

MINUTES
WORTH COUNTY BOARD OF COMMISSIONERS MEETING

Tuesday January 6, 2009

8:00 A.M.

The Worth County Board of Commissioners met in regular session on Tuesday, January 6, 2009 in the Commission Board Room, 3rd Floor Courthouse.

Chairman Medders called the meeting to order at 8:00 A.M.

Present: Commissioners Tony Hall, Fred Dent, Bettye Bozeman and Jerry Childree
Chairman Matt Medders, County Administrator Robert Zellner, County Clerk Deborah Robinson and County Attorney Clarence Miller.

Commissioner Bozeman motioned to add the EDA SPLOST Applications to the agenda under unfinished business. Commissioner Childree seconded. Motion carried with all yes votes.

Invited Guests:

Mr. Richard Sands addressed the Board of Commissioners in reference to the application for "Conditional Use" for a dog kennel by his neighbor Mr. Leonard Shaw.

Mr. Sands stated that he purchased his property out in the country so he could enjoy peace and quiet not a bunch of dogs barking. He stated that he felt a dog kennel and barking dogs would lower the value of his property. Mr. Sands said that whenever he goes outside on his property to do some work or to go fishing in the pond all he hears is dogs barking from Mr. Shaw's property barking. Mr. Sands informed the Board of Commissioners he suffers with health conditions and has bad nerves. Mr. Sands also stated the way the kennel is set up the feces and urine from the dogs runs down into a pond that he and Mr. Shaw jointly own and he feels this may contaminate the fish. Mr. Sands stated he had never heard of a dog kennel being built on wood, he thought a cement floor and a septic tank should be put in. Mr. Sands stated he understood 37.5 acres was going to be re-zoned in order for Mr. Shaw to have a dog kennel and also he had been told by different people that the more property you own the more dogs you can have. His final statement was he did not feel a dog kennel belonged in an agricultural area.

Chairman Medders informed Mr. Sands it was the Commissioners intent to make a site visit to Mr. Shaw's property before they made a decision on the "Conditional Use" application.

Reports from Attorney, Administrator, Commissioners, Department Heads & Committees:

Attorney Clarence Miller.

Mr. Miller reported other than the fact Mr. Rhett Royal had still not found time to come to his office with the updated "PLAT" on Pearson Road everything else was quiet. He stated he had received a call from Mr. Royal's Office where they led him to believe someone was going to be coming in the next couple of days, however that was before Christmas and no one ever showed up.

Commissioner Bozeman asked Deborah Robinson to call Mr. Royal's Office everyday to remind him to make an appointment to see Mr. Miller in reference to the survey on Pearson Road.

County Administrator Robert Zellner.

First item from Mr. Zellner was the purchasing of a truck for the Building & Zoning Department. Mr. Zellner stated \$18,000.00 had been budgeted for the purchase of a new truck for this department and he recommended buying one now rather than spending any more money on the old one for repairs and parts, he added that currently the truck has \$750.00 worth of work needing to be done to the front end plus new tires are needed. Mr. Zellner stated he realizes funds have been short, however a check for just over \$2,000.000.00 was delivered to us from the Tax Commissioner's Office this week and he thought now would be the time to buy the truck if that was still the Commissioners intentions.

Commissioner Bozeman stated this would need to be discussed further before we send out for bids. Ms. Bozeman stated the AP/AR Department Laverne Watkins had said they had many outstanding invoices to be paid. Also the Motorgrader has to be paid for.

At this time Mr. Zellner informed Chairman Medders he felt it would be better for the Board to set a date in reference to rendering a decision on the Public Hearing (Application for Conditional Use) for a dog kennel by Mr. Leonard Shaw, in order to avoid re-advertising in the Legal Organ {Sylvester local news}.

After a brief discussion the Board agreed to make a site visit directly following the adjournment of the meeting that was now in session. Their decision would be rendered on Thursday 15, January 2009 at their next regular scheduled meeting.

