

**MINUTES  
WORTH COUNTY BOARD OF COMMISSIONERS MEETING**

**Thursday December 18, 2008**

**7:00 P.M.**

The Worth County Board of Commissioners met in regular session on Thursday, December 18, 2008 in the Commission Board Room, 3<sup>rd</sup> Floor Courthouse.

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

**Present:** Commissioners Tony Hall, 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: Open Public Hearing 7:05 p.m.**

**A. Zoning Administrator Glenice King.**

Ms. King approached the Board informing them she had only 1 item for the Board's consideration as follows:

An Application for Agricultural Conditional Use for a Dog Kennel has been submitted by Mr. Leonard Shaw. The property being located on Tax Map 48, Parcel 42, 37.30 acres located at 129 Etheridge Road. Ms. King explained that Mr. Shaw had for the past 3 years had a State License for his Kennel and that until her recent contact with him Mr. Shaw had not been aware that he had to secure a Conditional Use and permits with the County. Ms. King informed the Board that his last inspection done by the State Department of Agriculture was very good. Ms. King explained that Mr. Shaw had enclosed the porch on the front of his mobile home, equipped it with heat and air and the dogs live in this area. Ms. King informed the Board that Robert & Company as well as the Planning Commission recommends an approval. The Planning Commission did however also recommend that the Dog Kennel be limited to the 3 acre area of land that surrounds the main dwelling on Mr. Shaw's property.

Discussion:

Commissioner Bozeman asked Ms. King about a septic tank for the kennel. Ms King stated that septic tanks are regulated by the Environmental Health Department not Building & Zoning.

At this time Mr. Shaw stood up and asked to speak. Chairman Miller asked Mr. Shaw to come forward and address the Board.

Mr. Shaw explained to the Commissioners that he did not have a cement based kennel for his dogs and that he was not washing away fecal waste with water. Mr. Shaw explained that all fecal waste from his dogs was manually picked up and placed into bags that were then put into the garbage container to go to the landfill. Mr. Shaw also explained that the Department of Agriculture had informed him that as he was raising the dogs in the house this was the way it was to be done.

At this time Laura Searcy from the Environmental Health Department came forward and addressed the Board in regards to the septic tank requirements. Ms. Searcy informed the Board that as Mr. Shaw does not have a Wash Down Kennel that a septic tank was not required and that picking up the fecal waste and disposing of it into the garbage container was an acceptable procedure.

At this time Mr. Richard Sands approached the Board in reference to this matter. Mr. Sands stated that Mr. Shaw was washing down a certain area where the dogs used the bathroom and that the water was going straight down into a pond that both he and Mr. Shaw own. Mr. Sands also stated that Mr. Shaw had built a shed without a permit that he used to store food in that he gives away to people in need of assistance. Mr. Sands also stated that anytime he walks on his property close to the vicinity where the dogs are on Mr. Shaw's property the dogs start barking. Mr. Sands also made reference to some plumbing and pipes on Mr. Shaw's property that he said were not the right size according to building & zoning regulations.

Ms. King addressed the Board again and informed them that she had spoken with the Environmental Protection Division {EPD} after they had done a site visit and they also stated that they found no violation in reference to the washing down of fecal waste to the pond.

At this time Commissioner Childree asked Ms. King what was the distance between the homes of Mr. Shaw and Mr. Sands. Ms. King informed everyone that there was a distance of 1700 feet.

**At 7:21 p.m. Chairman Miller closed the public hearing.**

#### **Invited Quests:**

##### **A. Richard L. Sands.**

Mr. Sands did not have anything to discuss in the regular meeting, he was attending in reference to the public hearing.

##### **B. Barbara Reddick-SWGA. RDC.**

Ms. Lauren Miller and Ms. Kerry Davis were next on the agenda, however Ms. Barbara Reddick from the South West Georgia Regional Development Center attended in their place. Ms. Reddick explained that she was here to present the Worth County Board of Commissioners with the completed Service Delivery Strategy which had been approved

by the DCA as well as the completed Comprehensive Plan and Future Development Map.

