

MINUTES
TERRELL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

DATE: AUGUST 1, 2017

TIME: 6:00 P.M.

PLACE: TERRELL COUNTY GOVERNMENT BUILDING

PRESENT: KATHY WADE, RACHEL PINKSTON WEITNAUER, D. E. SHORT, GREG WELSH, MAUREEN WELSH, BILLY MCCLUNG, LAWRENCE GREEN, JAN JONES, MARGARET HALBROOK, JERILYN JACKSON, LYNN MORGAN, DARLENE PAUL, KEN ANDREW, RICHARD FRENCH, R. W. HARRIS, P. LOIGON, SANDRA MILLER, GARY MCNEELY, MARY LOUIS, DAVID SHORTER, GARY FREEMAN, JEFF HANNER, ERWIN THOMAS, TINA THOMAS, MARY ELLEN HARNAGE

COMMISSIONERS AND STAFF PRESENT: CHAIRMAN WILBUR T GAMBLE III, VICE CHAIRMAN ERNEST JOHNSON, CRIS WEBB, BRAD STAFFORD, LUCIUS HOLLOWAY, SANDRA O'STEAN, COUNTY ATTORNEY JIMMY SKIPPER

CALL TO ORDER – CHAIRMAN WILBUR T. GAMBLE III

PRAYER – PHONSO DONALDSON

APPROVAL OF AGENDA – AUGUST 1, 2017 WITH THE ADDITION OF TOPIC: LMIG ROAD PROJECT SUPERVISOR –(JAMES (ROCK) ELDER RESIGNED DUE TO HEALTH) – MOTION TO APPROVE THE AUGUST 1, 2017 AGENDA WITH CHANGE TO ADD THE TOPIC LMIG ROAD PROJECT SUPERVISOR WAS MADE BY BRAD STAFFORD AND SECONDED BY ERNEST JOHNSON. ALL IN FAVOR OF THE MOTION WERE BRAD STAFFORD, ERNEST JOHNSON, CRIS WEBB, AND LUCIUS HOLLOWAY. THE MOTION CARRIED.

APPROVAL OF MINUTES – JULY 11, 2017 REGULAR MEETING WITH THE ADDITION OF THE SWIMMING POOL PETITION BEING INCLUDED INTO THE MINUTES - THE MOTION TO APPROVE THE JULY 11, 2017 MINUTES WITH THE ADDITION OF THE SWIMMING POOL PETITION BEING INCLUDED INTO THE MINUTES WAS MADE BY ERNEST JOHNSON AND SECONDED BY LUCIUS HOLLOWAY. THOSE IN FAVOR OF THE MOTION WERE ERNEST JOHNSON, LUCIUS HOLLOWAY, BRAD STAFFORD, AND CRIS WEBB. THE MOTION CARRIED.

APPROVAL OF MINUTES - JULY 18, 2017 SPECIAL MEETING FOR BUDGET REQUESTS–AMEND PAGE 8 OF THE JULY 18, 2017 MINUTES TO CORRECT BUDGET FIGURE TO \$7,563,931.00 (BUDGET EXPENDITURES AND REVENUES BALANCES TO \$7,563,931.00) - BRAD STAFFORD MADE THE MOTION TO APPROVE THE JULY 18, 2017 MEETING WITH CORRECTIONS TO PAGE 8 TO CORRECT THE BUDGET FIGURE TO \$7,563,931.00 AND ERNEST JOHNSON GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, ERNEST JOHNSON, CRIS WEBB, AND LUCIUS HOLLOWAY. THE MOTION CARRIED.**

CHAIRMAN'S REPORT - CHAIRMAN GAMBLE GAVE TWO (2) STATEMENTS: (1). CLARIFY FACT OF WHEN ITEMS GO ON THE AGENDA, THIS DOES NOT MEAN THE ITEM MEETS HIS APPROVAL (2). ANOTHER SOLAR ENERGY GROUP HAS MADE A CONTACT AND A PROPOSAL AND THIS WILL PROBABLY BE DISCUSSED AT THE SEPTEMBER 2017 MEETING

