

**MINUTES
WORTH COUNTY BOARD OF COMMISSIONER'S MEETING**

Tuesday April 7, 2009

8:00 A.M.

The Worth County Board of Commissioners met in regular session on Tuesday April 7, 2009 in the Commission Board Room, 3rd Floor Courthouse.

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

Agenda Amendments were necessary as follows.

Added under Invited Guests:

David Payne

Judge Sheryl Hall

Josh Bozeman

Under Unfinished Business:

Closing a portion of CR 65 Souter Road.

Commissioner Dent wanted to remove this item from the agenda and asked for it to be put on the next meeting agenda scheduled for April 16, 2009.

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

County Attorney Clarence Miller arrived at 8:05 A.M.

Approval of Minutes: March 24, 2009

Commissioner Bozeman motioned to approve the minutes. Commissioner Dent seconded.

Motion carried with YES votes from all.

There were six people on the agenda under invited guests as follows:

- | | |
|-------------------------|-----------------------------|
| 1. Avery Jenkins | 4. David Payne |
| 2. Scott Bridges | 5. Judge Sheryl Hall |
| 3. Jason Brooks | 6. Josh Bozeman |

Mr. Avery Jenkins was not present.

Mr. Scott Bridges was not present.

Jason Brooks, Assistant Fire Chief of Worth County addressed the Board of Commissioners in reference to a "Hazard Mitigation Grant". Mr. Brooks explained the grant would cover a mass alert system for "Code Red Reverse 911" Mr. Brooks explained this year the cost to the County would be \$2,257.00, the State would pay \$1,506.00 and the Federal portion would be \$11,286.00. The total amount of the grant being \$15,049.00.

Ms. Bozeman stated although it was not a problem finding the \$2,257.00 this year she did not see how the County could possibly afford this over the next few years with the economy the way it is and the fact the County would have to pay the full amount each year here after.

Mr. Brooks informed the Board a lot of other Counties have this system, explaining how it automatically calls the numbers programmed in and alerts for tornadoes and other severe weather conditions, he explained you can use cell phones numbers as well as land line phones. He also stated it works in conjunction with the Tallahassee National Weather Station with capabilities of calling up to 60,000 numbers within one hour.

Commissioner Dent stated he would have to think about this.

Mr. Brooks informed the Board he would leave the total package for the Board to look at.

Chairman Medders thanked Mr. Brooks for addressing the Board with this information.

Mr. David Payne was next to address the Board.

Mr. Payne explained he was here in reference to the annual contract between TTL and the County. Mr. Payne explained that each year there are always extra items that the EPD require them to do or send in reference to the well monitoring on closed landfills. Mr. Payne explained that TTL always ends up assuming the cost of those extras, however, during the course of the year things add up and can become quite costly. He felt if the County

budgeted an extra \$10,000.00 this would cover for the items not covered under the general contract.

Mr. Zellner asked Mr. Payne to give an update in reference to the most recent discussions about extending the landfill boundary.

Mr. Payne explained the landfill is producing Methane Gas and as long as it does not register above 5% on the well monitors the County does not have anything to worry about. He explained there is a Landfill Boundary Line within the property that was agreed to several years ago and one of the wells that recently showed some Methane Gas is on that line. In order to stay in compliance with EPD the boundary line should be extended out further to areas that have already been verified do not have Methane Gas. Mr. Payne explained presently TTL had to monitor on a monthly basis because of the non-compliance, however, once the boundary line is extended and accepted by EPD they would be able to return to quarterly monitoring which will save the County a lot of money. Mr. Payne also informed the Board he had the Site Suitability Report prepared and ready to go he was just waiting on the Deed. Attorney Miller commented it would not be Deed; you cannot deed property to yourself.

Mr. Miller explained if they have a PLAT he would record it certifying that particular area is dedicated to the enlargement of the Landfill. Mr. Payne replied stating he thought they should send whatever Attorney Miller thought was appropriate and wait for a response.

The Commissioners viewed the Plat recently sent by Lanier Engineering.