Chairman Miller asked if anyone had any questions for Ms. Reddick, there were none. Mr. Miller thanked Ms. Reddick for the services of the RDC and thanked her for coming.

**C. Laura Searcy.**

Ms. Searcy informed the Board that she was there today to answer any questions or concerns in reference to the documents containing the State Rules and Regulations the Environmental Health Department is required to follow and the Ordinance that she had previously submitted for the Board to adopt which would allow the Environmental Health Office to utilize the Magistrate Court instead of the Superior Court at times when enforcement is needed.

Commissioner Bozeman stated that she had still not finished going over the documents and that once all the Board had read through all the documents they would make a decision.

**D. Lila Gray/Requesting County Assistance with funeral expense.**

Ms. Gray was not present but she had submitted a request for help with the funeral expense she recently incurred when her daughter passed away.

Commissioner Bozeman motioned to pay \$150.00 pauper fee. Commissioner Dent seconded. Motion carried with Yes Votes from all.

**E. Rachel Willis/Reference closing of Souter Road.**

Ms. Rachel Willis approached the Board and stated that it was she who had requested closing a portion of Souter Road in approximately September of 2008. Ms. Willis told the Board that she had been unable to attend the night of the Public Hearing in reference to this matter however, she wanted the Board to know that she was still very interested in getting this accomplished. Ms. Willis explained the irrigation system she had purchased for her farming needs was crossing over a portion of Souter Road when in use. Ms. Willis stated that this was just a field road portion that she had originally thought she owned but realized later that she did not. Ms. Willis informed the Board that the portion in question was not and never had being maintained by the County. Ms. Willis also mentioned another portion of the road where the irrigation would cross over. Ms. Willis informed the Board that she felt the irrigation going over the road during the night could possibly but hopefully not cause an accident, where damages to some one's vehicle, personal injury and damages to her equipment could occur, and that it was for this reason she had made the request to close the portion of the road in question. Ms Willis asked the Board to please take her request into consideration when the time comes for them to make a decision on this matter.

Commissioner Dent addressed Ms. Willis informing her that he had spoken with the other property owners recently and that he had agreed the Board would wait on making a decision until such time that all the property owners had a chance to meet with each other and discuss the issue.

Ms. Willis thanked the Board for their time.

**F. Tommy Norman.**

Mr. Norman was next on the agenda, however Commissioner Hall informed the Board that he had spoken with Mr. Norman and explained that there was not anything the Board could do at this time. Mr. Hall stated that he had explained to Mr. Norman he needed to speak with the Sheriff's Department and also with the animal Control Officer in reference to the problem he was having with dogs chasing him when he was on his motor bike.

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

**Attorney Clarence Miller.**

Attorney Miller informed the Board that he had an update on the accident that had occurred on Hwy 82 where allegedly a County owned ambulance had caused another vehicle to collide with on coming traffic. He stated that the County was being represented in this case by an attorney appointed by our insurance company, that an answer had been filed to the charge in the required amount of time and that he wanted to assure the Board this matter was being properly handled.

Attorney Miller next informed the Board that he had spent time recently with Robert Zellner, County Administrator, discussing the local legislation to set up a Board of Elections and Registrar's and also the Ordinance for Alcoholic Beverage, with a conclusion that a work session was needed on both of those items.

Discussion between the Board:

A work session was set for Monday 22, December 2008 at 5:00 P.M.

Attorney Miller stated he would like to invite Probate Judge Ms. Sheryl Hall and Registrar Superintendent Ms. Sue Potts to attend the meeting so they could explain in detail the responsibilities they have to handle. Mr. Miller felt this would help the Board in the decisions they would have to make on how to structure a Board of Elections.

