stated the courthouse lawn was done until the last week of September. They will return to aerate, over seed with rebel fescue and apply fertilizer and herbicides. We are paying 80% now and holding 20% until the job is complete. A motion was made by Commissioner London, seconded by Commissioner Andrews to pay CLS invoice in the amount of $20,218.40. **Motion carried unanimously.**

VI. MATTERS FROM DEPARTMENTS

ADMINISTRATOR REPORT –

FINANCE REPORT –

DEPARTMENT REPORT –

RON MILLER - Ron Miller stated he worked at the Health Department as an Environmentalist. The Board of Health is charged under state law to implement certain state laws. I have recently passed this for consideration to the commissioners asking your consideration for adopting. It will provide

jurisdiction and enforcement of our ordinances handed down by state law to enforce. Commissioner London serves on the Health Board. We would adopt state law and our ordinance would put enforcer into Magistrate Court and get local action, otherwise it has to go to Superior Court and by that time the problem gets worse. Commissioner Haygood stated he would like to make a motion to have something to look at for the next meeting.

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

Buster Smith – Mr. Smith stated he had lived in Stephens County all of his life, he owns a family business. He stated he pays $20,000 in property taxes and never complained to any commissioner. Mr. Smith told the commissioners they were elected to represent people like me that work and pay taxes, and it bothered me when a development company from Atlanta buys a piece of property to put in a government subsidized housing in the middle of my property would be detrimental to our neighborhood. It bothers me that you have not represented us as citizens. Mike Beatty from the Department of Community Affairs told me they will not allow it to come anywhere not wanted. We ask for you to support us not people outside.

Chris Irvin – Mr. Irvin stated he had talked with Buster Smith about six months ago when he knew about the project. Mr. Irvin owns a construction and development business; he moved to Riverdale Road and bought property with the intentions of building a trailer park. He knew of a couple that lived in a travel trailer while they built their home and decided against the trailer park and built several homes in that area to sell. Mr. Irvin stated he could have made more money being a landlord but made his decision based on the impact it would have had on the area. Mr. Irvin stated he owns tracts that adjoin this proposed site location on Fernside Drive and also owns another tract beside Ayers Creek; he purchased the land at an estate sell with plans to develop it one day. Opportunities have come his way to build similar projects and does not feel it is a good idea. Fernside is a good neighborhood and environment, this kind of project will only lead to need to be revitalized one day. You are representatives to our community and owe us our industry, and also our judgment. I hope you will continue to protect the citizens and the livelihood of Fernside Drive.

Dan Angel – Mr. Angel stated he was concerned about the daycare and the people who walk in their community. If this project is allowed, the neighborhood will not be a safe place to live.

Phil Russell – Mr. Russell stated he moved from Atlanta and was the first resident in Ayers Creek. Mr. Russell stated he loved being kind of in the country and loved the atmosphere. Buster Smith had told him about the project being put almost directly across the street from him. This will cause busy, over crowded streets and that is what I moved away from.

Bruce Boker – Mr. Boker stated he moved from East Tennessee and has been here for ten years. He had told his wife he wanted to live in a small town with a community college, and little shopping. He had made plans to live here the rest of his life, but if this project comes in he will be moving.

Leon Womack – Mr. Womack stated he has lived in Foxdale Court for 19 years and moved there for the safety. Mr. Womack stated he jogs at night; people walk and ride bikes at night. There is a parcel next to the ball fields where the Rotary Club has built a nice park where you can go out and sit. It has apartments beside it and I guarantee that none of you would go out there after six p.m. and sit because it is not safe. If these apartments are built in our neighborhood I won't be able to go out and jog at night. If we allow low income subsidized building

it will hurt our property value and people will move out. I think you need to rescind this and tell them to take it back to Atlanta.

Chad Swenson – Mr. Swenson stated he is worried about the economic distress it will cause. Property taxes will go up, jobs are going down, and property value will go down. If you don't rescind this it will be a disservice to this community.

Susie Pressley – Mrs. Pressley stated she has lived on Fernside for 25 years. She has seen traffic increase, seen nice developments. This will be detriment and do not need this in this area. Property values will go down if you have subsidized housing you are not going to get any taxes.