Attorney Miller asked if the new boundary was the branch line showing on the drawing. Mr. Payne stated it was. He then explained it was the West and the North West sides that needed to be expanded. Ms. Bozeman inquired as to how far they were going to go on the West Side to which Mr. Payne replied "all the way to the property line" Mr. Payne explained if you look at the Tax Map there are three parcels of land and the new boundary line will combine the whole thing together except the small area to the South that is being allocated for the Humane Society. He also explained a buffer had been left between the Humane Society area and the Landfill. Ms. Bozeman stated that answered her question. Mr. Miller stated the Plat did not show the old boundary, only the new boundary which meant there was no way of knowing how much extra land the new boundary had taken. Mr. Payne explained he had prepared a map for another County in that fashion but EPD had asked them just to show the entire property. Mr. Payne explained if you look at the map and notice through the middle running from the gate you can see a dashed line, this represents the old

Western extent of the landfill boundary. Attorney Miller asked how much additional land is being added by expanding the boundary. Mr. Payne stated he believed the 146 acres covers everything including the old boundary and if necessary he could call Lanier Engineering to verify that. Attorney Miller stated he felt the Commissioners should be able to look at the drawing and know what they are doing. He stated they should have the knowledge of how much of the County's additional land is being required of them to dedicate to the purpose and added would they have to acquire even more land later on if this Methane Gas expands even further and the boundary needed to be expanded again. Mr. Payne explained the reason they moved the boundary to the property line was because this had already been surveyed and it just made it easier and also cost to the County much less to do it that way. Mr. Miller inquired of Mr. Payne if in 3 years or more the Commissioners would have to try to acquire more land for boundary expansion of the landfill. Mr. Payne stated it is not expanding, it is stabilized and that it can only migrate so far to the West because there is a clay layer which stops it. Mr. Miller asked Mr. Payne if he was saying that the Board would not have to worry about it anymore after this expansion and Mr. Payne stated he believed that to be so. Mr. Payne informed the Board if TTL felt the Methane Gas was still expanding they would have recommended a more aggressive action.

Commissioner Bozeman motioned to approve the area designated as Landfill for EPD according to the PLAT that has been presented. Commissioner Childree seconded.

Motion carried with YES votes from all.

Chairman Medders thanked David Payne for coming.

Judge Sheryl Hall

Judge Hall addressed the Board in reference to a memo she had sent the Board explaining an oversight which resulted in the extended warranty on the DRE's {Direct Recording Electronic Equipment} expiring. Judge Hall explained there had been no payment made since 2005.

Judge Hall presented three options to rectify the situation as follows:

Send the Units to Allen Texas by FedEx for repairs. Boxes for shipping are \$5:00 each and it would take 57 boxes: Total \$285.00 Cost for shipping 2 ways @ \$90.00 per machine = \$5,580.00. Inspection/repairs, \$160.00 per machine X 62 = \$9,920.00. Warranties on the 62 machines will be \$6,200.00. Total: \$21,700.00

Rent a U haul trailer, load machines in boxes \$285.00 and drive to Allen Texas, {860 miles one way} Repair time 3 days. Repair cost at \$160.00 per machine = \$9,920.00. Renting U haul \$1,000.00. Motel room for 4 days approximately \$400.00, meals plus gas approximately \$400.00. Total \$11,720.00.

Chance of not having warranties on these machines. The Units cost a minimum of \$2,500.00 each. There are counties out there who do not have their machines under warranty. We do not know when the State will mandate new machines.

Commissioner Bozeman commented she thought there was someone who would come to the Courthouse and work on the units costing about \$1,300.00 a day. Ms. Hall explained she had received an e-mail saying Premier do not have anyone in Georgia yet that can do that. Judge Hall explained the last warranty had been paid in 2005 and in order to back pay to bring it up to date would cost around \$30,000.00.

Judge Hall explained the opinion of Mr. Ray Cobb from KSU in reference to our warranty situation. Mr. Cobb had explained even if we spent money on repairs for the Units after 2013 the software cannot be fixed anymore so we would not be able to use the equipment anyway. Mr. Cobb also stated it will depend on what the State wants to do after that time but he did not think they would be able to buy new machines for the Counties and the burden would fall on the County.

Ms Bozeman commented this situation is ridiculous, someone did not do their job.

There was a discussion between the Board in reference to the options and cost.

Attorney Miller asked what would happen if we did nothing. Judge Hall explained if a machine failed during an election we would just take it out and make do without it.

Commissioner Hall asked Judge Hall how many machines will have to be used in the next election. Ms. Hall stated the next election is for the City of Sylvester and only nine or ten machines will be used.

Mr. Dent asked how much longer these machines will be useable. Ms. Sue Potts responded to Mr. Dent and stated four more years and after that the software will no longer be able to be updated. Ms. Hall also commented saying the state had purchased most of the machines we have, the County only bought ten of them. At this time we do not know if the State will purchase the new ones or if they will let it fall on the County. Ms. Hall also said consolidation of some of the precincts would cut back on the number of machines we need.

Chairman Medders thanked Judge Hall for her time. Judge Hall thanked the Commissioners for their time and also for looking after the County during the bad weather and floods.

Josh Bozeman

Josh Bozeman was the final person under invited guest, he approached the Board.