**Robert Zellner County Administrator.**

Mr. Zellner informed the Board that the County had been approved for a "Hazard Mitigation Grant" for the purchase of weather radios to be distributed to County Residents in the amount of \$9,998.00. The Grant was broke down as follows:

Federal share \$7,498.00

State Share \$1000.00

Local Share \$1,500.00

Mr. Zellner informed the Board that although the \$1,500.00 had not been put in the budget for this, Jason Brooks suggested taking it from the \$3,122.00 that was available in their Operational Supplies.

Brief discussion between the Board on how many weather radios this grant would buy. Commissioner Dent motioned to accept the grant. Commissioner Hall seconded. Motion carried with Yes Votes from all.

Mr. Zellner informed the Board that their approval was needed on the following holidays for County Employees for 2009.

January 19, 2009 MLK Jr. Day

May 25, 2009 Memorial Day

July 3, 2009 Independence Day.

September 7, 2009 Labor Day.

November 26 & 27, 2009 Thanksgiving.

December 24 & 25, 2009 Christmas.

January 1, 2010 New Years Day.

Commissioner Bozeman motioned to approve the holidays for 2009. Commissioner Hall seconded.

Chairman Miller asked for discussion:

Chairman Miller suggested that because of the state of the economy perhaps consideration of cutting some of the holidays should be given in order to save some of the tax payer's money.

With no further discussion: Motion carried with Yes Votes from all.

Next item for discussion from Mr. Zellner was a request from Probate Judge Sheryl Hall in reference to constructing a bathroom in the Gordy Fire Department Precinct which is also used as a Voting Precinct by Worth County Elections Division, using the \$1155.00 that was remaining in the ADA Grant {American Disability Administration.} Mr. Zellner added that the State has given their blessing on the remaining funds being used for this. Commissioner Bozeman motioned to approve the use of the remaining ADA Grant for the construction of a bathroom in the Gordy Fire Department Precinct. Commissioner Childree seconded. Motion carried with Yes Votes from all.

Next item for Mr. Zellner was to inform the Board that Crisp County solid Waste Authority has increased their tipping fee to \$52 per ton. Mr. Zellner stated he had met with them and they had come to an agreement of \$48.87 per ton. He then explained that Advance Disposal Services now wants to increase their contract price to accommodate Crisp Counties increase. Mr. Zellner stated he had scheduled a meeting with Advance Disposal Services on Monday December 22, 2008 at 10:00 A.M. to discuss this issue and asked the Board if anyone would like to attend that meeting with him. Ms. Bozeman and Mr. Dent both stated that they would attend. Mr. Dent also mentioned that the contract between the County and Advance had some clauses in it that stipulate when the price of fuel dropped so would their price, going on to say that at the time the contract was signed fuel was at \$4.34 a gallon and now it was down as low as \$2.39 in some places. Mr. Dent finished his discussion by saying we needed to make sure that they were giving us credit for the decrease in fuel cost.

Mr. Zellner informed the Board that the Hwy 133 Committee were going to be meet on Monday December 22, 2008 immediately following the "Hog Eye Fish Fry" in Moultrie and the Board is invited to that as well.

Next Mr. Zellner informed the Board the contractor working on the lot next to Bettye's Flower shop owned by Brooks corporation would like to give the County all the concrete that they have over there. Mr. Zellner said it could be added to what the County already has and crushed up to use for road repairs. The contractor said he would load it onto our trucks for us if we would deliver it to the landfill. Chairman Miller stated that in the past we have received concrete from different renovations going on in the County but that the people wanting to give it to us have had to arrange to deliver it to the landfill themselves. The County does not want to damage their trucks in moving this time.

Last item for Mr. Zellner was concerning an invoice he had received in the amount of \$10,336.82 for Phase Two Schematic Plans for the Library.

There was a brief discussion between the Board that resulted in them asking Mr. Zellner to speak with Laverne Watkins AP/AR Department and to research this matter further as it was their understanding that Phase Two of renovations on the Library had been cancelled.