Bill Rae - Mr. Rae is the developer for the Fernside Point Apartments. Mr. Rae stated this is a tax credit program, he is proposing to build a 48 unit development not the type of subsidized housing you think. This project will be similar to the Imperial Place and the rent they will charge will be in line with all other rent in this community. 50% of the people in this community make $12,000-$30,000 as work force housing. Studies show a tremendous need, more so in this community. Rent could be anywhere from $400-$600. Mr. Rae stated he had developed over 60 of these projects and still owns them. Neighboring counties are doing similar projects and most communities welcome this with open arms, Cornelia just signed a resolution. Mr. Rae stated he would like for the community to come in and sit with him and give him their input.

Josh Thomason – Mr. Thomason stated he was the equity partner on the project and agrees that the income range may not be lower than $30,000, but agree that most of us shop at Wal-mart, McDonalds, or go to church with people that make that much. From a society stand point would you want to tell those people they don't deserve to live near you?

Lorraine Demure – Thank you for your decision to rescind. I speak from a different perspective than the others. Most are natives and have lived here for a long time, my husband and I just recently moved here. We looked for a very long time, not for jobs but for the lifestyle. We looked at subdivision, and we are the newest one here don't want it to be the last one. We did not do our homework regarding the zoning issue, but the next people may.

Lonnie Martin – Mr. Martin stated that the Chairman could not make a decision like this. The taxpayers don't want it. The citizens try to protect what they have paid for.

Mike McCall – Mr. McCall stated he bought his house six years ago, wanted somewhere to look out from his porch. Don't want to look at a Government project development. Mr. McCall stated he is gone three nights a week working and don't want his wife to be left at home with this type of environment around.

John Thompson – See Attached Document

Commissioner Andrews – Commissioner Andrews stated he wanted to make one comment, this is a personal opinion and stems from the fact we have egg on our face. We owe this group and the developer an apology. Due to the fact we have not done our homework, they ask for a resolution, we have no zoning in this county. We made a hasty decision, we received well written rescind correspondence not presented here today. It was an opportunity and they jumped on it, we owe you an apology.

Commissioner London – Commissioner London stated he agreed with Commissioner Andrews and wants to apologize personally. There is no excuse; we failed to do our job, being one of five when something like this

comes through. It is evident we don't have zoning and the developers did a good job proposing the project. I hope we can get it straightened out.

Chairman Scarborough – Chairman Scarborough stated he appreciated the developers looking at Stephens County; we do have a nice quality of life. Chairman Scarborough stated he looked at the project and voted for the resolution and what I didn't do is put myself in your shoes. I think Stephens County needs this type of housing and think nobody living here currently would be interested in putting this type of development together; it would have to come from an outside source. We do not have land protection because those that are opposed would be heard. This today would not have been necessary if zoning and land protection had been in place. Putting myself in your shoes, in your seat, in your homes, I look at it from a totally different perspective and I didn't do that when making a decision. My mind has been made up since first conversation with Buster and I want to continue to say this is how government works. You have let your opinions be known, it doesn't work this way on the National or State level, but we can maintain this type of government relationships. I want to say, "thank you", and you should all say 'thank you' to Buster and Chris.

Administrator John Rutan – Mr. Rutan stated he could not emphasize enough how important zoning would be in our community. Many places throughout the county this is occurring and we deal with the lack of zoning on a daily basis.

Commissioner Jonesy Haygood – Commissioner Haygood stated he would like to thank each one for coming, I hollered 20 years ago when the Fieldale plant came in my neighborhood. It put off and odor and we asked if anything could be done, nobody heard us. You have a problem and you are asking if something can be done, yes it can but we all have to come together. Commissioner Haygood stated the commissioners have listened to you, and I ask of you as county citizens to extend your concerns over property protection in your neighborhood. We have no protection in our codes or ordinances, help us with zoning and land use so this does not happen again. Buster has done a great job, if it is that important to you today, how important will it be tomorrow to someone else.

VIII. EXECUTIVE SESSION – PENDING LITIGATION

A motion was made by Commissioner London, seconded by Commissioner Hudgins to enter into Executive Session at 11:00 a.m. **Motion carried unanimously.**

A motion was made by Commissioner London, seconded by Commissioner Hudgins to exit Executive Session at 12:35 p.m.

IX. ADJOURNMENT

A motion was made by Commissioner London, seconded by Commissioner Andrews to adjourn the meeting at 12:37 p.m. **Motion carried unanimously**.

Approved this _____ day of _____, 2010

_____
Dean Scarborough, Chairman

Attest:

_____
Beth Rider, County Clerk