Mr. Bozeman explained to the Board he had received damage to his vehicle when he ran into a "Saw Horse" that had been placed at the bottom of the hill on Wrights Chapel Road at Lolly Creek. He went on to say that he found out the "Saw Horse" had been placed there by the County in order to block the road. Mr. Bozeman stated in his opinion the County should have been able to use something more visible and also it should not have been put in a curve. Mr. Bozeman had an estimate from the Ford Dealership for repairs to his truck in the amount of \$3,700.00 and wanted to know if the County would pay for it. Mr. Bozeman also stated at the other end of the road there was a sign saying "Road Closed" but not at the side he was traveling on. Also that the "Saw Horse" had no reflective tape on it.

Attorney Miller asked Mr. Bozeman if he had his Head Lights on his truck. Mr. Bozeman replied yes he did but the "Saw Horse" was positioned in the curve and was not visible.

Commissioner Bozeman asked Mr. Bozeman how fast he was traveling. Mr. Bozeman stated about 50 miles per hour.

Attorney Miller asked Mr. Bozeman if he had insurance. Mr. Bozeman stated yes.

Attorney Miller asked Mr. Bozeman if his insurance would pay for it. Mr. Bozeman stated he was sure they would if he turned it in.

Attorney Miller addressed Mr. Bozeman stating "you would rather the county pay for it"

Mr. Bozeman responded to Attorney Miller's comment by saying he felt the County was responsible, if you are going to put some out there make sure it's visible just like it was on the other end of the road.

Commissioner Dent asked Mr. Bozeman to try to understand at that particular time the Road Department had stuff out all over the County and there is a limit to how many barrels and barriers the County has and some times we just have to improvise.

Commissioner Bozeman informed Mr. Bozeman next time the County has an emergency she would like his number so she can call him and have him come help put barriers out at 2:00 clock in the morning. Commissioner Bozeman stated she felt Mr. Bozeman was negligent, not the County, because he was traveling too fast for the conditions at that time.

There were no more questions from the Board concerning this matter.

Chairman Medders thanked Mr. Bozeman.

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

Attorney Miller:

Attorney Miller informed the Board he still had three EEOC cases pending and will be attempting to mediate one of them next week.

Mr. Miller stated he had been in contact with all of the Grier heirs for the property on Zion Church Road and four of them had called him and said they do not have any intentions of signing the deed.

Ms. Bozeman stated we will just condemn the road when everything else is done.

Attorney Miller stated in reference to Pearson Road he should have everyone from Jewel Crowe Road down to County Line Road today and the other section by next week.

Ms. Bozeman stated there are some major repairs necessary on Pearson Road because it was blown out.

County Administrator, Robert Zellner stated he did not have anything at this time.

District 1 – Tony Hall:

Commissioner Hall mentioned last year during the “National Government Week” he had brought a group of high school students into the Courthouse touring each department explaining a little of what we do here to them. He stated he would like to do the same thing this year between April 20 and April 24, 2009.

The Board agreed this would be fine.

District 2 – Fred Dent:

Commissioner Dent directed a question to Attorney Miller in reference to a property owner on Ephesus Church Road. He stated he had spoke with Mr. Allen Davis on several occasions concerning the paving of this road and Mr. Allen Davis always replied by saying he will call back to discuss this but never actually calls back. Mr. Dent stated he really did not want to condemn this road but at this point is not sure what to do. Attorney Miller asked if we had estimated fair market value of the property. Mr. Dent explained the County had done an appraisal. Mr. Miller thought it would be appropriate for him to write Mr. Allen Davis

a letter stating what the property had appraised at and that if he signs the deed we will pay him this amount but if not then we will condemn it. Mr. Dent agreed to this and told Mr. Miller the Commissioner's Office would get him the information he needs.

The next item for Mr. Dent was to mention the culvert that is out on Shingler Little River Road. Mr. Dent wanted to move forward and ask for bids and get a culvert put in. Ms. Bozeman asked him to wait until GEMA had done their assessment. Mr. Dent stated he did not have a problem with waiting a few days but some of the residents might. Attorney Miller suggested sending pictures to GEMA if they were taking too long to get here, maybe they could appraise the damage by looking at the pictures.