### **District 1 – Commissioner Hall.**

Commissioner Hall mentioned that he had attended a G.E.M.A. meeting at the Community Center and among many interesting things discussed he learned that G.E.M.A has personnel available to come and test your plans on evacuating plants with live chemicals. Mr. Hall stated that G. E. M. A. did not have a record of Worth County having a Chemical Plant Evacuation Plan in place. So he wanted to make sure that this was looked into and if in fact there was no plan in place that one be developed and then have this person from G.E.M.A. come down and test it for us. Ms. Bozeman felt that

there was a plan in place as she remembered this being done when she had served previously on the Board of Commissioners. Mr. Zellner was asked to check into this. Mr. Hall's second item for discussion was his concerns with damage that he noticed at the Community Center, in particular holes in the walls in several places. He asked what procedure in regards to checking the Center after it had been used was in place and if these things are being noticed and documented. Chairman Miller informed Mr. Hall that Frances Nichols has a Log Book with all this information in. He explained how pictures are taken when damages occur and how damage deposits are withheld to pay for the repair.

### **District 2 – Commissioner Dent.**

Commissioner Dent wanted to re-visit the concerns he had about the rental fee for the Community Center being reduced by a \$100 to the people that rented it after the Humane Society last month. He stated that he did not feel this was the way it should have been done, that it is the policy to keep the \$100 clean up fee if the facility is not cleaned but not to give it to the next person renting the place. He stated that it could not have been more than 15 minutes of cleaning that the next family had to do judging from the pictures that were taken and definitely not worth \$100. Ms. Bozeman stated that she had not understood that to be the case and also felt that should not have happened. Commissioner Dent's next item of concern was that he had spoken with some one who had informed him that Coffee County had recently got funding from the D.O.T. for 3 projects. He mentioned that it could be worth while for Mr. Zellner to speak with Johnny Floyd in reference to the two projects that Worth County has been waiting on the funding for a very long time. Mr. Floyd apparently is very close with the Executive Director of the D.O.T and could maybe help us with getting the funds released for our projects.

### **District 3 – Commissioner Bozeman.**

Ms. Bozeman stated that she had received over 100 calls about the garbage bill, people were asking why they did not get an envelope to send their payment back in and also their were a lot of concerns about the allowed amount of time to pay the bill once it was received. Mr. Zellner assures every one that next month Arista would be taking over our billing and there would be an envelope inserted for the payment to be sent in. The time allowed is 10 days after the due date Mr. Zellner explained. He went onto to say that the billing cycle ends on the 25<sup>th</sup> of each month, the bills are the sent out and should be received by the 1<sup>st</sup> of each month and no late fee if paid by the 10<sup>th</sup> of each month. He also stated that this is the way our ordinance is written. Ms Bozeman mentioned a phone call she had received from a truck driver who had not been able to pay until the 12<sup>th</sup> of the month because of being out of town and did not think it fair to charge the late fee just for a couple of extra days. Mr. Zellner stated that the ordinance would have to be re-written in order to change this. Ms. Bozeman then mentioned the fact that the Public

Works Department needed to hire a Truck Driver because the one we have would be leaving the next day. Mr. Zellner stated the Public Works Department had lost 7 employees since the hiring freeze went into effect. Ms. Bozeman then informed everyone that there was an opening coming on the Health Department Board, she asked if the Board wanted to think about who they would like for this appointment but stated she had someone in mind who she would like to see hold that position.

**District – 3 Commissioner Childree.**

Mr. Childree asked about the Jones Bridge Road project to which Ms. Bozeman informed him that was part of the phone call they had asked Mr. Zellner to make to Johnny Floyd with the D.O.T. He then asked about the status of Cyprus Road. Mr. Zellner informed him that he had spoken with one of the residents who stated she was going to get all the people concerned in this together for a meeting with him. Mr. Childree then asked about Carlton Road to which Attorney Miller stated he was still waiting on the surveyor Mr. Rhett Royal to contact him. Ms. Bozeman asked Ms. Robinson to again call Mr. Royal's office. Attorney Miller said that he had received one call from one of Mr. Royal's associates who had said they would be coming to Attorney Miller's office to look at the survey but however that had been over a week ago and they had not shown up.