Mr. Zellner asked about the Building & Zoning Truck repairs of \$750.00. Commissioner Dent stated approving that would be discussed after they look more closely at the whole situation.

Next item from Mr. Zellner was in regards to the part-time Judge of the Magistrate Court, Mike Carter. Mr. Zellner needed the Board to decide on how the County will pay him. There were two options: Hourly pay at \$22.22 per hour or by Salary, if hourly then how many hours is he allowed to work. Attorney Miller commented the Board could set the hours he will be paid for. Commissioner Bozeman commented that the Board would need to look at the budget but she thought they had put in for half-time. Commissioner Hall also agreed. Ms Bozeman thought they had allocated for 20 hours a week. The Commissioners all agreed they should look in the budget and this matter should be tabled until the meeting scheduled for January 15, 2009.

Mr. Zellner spoke next concerning office space the County would need to provide for Bryce Johnson, newly elected State Solicitor. Mr. Johnson was present and Mr. Zellner invited him to come forward and address the Board.

State Solicitor Bryce Johnson explained to the Board that his predecessor had maintained his own private practice and had used that office for the work involved as State Solicitor as well. He stated he had spoken earlier with the previous chairman Mr. Dan Miller about acquiring office space preferably here in the Court House but that he was open to what ever the Board sees fit to do. He explained all he needed was a room where he could set up a phone, fax and a computer. Also informing the Board that it was his intentions to bring all the Worth County Juvenile Files into this office as well.

Final item for Mr. Zellner was in reference to hiring a full time Dispatch Operator for the E-911 Center. Mr. Zellner explained 2 employees had recently resigned, one of them being one of the two that came over from the City of Sylvester.

Commissioner Dent motioned to advertise for 1 position for the E-911 Center. Commissioner Hall seconded. Motion carried with yes votes from all.

District 1 – Tony Hall

Commissioner Hall started out by welcoming our New Chairman Matt Medders to the Board.

The only item from Commissioner Hall was to inform everyone Ray Salter a County Employee had apparently lost everything in a house fire.

District 2 – Fred Dent

First topic for discussion from Commissioner Dent was in reference to an agreement between the County and the EDA. Mr. Dent explained the County had provided labor and fuel which was to be paid for by the EDA on their recent project at the West 82 Industrial Park now occupied by the Coca Cola. Mr. Dent suggested getting the total man hours and fuel usage from Clay Smith and sending an invoice to the EDA before it was forgotten about.

Second item from Commissioner Dent was to ask Attorney Miller and Robert Zellner if they had heard anything from Glen Greene in regards to Seabrook Lane, the answer was no from both. Mr. Dent asked for contact to be made with Mr. Greene for an update on this project.

Third item from Mr. Dent was directed to Attorney Miller. Mr. Dent asked Attorney Miller to look at the contract the County had with Crisp County Solid Waste Management. He wanted Attorney Miller to make sure they were staying inside the parameters of what the contract calls for in reference to price increases.

Final item for discussion from Commissioner Dent was in reference to the agreement signed by Poulan in regards to their garbage being delivered to the County transfer station. Commissioner Dent thought a letter should be sent and if no response to this matter was received then perhaps legal action would be the next step for the County to take. Mr. Zellner addressed this by stating he had spoken several times with the City Clerk from Poulan. Mr. Zellner stated the last time he spoke with the clerk was in reference to Poulan asking us to take over Permitting & Zoning for them, to which he informed the clerk that the business with where there garbage was going would have to be handled first. The Clerk informed Mr. Zellner that the Poulan City Council did not want to have to charge there residents an extra \$5 and for that reason they were not sending their garbage to our landfill. Mr. Zellner also stated that he explained to her it was irrelevant to the County whether they charged their residents or not but they were under a signed agreement regardless to send their garbage to the Worth County Transfer Station for which they would be billed by the tonnage delivered. Mr. Dent stated Advance Disposal had delivered their bid with calculations which included the garbage from Poulan and now we are not getting it. Commissioner Dent stated

he felt it was the fault of the Attorney representing Poulan and if it became necessary to go to court then that's what we should do.

