

**MINUTES
WORTH COUNTY BOARD OF COMMISSIONERS**

Thursday September 18, 2008

7:00 P.M.

The Worth County Board of Commissioners met in regular session on Thursday September 18, 2008 in the Commission Board Room, 3rd Floor Courthouse.

Chairman Miller called the meeting to order at 7:00 p.m.

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

Public Hearing:

Approval of Minutes: September 4, 2008

Motion to approve: Bettye Bozeman. Second: Fred Dent. Motion carried yes votes from all.

Invited Guests:

A. Ed McConnell Not Present

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

Attorney Miller:

Attorney Miller wanted to discuss the Medical Bills relating to the surgery performed on the female inmate that had been "tased" by the Poulan Police Officer. He stated that after viewing the video tape from the patrol car his judgment is the City of Poulan should be responsible for paying those bills. He explained in detail the events leading up to the point where the Police Officer actually pulled her "taser" and released charges toward the female who was in handcuffs. Attorney Miller informed everyone that the invoices now totaled approximately \$88,000.00.

Chairman Miller stated that he had spoken with the Mayor of Poulan just the other day and that he had told him that the City of Poulan should pay these invoices.

Attorney Miller stated he felt sure that there would be some pressure put on the County to pay these invoices as the person in question was in our custody, also because we were the one who actually took her to the hospital but that he was recommending that we wait on doing that until such a time it becomes critical.

There was some open discussion between the Board and Attorney Miller in reference to the Inmate Insurance that had been approved back in July. Ms. Robinson explained that although the initial paperwork had been submitted as of yet this particular program was not in effect. She went on to explain that when it actually did become effective there were no provisions for it to be retro-active to the date the paperwork was originally submitted.

Commissioner Hall arrived at 7.07 P.M.

Robert Zellner County Administrator.

Mr. Zellner informed the Board that we had received a \$28,606.29 reimbursement from Ware County. This was for the fire fighters we sent over to Ware County last year to help with the control of brush fires. Mr. Zellner went on to say that Jason Brooks, Deputy Fire chief was requesting the use of the funds to buy equipment that did not get listed in the Budget for 2009.

The response from the Commissioners in reference to the request from Jason Brooks was no.

Commissioner Bozeman stated that they need to understand that although we have received the check, the County had to pay the salaries of those Fire Fighters while they were down there. Commissioner Dent commented that the County was going to have a very difficult time meeting our budget this year and we did not need to spend anything that was not 100% necessary.

Mr. Zellner then informed the Board that he had received a letter from Mr. Ronald Hudson stating that he had resigned his position on the Margaret Jones Library Board. Mr. Zellner stated that Mr. Hudson had given a few names of people that he thought would be an asset to the Library Board for the Board of Commissioners to consider.

Chairman Miller suggested that at the next Board meeting we review those names as well as any others anyone wanted to submit. Attorney Miller commented that his understanding of the procedure for appointing the Library Board is that it is a shared process. He went on to say that whichever entity had appointed Mr. Hudson should probably be the one to appoint his successor.

Mr. Zellner informed the Board that everything was going according to plan with the transition of the Garbage Billing, explaining how the BOC staff had a meeting and that everyone knew what their role was going to be. He went on to explain that we were gathering quotes in reference to folding and stuffing machines. Commissioner Bozeman commented that using "Cards" needed to be considered being as they had been used before. Mr. Zellner explained that the current software was not 100% compatible with "Cards". Chairman Miller commented that most invoices were now sent out in an envelope, that advertisements and notices can be put inside as well and that there was less chance of an envelope getting lost.

Attorney Miller asked about the rumor that the present company was going to quit before the contract was actually fulfilled. Mr. Zellner informed everyone that he has spoken with Mr. Gregg Walk, the current Manager and he had assured him they would continue service through the duration of the contract.