TREASURER'S REPORT – PHONSO DONALDSON

CLERK'S REPORT - JULY 2017 BANK BALANCES, VENDOR LIST, FUEL REPORT, INMATE COUNT – SANDRA O'STEAN

EMS / 911 REPORT - BO HAMBY REPORTED THE EMS/911 ACTIVITIES FOR JULY 2017

EXTENSION SERVICE REPORT – MARGARET HALBROOK GAVE EXTENSION AND 4-H EVENTS AND HIGHLIGHTS FOR JULY 2017

CHAMBER OF COMMERCE REPORT - NONE

WARDEN / ROAD SUPERVISOR REPORT - BILLY MCCLUNG SUBMITTED A WRITTEN REPORT

SHERIFF'S REPORT – SHERIFF JOHN BOWENS STATED THERE WAS NO REPORT AVAILABLE AT THIS TIME

RECREATION DEPARTMENT REPORT - FINANCIAL REPORT FOR JULY 2017 WAS SUBMITTED

GARBAGE ASSESSMENT REPORT – SANDRA O'STEAN READ THE 2016 BILLING AND COLLECTION REPORT

OLD BUSINESS:

LMIG FY2018 PROJECT LISTS TO BE REVIEWED – LMIG ROAD PROJECT SUPERVISOR WITHDREW DUE TO HEALTH AND RECOMMENDED LEWIS HICKS FOR THE JOB – BOARD PROPOSED TO CONTACT MR. HICKS AND OFFER THE JOB AT THE SAME RATE AND TERMS AS THE PREVIOUS SUPERVISOR. BRAD STAFFORD MADE THE MOTION TO TABLE THIS ITEM TO THE SEPTEMBER 2017 MEETING AND CRIS WEBB GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, CRIS WEBB, LUCIUS HOLLOWAY, AND ERNEST JOHNSON. THE MOTION CARRIED.

NEW BUSINESS:

SET MEETING DATE TO ADOPT FY2018 BUDGET – ERNEST JOHNSON MADE THE MOTION TO SET THE MEETING TO ADOPT THE FY2018 BUDGET FOR AUGUST 23, 2017 1 P.M. LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE ERNEST JOHNSON, LUCIUS HOLLOWAY, BRAD STAFFORD, AND CRIS WEBB. THE MOTION CARRIED.

DEPARTMENT OF FAMILY AND CHILDRENS' SERVICES – RECOMMENDATION TO REAPPOINT KEVIN MASSEY TO THEIR BOARD FOR NEW TERM — LUCIUS HOLLOWAY MADE THE MOTION TO APPROVE DFACS RECOMMENDATION TO REAPPOINT KEVIN MASSEY TO THEIR BOARD AND BRAD STAFFORD GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, LUCIUS HOLLOWAY, CRIS WEBB, AND ERNEST JOHNSON. THE MOTION CARRIED.

POLICY FOR ROAD IMPROVEMENTS BEYOND ROUTINE MAINTENANCE AND ENFORCEMENT OF POLICY – CHAIRMAN GAMBLE POINTED OUT THE POLICY WAS IN THE OFFICIAL MINUTE BOOK H PAGE 593 HAVING BEEN APPROVED IN COMMISSWIONERS' MEETING OF DECEMBER 6, 2006.

TAMMY LANE SURVEY PROJECT – DETERMINATION OF PROJECT STATUS – THE COMMISSIONERS STATED THE PROJECT TO SURVEY AND OBTAIN COST ESTIMATES FOR TAMMY LANE REMAINED IN ACTIVE STATUS AND ASKED RYAN CANNON TO RESUBMIT THE PLAN FOR MOVEMENT OF UTILITY LINES – COMMISSIONERS WEBB AND STAFFORD AGREED TO CONTACT GLENN DAVIS OF SUMTER ELECTRIC MEMBERSHIP CORPORATION REGARDING THE POSSIBILITY OF A LOWER ESTIMATE TO MOVE UTILITY LINES.