District 3 – Bettye Bozeman

Commissioner Bozeman also wanted to discuss the garbage situation. Ms. Bozeman stated that the tonnage Advance Disposal had bid on was not going to our landfill. Ms. Bozeman stated this leads her to believe the previous company Veolia was bringing in other peoples garbage. Commissioner Dent stated he totally agreed. Ms. Bozeman stated it was approximately 40 tons per day under the amount Advance Disposal had bid on, which is really creating problems.

Commissioner Dent and Commissioner Bozeman agreed that a Work Shop should be scheduled to discuss this matter.

After a brief discussion Commissioner Dent motioned to schedule a Work Shop for 6:00 P.M. on Thursday January 15, 2009 for the purpose of discussing the Garbage contract with Advance Disposal. Commissioner Bozeman seconded. Motion carried with yes votes from all.

Ms Bozeman's next item was the need for a Fuel Truck Driver in the Public Works Department. Mr. Zellner addressed this matter, stating he had spoken with Clay and they were in the process of trying to contact someone that had applied for this position before the "Hiring Freeze" was initiated. Ms. Bozeman stated that an "Emergency Hire" was definitely needed.

Commissioner Bozeman's next item was in reference to the "Spending Freeze" stating this must continue and also the budget should be discussed at the Work Shop. Mr. Dent suggested changing the time of the Work shop to 5:00 P.M. in order to allow more time for Budget discussion.

Commissioner Bozeman informed everyone that some one had lost a key to the Court House and not reported it. The key was found by a Sylvester Police Officer. Ms. Bozeman felt changing the locks for safety reasons would be a good idea and Chairman Medders agreed. There was a general consensus across the Board to have new keys made to the outside doors of the Court House with only department heads and elected officials receiving a key not each employee.

Final item for discussion from Ms. Bozeman was regarding a question she had been asked about giving gas money to the volunteer fire fighters when they travel to a scene. Apparently

Colquitt County is doing this stated Ms. Bozeman, however she did not know how this could be kept up with. Ms. Bozeman had told the person asking the question that she would bring this up at the next meeting to see if the rest of the Board wanted to discuss it.

District 4 – Jerry Childree.

Commissioner Childree asked for an up date on the Jones Bridge Road project. Mr. Zellner responded by saying he had spoken with the D.O.T. board member Johnny Floyd but there had been no progress made in reference to funds being released. Mr. Childree also asked about Cypress Lane and Mr. Zellner told him that Clay Smith was going to speak with the lady who is supposed to set up a meeting for everyone and he would get an update from Clay for the next meeting. Commissioner Childree then asked if the Evergreen Road project was completed, Ms. Bozeman responded saying yes it was complete. Mr. Childree asked if there was anyway possible to resurface all the way to the stop sign because in his opinion it would only get worse if we didn't.

Mr. Childree invited Mr. Jerry Cooper to speak to the Board.

Mr. Cooper informed the Board that garbage cans from the residents of Horse Creek Lane were being placed on his property in front of his house for pick up because the Advance Disposal Truck was not going down Horse Creek Lane to pick up the cans of the 6 residences down there. Mr. Cooper stated that the previous company had always gone down Horse Creek Lane to get the cans. Mr. Cooper stated that his wife had been informed by the County Administrator that outside of his fence on Meadows Road was a County right-of-way and nothing could be done about the cans being placed there for pick up. Also, garbage trucks will not go on any road that is not maintained by the County. Mr. Cooper was concerned about having a lot of garbage cans sitting in front of his house. He explained the road is so bad the residents do not take their cans back down after they are emptied because it is such a difficult road to travel on. He went on to explain an area just past his house with plenty of room for the garbage truck to turn around that he owned and he would be willing to let the people from Horse Creek Lane use to put their cans on if this was ok with the Commissioners and with Advance Disposal. Mr. Zellner stated he would visit Mr. Cooper after the meeting today and look at the place in question to see if it would be suitable. Commissioner Dent commented in reference to the County Maintaining Horse Creek Lane stating the County cannot legally work a road unless it is deeded over to the County. Mr. Dent stated there are many other areas in the same condition but nothing can be done unless it is deeded to the County. Attorney Miller asked Mr. Cooper who owned the

strip of land where the garbage cans were being placed. Mr. Cooper replied the County owned it. Attorney Miller stated he was trying to understand why the cans are being placed there, and as the strip of land is owned by the County that explains it in full.