Mr. Zellner's final item was in reference to the resurfacing of CR 160 Evergreen Road. He explained he had spoken with the DOT about his concerns in reference to the quality of the leveling. Mr. Zellner explained that the DOT had told him they would let the road set for 30 days to cure and then come back and do the surface treatment and then put on the gravel and the tar which would fill in the grooves that was the focus of Mr. Zellner's concerns. Mr. Zellner explained that this information had come from Mr. Jolly who is the inspector for this particular job for the D.O.T. Mr. Jolly also stated to Mr. Zellner the reason for the groove was because log trucks had driven on the surface immediately following it's completion. However he assured Mr. Zellner that the quality of the road would be up to code when finished. Mr. Jolly informed Mr. Zellner that he had spoken with Mr. Littlefield who stated that his crew is coming back out to CR 160 Evergreen Road to correct this particular issue of the groove in the center of the road.

Commissioner Dent commented that in the future we did not need to accept any more "Triple Surfacing" from the D.O.T. even if the county had to pay the difference asphalt was the way to go.

District 1 Tony Hall Nothing for discussion

District 2 Fred Dent

Commissioner Dent asked Mr. Zellner if he had been checking on the Public Works Department in reference to them clocking in and getting themselves straight to work. Mr. Zellner answered Yes, that he had been there just the other day and that all employees had come in, clocked in and immediately left the office going toward their equipment. He went on to say that by the time he came out of the office everyone was gone.

Mr. Dent's next item was Souter Road, Mr. Dent stated he had been to the Tax Assessor's Office and had the PLAT pulled. He commented that when you leave Little River Road and head down Souter Road, Mr. David Bryan owns the property on both sides of the road until you get to the barn where he keeps equipment. Mr. Dent explained that someone had already put up a road closed sign, that posts had already been put in the ground ready for gates to be hung and that this had been done at both ends of the road. Mr. Dent stated that he had spoken with Clay Smith, Public Works Director and informed him that the sign and the posts should be removed first thing in the morning. Commissioner Dent stated that he knew the reason for this was so that the owner of the property on each side of the road could run a Irrigation Pivot, however he felt that they should wait for the County to look at the situation and make their decision as to whether or not the road would be closed. Mr. Dent said that he would talk with David Bryan and Ed Souter they are the other property owners involved, but for the time being the road would stay open. Chairman Miller commented on the procedure in reference to closing a road, stating that advertising has to be done for the Public Hearing.

District 3 Bettye Bozeman

Commissioner Bozeman informed everyone that she had received a call from Mr. Lonnie Blalock. Mr. Blalock had told Ms. Bozeman that he had one half acre of land in Bridgeboro next to the rail road track just beyond the Bridgeboro Baptist church that he would like to donate to the County. Ms. Bozeman stated that we do occasionally need a place to keep dirt and that she had told Mr. Blalock that she would mention his proposal at the Board meeting. Chairman Miller commented that we have a place off Camp Osborne Road that had been dug out and that liabilities are very high leaving an open hole. Mr. Miller stated that if the County accepted the donation from Mr. Blalock, he thought it would be best not to dig out the dirt but only to use it as a place to pile dirt for later use.

Next item for Ms. Bozeman was concerning John Merritt III. Ms. Bozeman explained that Mr. Merritt is a County employee who also has his own construction business that had been awarded the bid for the concrete work at the EDA site. The Public Works employees were also working at the same location to help the EDA. Chairman Miller informed Ms. Bozeman that he had spoken with Clay Smith in reference to this and that Mr. Merritt had been informed that he could not supervise or work with his crew while performing his job with the County. Ms. Bozeman suggested a clause in reference to this type of situation be put in the new personnel policy.

Commissioner Bozeman informed the Board that after looking over the financials she felt that the County needed to stop spending. Ms. Bozeman also stated that County Employees allocated County vehicles are doing too much riding. Commissioner Hall commented that he too had seen County vehicles in places they should not be. Commissioner Dent stated that he thought each person allocated a County vehicle should have to keep a log on a daily basis.

There was further discussion about the amount of vehicles allocated to the Public Works Department. Commissioner Dent stated he would not vote yes to surplus anymore vehicles to the Public Works Department until such time that we had a list of all the vehicles they had and who and why they were allocated to them. Mr. Hall suggested Mr. Zellner handle getting this information together for the Board. Chairman Miller stated that there was not any reason for people to be riding separately to the same location. Mr. Hall stated we need to know how many vehicles we have, what they are being used for and who is driving which vehicle.

