

**MINUTES
WORTH COUNTY BOARD OF COMMISSIONERS**

Thursday January 15, 2009

7:00 P.M.

The Worth County Board of Commissioners met in regular session on Thursday, January 15, 2009 in the Commission Board Room, 3rd Floor Courthouse.

Chairman Medders called the meeting to order at 7:00 P.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.

Public Hearing: Open 7:03 P.M.

Glenice King, Building & Zoning Administrator was present for a decision to be made by the Commissioners in reference to the application filed by Mr. Leonard Shaw for "conditional use" of property for a dog kennel.

Ms. King asked the Commissioners if they needed her to review the package again or if they had any questions for her? The Commissioners did not feel it was necessary to review the package again and stated they had made the site visit and would render a decision during the course of the public meeting.

Public Hearing closed 7:05 P.M.

Approval of Minutes: December 18, 2008

December 22, 2008

Commissioner Bozeman motioned to approve the above minutes. Commissioner Dent seconded. Motion carried with yes votes from all.

Public Comments: There were none.

Invited Guests:

Gregg Sellars and Daniel Nesbit from the Worth County EDA were on the agenda however, they had asked if they could meet at a later date with the Commissioners in a Work

Session. The date for the Work Session was set for Thursday January 22, 2009 at 6:00 P.M.

Ron and Jaclyn Karr were next on the agenda under invited guest however, they were not present.

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

Attorney Miller:

Attorney Miller stated he had several items for discussion, the first being a letter he had received from Attorney Sandy Simms in reference to a severe drainage problem on the property of Mr. Tom Douglas who lives in Poulan. Attorney Miller explained the road where Mr. Douglas lives is part in the City of Poulan and part in Worth County. He also explained some time ago the City of Poulan had paved the road where Mr. Douglas lives and some of the distance paved actually belonged to the County. A cul-de-sac had been created which looks very nice explained Attorney Miller however, the road is all down hill and there are no ditches and now all the water comes directly into the cul-de-sac along with all kind of trash that collects when it rains. Mr. Miller explained the letter he had received from Sandy Simms had also been sent to the Attorney for the City of Poulan, Tommy Coleman. Mr. Miller passed the letter along with pictures taken by Clay Smith that Attorney Miller had requested.

Attorney Miler informed the Board he thought some one should provide some relief and the some one should probably be the City of Poulan as they were the ones responsible for the paving however, the portion of the paving causing the problem was not in the City of Poulan it belongs to the County. Mr. Miller commented in regards to fixing the problem he felt the City of Poulan should be responsible as they created it. Commissioner Dent addressed the problem saying he too had looked at the situation quite some time ago and also was not sure what could be done. Attorney Miller stated again he thought the City of Poulan should be held responsible for fixing the problem because they created the problem and he is inclined to give that reply to the Attorney Sandy Simms who sent the letter.

Next item for Attorney Miller was the final draft for the "Bill" entitled an "Act" to create our Board of Elections. Mr. Miller handed a copy of what he had created to be sent to the Legislator to be read in the House of Representatives. Attorney Miller explained to the Commissioners once they have settled on exactly what they want then they would need a Resolution and would furnish a copy of it to the State Senator John Crosby and also State

Representative Ed Rynders along with a letter asking for their assistance in getting this passed in the Georgia General Assembly 2009 Session.

The Commissioners reviewed the "Bill". Ms. Bozeman informed Attorney Miller she liked it and thought it was good.

At this time Commissioner Bozeman motioned to proceed with the Board of Elections & Registrar's. Commissioner Hall seconded. Motion carried with all yes votes.

Next item from Attorney Miller was to discuss the "Proposed contract from the Best Friends Humane Society". Mr. Miller stated he did have a couple of issues: The first being in "Paragraph 1" in reference to the term of the contract the words "and continue from year to year should be added. The second being in "Paragraph 4" stating "The Society will notify and dispatch the animal control officer" Attorney Miller suggested omitting the words "and dispatch" stating we did not need for the Humane Society to dispatch the animal control officer. The monetary amounts have been left blank the Board would have to consider how much they would pay the Society for the housing of the animals said Attorney Miller. Mr. Miller also said that in "Paragraph 11" in addition to everything the Society states they will provide the County should add that the society will furnish an "Annual Financial Statement" detailing all incoming expenditures and balances.

Further discussion of the Humane Society Contract was tabled until the next meeting.

Mr. Miller moved on discuss the contracts the County has with Crisp County Solid Waste and also with the City of Poulan in reference to garbage.