At this time Commissioner Dent stated that before we took a recess Attorney Clarence Miller had asked for time to address the Board.

**Attorney Miller:**

Attorney Miller stated he wanted to pay tribute to our public officials for the job they do, for the sacrifices they make, for the time and attention they give. He stated that he knew more than anything most of the phone calls they receive are complaints about one thing or another and he commended them for their patience and the time that they give to their positions. He wanted to give Special Gratitude to our retiring Chairman Dan E. Miller. Attorney Miller stated that he had seen Chairman Miller grow so much in his 12 years of service, that he had seen him learn to work, manage and communicate with his fellow Commissioners as well as with the Community. Attorney Miller stated for this he wanted to thank him dearly and closed by saying that he thought Chairman Miller would find the time in the future and hoped he would try again.

The Board went to recess at 8:00 P.M.

The Board reconvened at 8:20 P.M.

### **Chairman's Report.**

#### **For your information:**

Chairman Miller informed everyone that Susan Forehand Dover had requested to hang a picture of her father Judge William Forehand {deceased} in the Court Room on the 2<sup>nd</sup> floor of the Court House.

Commissioner Bozeman motioned to approve. Commissioner Childree seconded. Motion carried with Yes Votes from all.

Next item from Chairman Miller was the approval of the minutes for November 20, 2008 and December 2, 2008.

Commissioner Bozeman motioned to approve. Commissioner Dent seconded. Motion carried with Yes Votes from all.

### **Action Docket.**

**A.** Should Richard Taylor, 107 Donna Drive, Sylvester, GA be placed on the list of people no longer eligible to reserve the Community Center?

Mr. Taylor had rented the Community Center earlier in the year and the check he paid the Worth County Commissioners Office with was returned for insufficient funds. The correct legal steps had been taken in reference to this matter.

After a brief discussion between the Board Ms. Bozeman made the following motion.

Mr. Taylor can reserve the Community Center but he must pay in cash and also make restitution to the Worth County Commissioners Office on his outstanding debt.

Commissioner Dent seconded. Motion carried with yes votes from all.

**B.** Addendum to TTL Proposal No. 0607-164E Updated Landfill Site Suitability for Boundary Expansion

Representatives from TTL were present to answer questions. The Board did not have any questions.

Commissioner Dent motioned to approve the addendum to the TTL Proposal No, 0607-164E. Commissioner Bozeman seconded. Motion carried with yes votes from all.

**C** Albemarle Court and Oakhurst Court-Road Acceptance of the final plat.

Ms. Bozeman informed the Board that both of these Courts meet approval.

After a brief discussion between the Board...

Commissioner Bozeman motioned to approve the acceptance of the final plat for Albemarle Court and Oakhurst Court-Road. Commissioner Dent seconded. Motion carried with yes votes from all.

- D. Robert and Company Annual Planning Services proposal for July 1, 2008 – June 30, 2009.

Commissioner Dent motioned to accept the proposal. Commissioner Bozeman seconded. Motion carried with yes votes from all.

- E. SPLOST PROJECT Worth County EDA for...Yielding, Wakeford & McGee Architects, AIA (YMW) for Architectural Services in Pre-Design and Preliminary Design Phases through August 31, 2008 in the amount of \$3,904.10. (Invoice # 7010)

- F. SPLOST PROJECT Worth County EDA for...Yielding, Wakeford & McGee Architects, and P.C. for Architectural Services in Pre-Design and Preliminary Construction Documents Phases through October 31, 2008 in the amount of \$19,222.12. (Invoice # 7031)

- G. SPLOST PROJECT Worth County EDA for...Yielding, Wakeford & McGee Architects, and P.C. for Architectural Services in Pre-Design and Preliminary Design and Construction Documents Phases through November 30, 2008 in the amount of \$21,446.95. (Invoice 7042)

The above 3 SPLOST PROJECT Applications were tabled until the 1<sup>st</sup> meeting in January to allow time for the errors on the applications to be corrected and also for the Commissioners to have time to look at all the documents concerned in the Post Office renovations.