At this time Commissioner Bozeman motioned to stop all spending except in the case of an emergency until we receive some revenues.

Mr. Dent stated that was a difficult motion to keep under control and that it would be better to let Mr. Zellner keep a track on spending and hold spending down by informing each department head that all purchases have to be pre-approved by Mr. Zellner. Mr. Dent stated that all purchase orders have to be signed by the Administrator anything purchased without prior approval would have to be paid for by the person who purchased the item.

Commissioner Hall stated that a memo should be drafted to each Department Head explaining the new procedure.

District 4 Jerry Childree.

Commissioner Childree stated that he had been told there were 3 homes on Liberty Hill Road that still do not have Garbage Bins. He stated that he did not know who they are. Commissioner Dent stated that we need the name and address so we can send them a bill as well as put a bin out there. Mr. Childree asked if we still receive information from the Building & Zoning Department when a new home is built because his understanding is that 2 of the 3 on Liberty Hill Road are new homes. Chairman Miller also mentioned a couple of places where he did not think they had any garbage Bins. Ms. Bozeman suggested that we have a County Employee ride with Advance Disposal the first day they take over and write down every address they stop and pick up from. Mr. Zellner commented that we have two employees at the Public Works Department who previously worked for Transwaste and know the routes very well. Mr. Zellner felt that it should be these employees to handle something like that.

Commissioner Childree also asked for an update on the Carlton Road (CR 161) project. Mr. Zellner informed Mr. Childree that he still had not heard anything from the Atlanta DOT Office, stating that he thought it may be quite sometime.

Consent Docket

A. Sheriff Freddie Tompkins is requesting the following be surplused:

- (1) Hewlett Packard Laser Jet 4L Printer, Serial #USBV676562
- (1) KDS Monitor, Model VS19015 Ser. # 1980SAB35001213
- (1) Tech Knowledge Computer Ser.# 990324817-2
- (1) OKIB4600 Printer, Model # N22106A Ser. # BB74013891-A0
- (1) Dell Computer Model # DHM Ser. # FPD6F11
- (1) NEC Multi Sync Monitor Model I # FE7711SB Ser. # 2Z70125YA

Motion to approve Bettye Bozeman. Second Fred Dent
Motion carried with yes votes from all.

B. Chief Registrar Sue Potts is requesting the following item be surplused:

- (1) Cannon 120-127V Fax Machine Ser. # MDL02156
- Motion to approve Fred Dent. Second Bettye Bozeman
Motion carried with yes votes from all.

C. Probate Judge Sheryl Hall is requesting the following be surplused:

- (1) Air Conditioners – Amana & Coolerator
- (2) Padded Chairs Metal Legs
- (2) Wooden Chairs
- (2) Metal Chairs

- (2) Folding Tables – 5x2 ft. & 3x2 ft.
- (1) Wood Grain Tap Table Metal Legs – 6x3 ft.
- (1) Metal Table – 5x3 ft.
- (1) Wood Table – 5x3 ft.
- (1) Wood Grain Top Table Metal Legs – 6x3 ft.
- (1) Epson Stylus C86 Color/Black & White Printer
- (1) HP DeskJet 5650 Color/Black & White Printer
- (1) HP PSC 1610 Color/Black & White Printer

It was agreed to transfer the two air conditioners to storage for further use.

Motion to approve all other items to be surplused Bettye Bozeman.

Second Jerry Childree.

Motion carried with yes votes from all.

Action Docket

A. Resolution - Allow the RDC to transmit the Community Agenda on Wednesday, September 24th to the Georgia Department of Community affairs for approval and to maintain your Qualified Local Government status (QLG).

Motion to approve Fred Dent. Second Bettye Bozeman Carried/All yes

B. Resolution – Allow the County Commission Chair to authorize the adoption of the Worth County Community Agenda Portion of the Worth County Comprehensive Plan Update as required by State Law.

Motion to approve Bettye Bozeman Second Fred Dent Carried/All yes

C. Worth County Building & Zoning Administrator Glenice King is requesting a refund for Jodie Kee & Jessie Kee in the amount of \$306.00.