District 3 – Bettye Bozeman:

Commissioner Bozeman stated most of her discussions fall under personnel. But added she did want to thank the Public Works and Emergency Management stating "You all did a great job out there during the flooding...thank you"

District 4 – Jerry Childree:

Commissioner Childree stated all deeds except three for Cypress Lane had been signed. Mr. Childree asked Mr. Zellner if he had done anything about Carlton Road. Mr. Zellner stated he had the survey the State had done but suggested getting Glen Greene to do another. Mr. Childree asked if Carlton Road had been turned in to the State. Mr. Zellner stated he sent the list to the D.O.T in Atlanta and the District Engineer in Tifton. Ms. Bozeman asked if all the paved roads were put on the list. Mr. Zellner stated all that he had. Ms. Bozeman asked did you only send the Larp List. Mr. Zellner stated that was all he had. Ms. Bozeman stated every road in the County should have been submitted. Mr. Childree added every road in his district needs some work apart from Childree Road. Ms. Bozeman asked if the State had looked at Camp Osborne Road. Mr. Zellner explained he had an appointment set up but the day of it was raining so hard he asked Frances to cancel the appointment and re-schedule for another time.

Chairman Medders announced the Board was taking a five minute recess at 8:50 A.M. The Board reconvened at 9:06 A.M.

No items under Consent Docket:

No items under Action Docket:

Personnel:
E911

- Employee Warning issued to Sim Bozeman for Tardiness. Employee was previously warned July 16, 2008.
 - Form of warning – written
 - Date of violation was March 9, 2009.
 - Employee was sent home for 24 hours due to previous warning from being late for work without pay.

Acknowledged by the Board

- Employee Warning issued to Clinton Dean for Sleeping on duty. Employee was previously warned orally.
 - Form of warning – written
 - Date of violation was March 22, 2009
 - Employee received a written reprimand & two weeks suspension from the schedule beginning March 24, 2009.

Discussion by the Board as follows:

Commissioner Bozeman asked why this employee was not terminated. E-911 Director Lynn Ford stated he felt the action taken was appropriate due to the fact the E-911 Center is so short handed and the employee had been sick and on medication,

Attorney Miller informed Mr. Ford to be careful not to set a precedence; he explained it could lead to accusations of unfair treatment from other employees at a later time.

Ms. Bozeman mentioned another employee who had been caught sleeping on the job and had been terminated and that person had been taking medication just like this one. Mr. Ford stated that person had received warnings before being terminated.

Ms. Bozeman stated in her opinion he should be fired.

Commissioner Hall stated he thought each situation is going to be different and should be handled on an individual basis. He stated the next person caught sleeping on the job may not be on medication so you would not handle that the same. Mr. Hall stated he was in agreement with Lynn Ford on this particular employee considering he had been sick and was on medication.

Chairman Medders stated "Sleeping on the job is sleeping on the job."

Mr. Hall stated he absolutely agreed with that statement but added there are also circumstances that go with sleeping on the job.

The employee should have stayed home but chose to come to work because he was on the schedule added Lynn Ford.

Mr. Hall also said it is our policy if some one is written up for the Board to acknowledge it.

Ms. Bozeman said he should be fired or we will have another suit for Attorney Miller to defend. Ms. Bozeman mentioned the three employees that were terminated last year for testing positive for alcohol and stated if this employee had been sent for testing there was no telling what might have showed up. Ms. Bozeman also said that if a medication is going to impair you it is always written on the label. Attorney Miller added you should not drive under the influence of drugs that can impair you; you can be cited for violation of the law.

Commissioner Dent stated in his opinion the Board should not second guess the decision of the E-911 Director, Lynn Ford. Mr. Dent thought a policy for the E-911 Center in reference to sleeping on the job would be a good idea because it is different from most jobs. He stated you can make it policy at the E-911 center if you are caught sleeping on the job it is automatic termination. Mr. Ford agreed stating he would put it in there. Mr. Dent said again he did not want to second guess what had already been done. Ms. Bozeman stated again the employee should be fired, adding, we fired the last one so what's the difference with this one. Mr. Dent and Mr. Ford explained the previous employee that was terminated had received an oral warning, written warning and suspension first. This employee was not at that point.

BAILIFF

- Notification of new hire for Ronald Eugene Bozeman, Bailiff effective March 16, 2009. Rate of pay \$65.00 per day.

Acknowledged by the Board.

JAIL

- Notification new hire for April M. Young, Jailer effective March 11, 2009. Rate of pay \$9.50 an hour.

Acknowledged by the Board

SHERIFF'S DEPARTMENT

- Acknowledgement of inter-departmental transfer of David A. Hamilton, Deputy Sheriff/Drug Investigator from the Sheriff Department to Drug Squad effective April 1, 2009. Rate of pay \$14.00 an hour.

Acknowledged by the Board

FOR THE RECORD – Employee warnings written at the request of the Board during meeting March 3, 2008 are attached for the following employees.