- H. Approval of SPLOST 1% Projects 2009

- I. ALCOHOLIC BEVERAGES ORDINANCE Revision

- J. Ordinance to amend the Waste Management and Litter control Ordinance of worth County.

After a discussion between the Board it was agreed that each of the above items needs considerable time and attention, therefore these items were tabled until the work session scheduled for Monday December 22, 2008 at 5:00 P.M.

- K. Tax Commissioner Tabettha DuPriest is requesting approval of E&R's for the month of November 2008 property in the amount of (\$807.11) County portion \$333.08 and MH in the amount of (878.20) County portion \$356.77.

Commissioner Bozeman motioned to approve. Commissioner Childree seconded. Motion carried with yes votes from all.

At this time the Board the Board decided in reference to Mr. Shaw's Application for Conditional Use for a dog kennel that a site visit was necessary. In order to allow time for the Board to make a site visit the Application was tabled until the 1<sup>st</sup> Tuesday Meeting in January.

Commissioner Bozeman motioned to re-appoint Chairman Miller to his position on the Health Department Board. Commissioner Hall seconded. Motion carried with yes votes from all.

### **Personnel Considerations:**

#### **Public Works**

Notification of separation of employment for James E. Smith, Truck Driver, CDL HAZMAT. Rate of pay \$13.39 per hour. Resigned in good standing (gave 2 weeks notice), Effective date of separation is December 19, 2009.

#### **Sheriff Dept/Jail**

Acknowledgement of full-time status for the following employees:

Christopher Johnson, Deputy Sheriff, effective 12/02/08 at \$15.22 an hour

Justin Stewart, Deputy Sheriff, effective 12/11/08 at \$12.50 an hour

Chad Wentworth, Deputy Sheriff, effective 12/16/08 at \$12.50 an hour

Franklin Patterson, Deputy Sheriff, effective 01/01/09 at \$12.50 an hour

Edward Billington, Jailer, effective 12/20/08 at \$9.50 an hour

**The Board acknowledged the above personnel considerations.**

At this time Commissioner Dent motioned to do an "Emergency Hire" for a HAZMAT DRIVER for the Public Works Department. Commissioner Hall seconded. Motion carried with yes votes from all.

Mr. Zellner addressed the Board in reference to Henry Dixon, the Public Safety Mechanic.

He reminded the Board that they had agreed on a 6 week trial period for Mr. Dixon to see if he could handle both Public safety as well as Public Works Mechanical needs. Mr. Zellner stated that everything was working out very well, that he was taking care of everything that could possibly be done on site. Mr. Zellner recommended raising his pay to \$14.36 an hour and promoting him to a "Mechanic II".

Commissioner Childree motioned to approve the raise and status change.  
Commissioner Bozeman seconded. Motion carried with yes votes from all.

Mr. Zellner's next item under Personnel Considerations was in reference to Tina Ward. Mr. Zellner explained that for a very long time Ms. Ward had been filling the role of Supervisor unofficially, he felt that things at the E-911 Center had greatly improved, he explained how Ms. Ward was attending Supervisory Training Classes and he would like to recommend Ms. Ward be appointed to Deputy Director of the E-911 Center and make her position a salaried position with no increase at this time.

Commissioner Hall motioned to approve Tina Ward as Deputy Director for the E-911 Center. Commissioner Dent seconded. Motion carried as follows:

Commissioner Childree YES Vote

Commissioner Bozeman No Vote.

Attorney Miller stated that lack of Supervision had been the problem in the past at the E-911 Center. He suggested that Mr. Zellner should hold Lynn Ford more accountable for the E-911 Center and keep a very close eye on this Department.

Commissioner Hall addressed Chairman Miller, thanking him for his help and leadership during the last four years.

At 8:39 P.M. Commissioner Hall motioned to adjourn.

Commissioner Childree seconded.

Motion carried with yes votes from all.

Deborah Robinson  
County Clerk

Dan E. Miller  
Chairman