Attorney Miller stated if the County wanted to get out of the contract with Crisp County Solid Waste Management the only way he could see for us to challenge the contract was that the representation was made that it would be a recycling facility. We expected it to be so but they did not proceed with that plan. Mr. Miller commented he did not know at this point how they would defend themselves to that charge but went on to say that our contract is for 25 years not subject to terminate unless for cause.

Attorney Miller then went on to discuss the contracts entered into with the Municipalities in reference to garbage explaining their contracts with the County are also for 25 years to deliver their garbage to the County transfer station. Attorney Miller explained it was written that the County would bill and collect the fee from the residents in the original contract. He explained how that did not work too well and therefore later the County entered into agreements that the Municipalities would bill and collect for us and retain a percentage of

the fee. It was these agreements that allowed for 60 days written notice to end the agreement from either party. The City of Poulan did follow the correct procedure and submitted to the County notification in writing stating they were no longer going to collect the fee in March 2006. Attorney Miller explained to the Board that the City of Poulan is obligated to turn over all their garbage on demand but are not under any obligation to pay us a penny. Mr. Miller stated the County would have to collect the fee from Poulan residents.

Robert Zellner:

First item for discussion from Mr. Zellner was in reference to purchasing a new truck for the building & zoning department or doing repairs on the old truck in the amount of \$754.00. Ms. Bozeman asked how many miles on the old truck, Ms. King the building & zoning administrator replied 190,000. Commissioner Dent commented that a new truck should be purchased and then he made the following motion.

Write up a set of specifications for a truck for Building & Zoning and request bids.

Commissioner Bozeman seconded. Motion carried with all yes votes.

Next item from Mr. Zellner was for the Board to decide how they wanted to pay Mike Carter the Part-time Magistrate Judge, hourly or salary. Ms Bozeman commented that we had budgeted a salary for him and also that he was under a contract. Ms Bozeman suggested pulling his contract and looking in the budget before making a decision.

Next item concerned a D5 CAT Dozier with a busted block out at the Landfill. Mr. Zellner informed the Board there was an auction approaching at the end of the month in Tallahassee Florida and he thought it would be a good idea to send this piece of equipment down there. The Auction Company will pick the equipment up and if it does not sell they will bring it back at no charge. If the item does sell they will retain 5% of the sale price and send the rest to us.

Ms. Bozeman asked for a complete list of all equipment owned by the County and where it is located by the next meeting.

Commissioner Dent motioned to surplus and send the D5 CAT Dozier serial # 08CR04579 to the auction. Commissioner Hall seconded. Motion carried with yes votes from all.

Mr. Zellner informed the Board he had received a Grant Notification from Lynn Ford, E-911 Director. He explained the grant is for an 800 megatt hertz radio system worth \$132,000.00.

The system would link Worth County E-911 center with all E-911 center state wide. The cost to the County would be \$9,999.70 the State and Federal Government will pay the rest.

After a brief discussion between Ms. Bozeman and Attorney Miller it was decided more information was needed in reference to the conditions of the grant before moving forward.

Mr. Zellner informed the Board of another Grant that had been applied for by Lynn Ford for \$54,000.00 worth of Turn Out Gear for the Fire Department. The county cost would be \$5,400.00. Attorney Miller informed Mr. Zellner and the Board that no one is authorized to apply for a grant without the prior approval of the Board. Commissioner Hall suggested to Mr. Zellner that Lynn Ford present these items to the Commissioners at the next meeting allowing the Board to get a better understanding before making any decisions. Ms. Bozeman suggested Lynn Ford and Jason Brooks attend the next scheduled Work Shop and present everything to the Board.

Next item from Mr. Zellner for the Board to consider was from the Sheriff Freddie Tompkins.

Mr. Zellner reminded the Board they had approved for the sheriff to do an "Emergency Hire" because he was understaffed and now the Sheriff was asking to re-hire Andy Hamilton with a starting pay of \$14 per hour. Mr. Hamilton is already certified and would not have to be sent to school. Ms. Bozeman asked if he had worked with the County before, to which the answer was yes.

There was a brief discussion; Chairman Medders suggested moving on and bringing this item back up for further discussion under personnel.

District – 1 Tony Hall

Commissioner Hall mentioned he had heard from several citizens that during the Christmas Parade children were being told after this year they would not be able to ride on the Fire Truck anymore. Commissioner Hall stated he thought the County had Waivers of Liability for people to sign in cases like this. Attorney Miller responded to this by saying people file law suits for any reason these days and the only way the County would be 100% safe from a suit would be to not allow anyone to ride.