Action Docket:

Under the Action Docket were 3 items needing the Boards approval.

1. Approval of Telephone Poll to adopt the Amended Alcoholic Beverage Ordinance.

Ms. Bozeman motioned to approve the telephone poll. Mr. Dent seconded. Motion carried with all yes votes.

2. Approval of Telephone Poll to adopt the Amended Waste Management Litter Control Ordinance.

Mr. Dent motioned to approve the telephone poll. Ms. Bozeman seconded. Motion carried with yes votes from all.

3. The City of Poulan is requesting the County assist them again with permitting and Zoning.

After a brief discussion the Commissioners decided to table this item until such time the issue of "Garbage" with the City of Poulan is resolved.

Unfinished Business

2 items for approval.

SPLOST Applications submitted by the EDA.

Commissioner Bozeman motioned to approve. Commissioner Childree seconded.

Commissioner Dent wanted to discuss. After a brief discussion the Board decided to take a short recess to allow time for Mr. Zellner to locate the SPLOST IV Referendums pertaining to the Renovation of the Old Post Office.

8:50 A.M. Recess

9:10 A.M. Reconvene

Commissioner Dent stated there was enough money in SPLOST III and SPLOST IV to cover the renovations however; this was a large amount of money to spend with out knowing first exactly what was going to be done. Mr. Dent stated he understood the Commissioners had agreed to do this but he did not think they had agreed to spend \$350,000.00. He also said he understood it may be necessary to spend that amount but he would like to see first

exactly what we were getting for such a large amount of money. Commissioner Hall commented he fully agreed with Mr. Dent. Commissioner Bozeman informed the Board that a large amount of the problem was caused by the roof on the Old Post Office leaking and never being fixed. Ms. Bozeman stated the EDA should attend the next Commissioner's meeting scheduled for January 15, 2009 and for them to bring in to the Commissioner Office all the information prior to that meeting.

Every one agreed to this. Commissioner Bozeman withdrew her motion to approve the SPLOST Applications.

Re-Zoning for a Dog Kennel/ Building & Zoning/Mr. Leonard Shaw.

The Board postponed making a decision on this application until they could make a site visit which they scheduled for immediately following the meeting currently in session. Then a decision would be rendered at the next scheduled meeting on January 15, 2009.

There were no items under New Business.

Personnel:

Commissioner Bozeman addressed the Board stating Sheriff Freddie Tompkins needed to hire two Deputies. Ms. Bozeman explained recently a Deputy had resigned and the other position was a budgeted position as well that had not been filled due to the hiring freeze.

Commissioner Bozeman motioned to allow Sheriff Tompkins to hire 2 Deputies. Allowing 1 to be an "Emergency Hire" Commissioner Dent seconded. Motion carried with all yes votes.

Commissioner Bozeman motioned to transfer the money for Judy Rogers' salary position in the Registrar's Office budget to the Commissioner's office.

After a brief discussion in reference to the legalities of doing this:

Commissioner Dent seconded based upon a phone call being made to ACCG for clarification.

Motion carried with all yes votes.

The Commissioners acknowledged the following.

Richard Smith resigned from the Sheriff's Department not in good standing. Last day of work 12/31/2008.

At 9:20 A.M. Commissioner Childree motioned to adjourn. Commissioner Hall seconded. Motion carried with yes votes from all.

County Clerk

Chairman

Deborah Robinson

Matt Medders