ACCESS TO CARTER PROPERTY OFF OF OLD FIELD ROAD — LAWRENCE GREEN INTRODUCED THE ISSUE AND ROBERT LEWIS ASKED THE COUNTY TO ASSIST THE OWNERS IN OBTAINING ACCESS TO THEIR LAND LOCKED PROPERTY. MR. LEWIS STATED THERE WAS AN OLD ROAD LEADING UP TO THEIR PROPERTY THAT WAS USED HISTORICALLY BY THE FAMILY AND IT RUNS THROUGH OTHER PRIVATE PROPERTIES. HE ASKED THE COUNTY TO PROVIDE A CLEAR PATH ACESS OF THE ROAD UP TO THE FAMILY'S PROPERTY. CHAIRMAN GAMBLE STATED THIS WAS NOT A COUNTY ROAD AND STATE LAW WILL NOT ALLOW THE COUNTY TO MAKE IMPROVEMENTS. COUNTY ATTORNEY SKIPPER WAS ASKED TO CHECK INTO THE LEGALITIES OF OBTAINING EASEMENT TO PROPERTY THAT IS LAND LOCKED AND IF COUNTY COULD MAKE SOME TYPE OF CLAIM TO THE ROAD IN ORDER TO PROVIDE ASSISTANCE. THIS ITEM WAS TABLED TO BE DISCUSSED AT THE SEPTEMBER MEETING.

PRESENTATION ON THE CONDITIONS OF OLD FIELD ROAD — ERWIN AND TINA THOMAS DISCUSSED CONDITIONS OF OLD FIELD ROAD AND PRESENTED PICTURES AND VIDEOS TO SUPPORT THEIR DESCRIPTIONS OF THE SITUATIONS AND ASKED THE BOARD TO GIVE THIS MATTER ATTENTION. CHAIRMAN GAMBLE ASKED THE TAX ASSESSOR TO GET THE NAMES OF THE OWNERS OF THE PROPERTY THAT ADJOINS THE AREA OF OLD FIELD ROAD WHERE THE GREATEST PROBLEMS ARE. THE BOARD WILL REACH OUT TO THE LAND OWNERS AND ASK THEM TO GIVE RIGHT OF WAY IN ORDER TO IMPROVE AND REPAIR THE ROAD.

REQUEST TO ADDRESS THE BOARD CONCERNING A REQUEST MADE TO THE ZONING OFFICE TO ESTABLISH A PRODUCE STAND IN THE GRAVES COMMUNITY AND BEING TURNED DOWN— JERILYN JACKSON ASKED THE BOARD TO CONSIDER A VARIANCE FOR HER BUSINESS LOCATED AT 3987 GRAVES HWY WHICH WOULD BE A ½ ACRE GARDEN FROM WHICH SHE WOULD SELL PRODUCE. CHAIRMAN GAMBLE INFORMED HER THAT SHE MUST APPEAL TO THE ZONING BOARD; BUT DID AGREE TO MEET WITH ZONING DIRECTOR MARTHA ANN COE AND LOOK AT A POTENTIAL WAY TO GET APPROVAL WITHOUT HAVING TO HOLD ANOTHER MEETING.

DISCUSSION ON FORGIVENES OF INTEREST AND PENALTIES ON PROPERTY OWNED BY ARGS, SASSER, GEORGIA – THE CURRENT OWNER OF THE ARGS DID NOT APPEAR. CHAIRMAN GAMBLE STATED THERE WAS NO NEED TO ADDRESS THE ISSUE AND ASKED DELINQUENT TAX COLLECTOR LINDA ANN SPILMAN TO CONTACT THE OWNER AGAIN TO ASK FOR PAYMENT WITH A TIME LINE OR ELSE HAVE FORECLOSURE BY THE SHERIFF. THE TOTAL BOARD WAS AGAINST FORGIVENESS OF THE REQUESTED PENALTIES AND INTEREST.