Motion to approve Fred Dent Second Tony Hall Carried 3/1
Commissioner Bozeman entered a NO VOTE

Commissioner Bozeman motioned to withhold 10% of refunds for Administration fees from this point forward.

Attorney Miller stated that the Building & Zoning "Permit Application" should be amended so that the person filling out the paperwork is fully aware that 10% will be held in the event they ask for a refund. Commissioner Childree Seconded.

After some discussion between the Board.

Motion carried as follows.

Fred Dent entered a NO vote

Tony Hall entered a NO vote

Chairman Miller YES vote

D. Missy Young with Coca Cola Bottling Company is requesting the use of the Community Center for their Christmas Party on December 20, 2008 and waive the fees and pay only the utility fee.

Chairman Miller reminded everyone that they had a unanimous vote to only remove the rental fee for non-profit organizations on June 21, 2007. Chairman Miller stated that we should explain this to Missy Young.

E. Animal Control is requesting the following forms be used in the future.

1. Incident Report
2. Notice of impoundment
3. Warning.

Attorney Miller stated these documents did not require the Board's approval. This was something the county Administrator could handle.

F. Acknowledge Presentments of the Grand Jury for July 2008
Acknowledged by the Board.

G. President and Executive Director Sylvester-Worth County COC Hollie Jones is requesting participation in the sponsorship for the Farmer's Appreciation Dinner on November 13, 2008.

There was a brief discussion between the Board.

Commissioner Bozeman commented that it seems the Chamber of Commerce just doesn't understand that the County cannot participate in these activities using Tax Payers money.

H. Public Works Director Clay Smith is requesting the 1997 Ford Expedition Vin # 1FMFU18L2VLC05226 placed in surplus be transferred to Public Works.
Request denied.

Unfinished Business:

Rachel Willis is requesting a portion of CR 65 Souter Road be closed. This is in the process of being handled by Commissioner Dent.

PERSONNEL CONSIDERATIONS

September 18, 2008

E-911

- Request status change from Part-time to full-time starting when Sylvester P.D. came on board 08-01-08.
 - Melissa Gaebler
 - Tammira Levatt
 - Motion to approve Full Time Status as of next pay period Fred Dent
 - Second Bettye Bozeman
 - Motion carried All Yes
- Notification of Employee Separation: Kristi Tipper September 5, 2008. Rate of pay \$10.23 an hour. Employee sleeping on duty & unable to perform duties.
- Request pay rate adjustment for Wesley Chambless from \$8.50 to \$9.50 an hour. Employee completed the 40 hours Basic Communications Course by GA P.O.S.T Council September 12, 2008.
 - Motion to approve Fred Dent
 - Second Jerry Childree
 - Motion carried All Yes
- Request status change from full-time to part-time for Kermit Coker, Certified Communication Officer. Current rate of pay is \$9.76 an hour.
 - Motion to approve status change from full-time to part-time and to include the necessary pay decrease. Fred Dent
 - Second Tony Hall
 - Motion carried All Yes
- Employee Warnings:
 - Lesia Jackson – Date of violation 09-03-08 – Oral warning for failure to notify supervisor of being out due to a Doctor appointment.
 - Jessica Yarbrough – Date of violation 09-03-08 – Written warning for conduct. Action taken – Suspended with pay until investigation is complete. Acknowledged by the Board

- Jessica Yarbrough (revised action) – Date of violation 09-03-08 – Written warning for conduct- Action taken – Suspended without pay September 5th – 9th, 2008.
- Acknowledged by the Board

PUBLIC WORKS

- Request to hire Frederick Clark for the truck driver/CDL job at \$12.00 an hour. Request denied.
- Request to hire Randy Jackson for the motorgrader II job at \$10.00 an hour. Request Board to consider a different rate of pay due to the fact that the employee has HAZMAT license.
- Fred Dent: Motion to hire Randy Jackson as a Motorgrader Operator pending a Motorgrader being available for him to operate.
Second Tony Hall
Jerry Childree entered a NO Vote
Bettye Bozeman entered a No Vote
Motion failed.

Tony Hall motioned to adjourn at 8:15 P.M.
Jerry Childree seconded.
Motion carried with yes Votes from all.

Deborah Robinson
County Clerk

Dan E. Miller
Chairman