- Clay Smith – Public Works Director
- Deborah Robinson – County Clerk w/employee response to warning

Acknowledged by the Board

Commissioner Bozeman stated there are some real problems in this office and Courthouse that need to be handled. Ms. Bozeman said “we hired a girl last month to get this garbage mess sorted out and now you cannot walk in this Courthouse without being met with why did you hire this girl at \$15 an hour. Ms. Bozeman stated her answer is she was worth more than \$15 an hour but she agreed to work for \$15 because we have got to get this garbage sorted out we are loosing \$10,000 - \$12,000 a month. Ms. Bozeman stated in her opinion Mr. Zellner should take these employees in a room and tell them if he hears anything else about this then their jobs will be in jeopardy. Ms. Bozeman stated she had told one person if they did not like it they should quit and go find them a job making \$50 per hour.

Attorney Miller stated he would ask them what business is it of theirs what any employee makes except themselves. Ms. Bozeman responded to attorney Miller by saying “that’s because you have got a payroll clerk who is telling everybody when they go through her office what this one makes and what that one makes. You have a payroll clerk that told some of the employees from public works when you go out on workman’s comp you are not doing anything but sitting on the sofa eating ice cream, and the group at public works are upset.”

Chairman Medders stated if they have time to talk they don’t have enough work to do. Ms. Bozeman stated she did not think it was the business of the custodian what we pay employees in the Commissioners Office.

Attorney Miller added “or any other County employee”

Ms. Bozeman said “it is making it hard on the girl to work in there it is a hostile environment that has got to be handled.”

Ms. Bozeman commented how smart the new employee is on a computer, how she knows how to reserve things to find where the person is at.

Commissioner Dent stated “we did a good days work when we hired Kim”

Looking at the spread sheet it appears we are only about 14 cans different with Advance. Mr. Dent asked Ms. Robinson if that was correct. Ms. Robinson explained that is what it will be once all the accounts are receiving a bill which should be next month.

Ms. Bozeman stated it should not be a hostile environment for her to work in. Commissioner Dent agreed. Commissioner Hall also stated he agreed and added who ever those employees may be Mr. Zellner should talk with them and make them aware of what their job is and that it is none of their business what anybody else makes, also, their Supervisor needs to be made aware their employees are worrying about the wrong things.

Commissioner Hall asked Mr. Zellner to take care of this situation.

Ms. Bozeman asked Mr. Zellner if he wanted the names. Mr. Zellner replied "yes"

Ms. Bozeman gave the following names:

Carolyn Brown from Probate Court.

Barbara Walker from House keeping.

Kathy McCleary Building & Zoning.

Buffy Walker from Commissioner's Office.

Ms. Bozeman informed the Board of an incident two weeks ago after the meeting was over that Mr. Zellner was witness to how Ms. Walker stated to Ms. Bozeman that the Board has never recognized her. Ms. Bozeman stated her thoughts at the time were we do not put people up on pedestals; we do what we have to do. With the economy like it is right now if I was making the kind of money some of these people are making I would shut my mouth and go on or go hunt a big job some where else.

Commissioner Hall referenced Mr. Claven Williams who had presented himself to the Board at the last meeting asking to be appointed to the seat on the South West Georgia Community Action Board. Mr. Hall stated he had done some checking into Mr. Williams and he was satisfied he was a suitable candidate.

Commissioner Hall motioned to appoint Mr. Claven Williams to the South West Georgia Community Action Council. Commissioner Bozeman seconded. Motion carried all Yes votes.

At 9:26 A.M. Commissioner Hall motioned to adjourn. Commissioner Childree seconded. Motion carried all yes votes.

Commissioner Hall motioned to rescind his motion to adjourn as there was another item to discuss. Commissioner Childree seconded.

Chairman Medders stated the motion to adjourn has been rescinded with a second by Commissioner Dent. This meeting is back in session.

Brief discussion on scheduling Judge Hall for the Work Shop on April 14, 2009.

Commissioner Hall motioned to adjourn. Commissioner Childree seconded.

Motion was opposed by Commissioner Dent and Commissioner Bozeman.

Commissioner Dent stated the Board needed to vote to schedule Ms. Hall at the next work shop.

Commissioner Dent explained the schedule had already been set up and Judge Hall was not on it; therefore, the time is not on there so we need to vote on it.

Commissioner Dent motioned to schedule Judge Hall for the Budget Work Shop on April 14, 2009 at 5:45 P.M. Commissioner Hall seconded. Motion carried with Yes votes from all.

At 9:34 A.M. Commissioner Hall motioned to adjourn. Commissioner Childree seconded. With no further discussion the Motion carried with YES votes from all.

County Clerk

Chairman

Deborah Robinson

Matt Medders