Next item for Mr. Hall was to discuss the fact that all the departments in the County should purchase their "Paper Products" from the same place instead of different places. Mr. Hall felt that a better cost rate could be achieved by doing this.

Final item from Mr. Hall was a complaint he had received from a Worth County Deputy about the Animal Control Office being on the same radio frequency as them. Mr. Hall stated

this concerned him and possibly look at putting them on a different frequency. Mr. Zellner informed Mr. Hall that the Sheriff had requested her on that frequency.

District – 2 Fred Dent

Commissioner Dent informed the Board that apparently we have some one from Crisp County on our Wrecker Rotation list at the E-911 center. Mr. Dent said we have several wrecker services in the County that are capable of handling the County's needs and his personal opinion was that should be enough. Mr. Dent stated the E-911 Center should be informed of this and also it should be stressed to them that they call these Wrecker Services in rotation so that an equal amount of business is distributed. Attorney Miller commented the Deputy should have the rotation as well.

Mr. Dent wanted to discuss the License Fee issued by the Building & Zoning Department. His concern was that not everyone was applying for them. Mr. Dent asked Ms. King, Building & Zoning Administrator to make sure that every one who was supposed to have one actually does have one. Ms. King stated as far as she knew there was only one person presently without a license to operate a business and that was because this particular business was under an investigation by the State, therefore, he had not been issued a State License as of yet and this interfered with Ms. King issuing the County License as the State License has to be issued first. Attorney Miller commented that our license fee should be uniform, Ms. King explained the fee is \$80 plus \$5 per employee.

Mr. Dent asked for an update on Seabrook Lane. Mr. Zellner stated he had spoken with the surveyor Glen Greene who had informed him the survey had been completed and delivered to Attorney Miller's Office. Attorney Miller stated the survey should have been delivered to the County not to his office.

District - 3 Bettye Bozeman

Ms. Bozeman asked Mr. Attorney Miller if he had heard from the surveyor of the Pearson Road project Mr. Rhett Royal to which he replied yes. Mr. Miller explained that Mr. Royal had called him but at this time had not visited him in his office which is what he needs him to do. Ms. Bozeman asked for another phone call to be made the following day to Mr. Royal's Office expressing the importance of his making time to see Attorney Miller.

Ms. Bozeman asked Mr. Zellner how many employees at the public works department have CDL license. Mr. Zellner replied 2 or 3 he thought. Mr. Bozeman asked if we had hired some one for the Truck Driver position that the commissioners had approved the

Emergency Hire for. Mr. Zellner informed Ms. Bozeman that as yet we had not found anyone qualified. Ms. Bozeman stated she had spoken with someone earlier that day that was going to fill out an application. Ms. Bozeman stated the other items she wished to discuss would be done in Executive Session.

District – 4 Jerry Childree

Commissioner Childree asked if there was any news on the Jones Bridge Road Project from the D.O.T. in regards to funds being released. Mr. Zellner informed Mr. Childree that he had made several phone calls but as of yet nothing had changed. He also stated he had sent several letters asking for help with this project and was hoping to hear something soon. The letter was sent to Johnny Floyd, D.O.T. Board Member, Ed Rynders, State Representative and John Crosby, State Senator.

Mr. Childree asked what the hold up was with the Cypress Lane project. Mr. Zellner informed Mr. Childree there was still one property owner that they had not spoken with. Mr. Zellner asked if they should proceed with a 60ft right-of-way. Mr. Dent and Mr. Childree responded by saying that might be the thing to do and to have Clay Smith take a look to see if it was a possibility.

At this time there was no further business from the Commissioners and Chairman Medders directed to move to the Action Docket.

Action Docket

- A. Approval of Telephone Poll to pay SPLOST III APPLIATIONS received from EDA: for services rendered to the renovation of the Old Post Office by Yielding, Wakeford & McGee Architects, P.C. for the following amounts:
 - (1) \$3,904.10 – Reimburse EDA
 - (2) \$21,466.12

Motion to approve Commissioner Bozeman. Commissioner Dent seconded. Motion carried with all yes votes.

- B. Sylvester-Worth County Chamber of Commerce is requesting waiver of fees to reserve the Community Center on February 5, 2009 to host their Annual Dinner.

Motion to approve commissioner Dent. Commissioner Bozeman seconded. Motion carried with all yes votes.

- C. Tony Strenth, Chief Magistrate Judge is requesting three (3) Southern Link Phones for his department to be used by himself, Judge Carter and Office Staff.