REQUEST TO ADDRESS THE BOARD REGARDING THE UNRESOLVED CASE OF THE AIRSTRIP ON THE PROPERTY ADJACENT TO HIS PROPERTY AND HOME ON HATTIE ALBRITTEN ROAD – DR. RONALD HARRIS STATED THE COUNTY RULED IN PREVIOUS COMMISSIONERS' MEETING THAT THERE BE NO AIRPLANE ACTIVITY ON KEN ANDREW PROPERTY AND JUDGE THURMOND IN MAGISTRATE COURT RULED FOR AIRPLANE ACTIVITY TO DESIST. DR. HARRIS REQUESTED THAT CITATIONS BE ISSUED AGAINST MR. ANDREW BASED ON THE PROOF SUBMITTED IN HIS FILE. DISCUSSION FROM THE AUDIENCE FOLLOWED. COUNTY ATTORNEY JIMMY SKIPPER WAS ASKED FOR HIS COUNCIL. MR. SKIPPER'S REPLY WAS THAT THE BOARD OF COMMISSIONERS HAD ALREADY TAKEN ACTION BY TAKING THE NUISANCE MATTER TO COURT AND JUDGE THURMOND RULED AGAINST THE COUNTY. HE BELIEVED MR. HARRIS AND THE COUNTY WOULD HAVE A DIFFICULT TIME IN PRESENTING THE MATTER AGAIN TO THE COURT IF JUDGE THURMOND PRESIDES AND HE DID NOT BELIEVE ANYTHING WOULD CHANGE. HE RECOMMENDED MR. HARRIS CONTACT THE FAA OFFICE IN ATLANTA REGARDING REGULATIONS AND SEE IF THE FAA HAS THE RIGHT TO PROCEED IN INVESTIGATING THE PILOT AND THEN PROCESS. HE STATED THAT IF THE COUNTY CAN'T PROCEED UNDER NUISANCE STATUE BECAUSE THE COUNTY BELIEVES THE MATTER IS A NUISANCE, THEN THE CASE BECOMES A CIVIL ISSUE BETWEEN THE TWO PARTIES INVOLVED. BRAD STAFFORD MADE THE MOTION TO GO ON THE ADVICE OF THE COUNTY ATTORNEY AND TO RULE THE CASE A CIVIL MATTER. LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, LUCIUS HOLLOWAY, CRIS WEBB, AND ERNEST JOHNSON. THE MOTION CARRIED.

TOWN OF SASSER'S REQUEST FOR TERRELL COUNTY TO HANDLE THEIR CODE ENFORCEMENT — MAYOR JAN JONES AND COUNCILMAN GARY FREEMAN ASKED THE COMMISSIONER BOARD TO ALLOW THE TOWN OF SASSER TO GO THROUGH THE COUNTY CODE ENFORCEMENT DEPARTMENT TO HAVE THEIR ORDINANCES ENFORCED AND TO USE THE MAGISTRATE COURT TO PROCESS CASES. THE TOWN OF SASSER OFFICIALS WERE INFORMED THAT THEIR TOWN ORDINANCES ARE SEPARATE AND APART FROM COUNTY ORDINANCES AND BY LAW THEY NEED A ZONING BOARD, CITY COURT, AND CITY JUDGE. MAYOR JONES ASKED THE COMMISSIONERS TO VOTE TO ADOPT SASSER INTO THE TERRELL COUNTY ORDINANCE OFR CODE ENFORCEMENT. DISCUSSION FROM THE AUDIENCE FOLLOWED. THE TOWN OF SASSER WAS ADVISED TO EXPLORE OTHER MEANS. DISCUSSION FOLLOWED REGARDING PROCEDURES FOR ENFORCING COLLECTION OF DELINQUENT TAXES. LINDA ANN SPILMAN WAS ASKED TO GIVE THE BOARD A REPORT AT EACH MONTH'S MEETING ON THE AMOUNT OF TAXES OWED AND COLLECTIONS RECEIVED. MAYOR JONES REPORTED THAT THE TOWN OF SASSER HAD A WELL REPAIRED LOCATED ON THE CORNER OF CHINABERRY AND CALLIS ROADS AND THAT THE COUNTY WAS WELCOMED TO USE IT FOR FREE.

BRAD STAFFORD MADE THE MOTION TO ADJOURN THE MEETING. CRIS WEBB GAVE A SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, CRIS WEBB, ERNEST JOHNSON, AND LUCIUS HOLLOWAY. THE MOTION CARRIED.

RESPECTIVELY SUBMITTED BY: Sandra O'Stean
SANDRA O'STEAN ASSISTANT TO THE COMMISSIONERS

APPROVED BY: Wilbur T. Gamble III
WILBUR T. GAMBLE III CHAIRMAN

DATE APPROVED: 9-14-17