Discussion between the Board.

Mr. Zellner explained there are 10 link phones currently not being used. Commissioner Dent stated he did not understand why they need them. Ms. Robinson informed the Board Judge Strenth had requested these phones for the following reasons. Only 1 incoming line in the Office, staff could use link to stay in touch with him and Judge Carter. Deputies would be able to call them for warrants on week ends and after hours during the week instead of them calling their personal cell phones.

Commissioner Childree motioned to approve. Commissioner Bozeman seconded.

Further discussion: Commissioner Hall asked what the cost would be if we gave them the phones. Mr. Zellner explained it would cost \$10 a month for just link usage for each phone and if used as a regular phone the charges would increase. Commissioner Hall commented this was not put in their budget so how did they plan on paying for it. Ms. Robinson again informed the Board Judge Strenth had stated he would pay for it out of the telephone budget they had and try to find some funds left over from another line item when that ran out.

The Board looked at other line items in the Magistrate Court Budget. Commissioner Hall commented they should wait until the upcoming budget.

The Commissioners voted as follows:

Commissioner Hall voted NO

Commissioner Dent voted NO

Commissioner Childree voted YES

Commissioner Bozeman chose to ABSTAIN from voting.

Motion failed with 2/1 vote against.

- D. Speed Zone Ordinance for Worth County to be forwarded to the Department of Safety for an updated radar permit for the County.

Commissioner Bozeman motioned to approve the Ordinance and send it back to the D.O.T. Commissioner Dent seconded. Motion carried with all yes votes.

E. PRESENTMENTS OF THE GRAND JURY JANUARY 2009 TERM OF
WORTH COUNTY SUPERIOR COURT

Commissioner Bozeman stated the Board does not have to make a motion on the above but just acknowledged that it was received.

Acknowledged by the Board of Commissioners.

Unfinished Business.

Continuance of Kennel Application/ Mr. Leonard Shaw.

Commissioner Childree motioned to approve the application.

Motion failed for lack of a second.

Attorney Miller addressed the Board in reference to the application informing the Board that they must take an action. He stated they must either approve or deny. He explained if the Board denies the application they must have their reason for the denial in order not to be subject to a law suit.

Commissioner Hall motioned to go into "Executive Session" for the purpose of Client/Attorney Privileges in this matter. Commissioner Bozeman seconded. Motion carried with all yes votes.

The Board room was cleared.

On returning to regular session Commissioner Hall seconded the motion with "Special Conditions" to be met by Mr. Leonard Shaw as follows:

1. The area in which the dogs are maintained when out side must have a cement floor.
2. A septic tank for the collection of the animal feces must be placed and must be approved by the Health Department.
3. No food may be served to the public in the vicinity that the dogs are kept.

Motion carried with all yes votes.

Mr. Sands asked to speak in reference to the decision made by the Board.

He informed the Board he suffers from epilepsy and seizures and stated he had moved to the Country for peace and quiet because of this and he was tired of the barking dogs next door. He went on to say that a dog kennel next door to him will lower his property value.

Attorney Miller informed Mr. Sands there was no law protecting from barking dogs.

Attorney Miller addressed Mr. Shaw explaining he had 6 weeks to meet the special conditions or he would have to move his dogs.

Personnel

There was a brief discussion between the Board in reference to the hiring of Andy Hamilton by Sheriff Tompkins with a starting pay of \$14 per hour.

The Board acknowledged the hiring of Mr. Hamilton and the rate of pay.

At 8:45 P.M. the Board took a recess.

At 9:00 P.M. the Board reconvened.

New Business

Attorney Miller addressed the Board in reference to the Zoning on Sumner- Moultrie Road. He informed the Board that when they re-zoned some time back they re-zoned a strip of 1000 feet on each side of Sumner – Moultrie Road to R1 at that time there was a subdivision in place that was R2 which was largely filled with Mobile Homes, it is still filled with Mobile Homes except for 1 or 2. Attorney Miller advised the Board to revise what they had re-zoned to exclude the sub division.

After a brief discussion:

Commissioner Dent motioned to approve the revision of the re-zoning of Sumner – Moultrie Road to exclude the Sumner Lakes Sub-Division from the R1. Commissioner Bozeman seconded. Motion carried with all yes votes.

With no further business for discussion:

Commissioner Hall motioned to adjourn. Commissioner Dent seconded.

Motion carried all yes votes.

Meeting adjourned at 9:00 P.M.

Deborah Robinson

Matt Medders

County Clerk

Chairman