

MINUTES
REGULAR MEETING OF THE
COLQUITT COUNTY BOARD OF COMMISSIONERS
January 17, 2012
7:00 o'clock p.m.

CALL TO ORDER: The meeting was called to order at 7:00 o'clock p.m. by Chairman John B. Alderman.

INVOCATION AND PLEDGE OF ALLEGIANCE: The invocation was given by Commissioner Winfred Giddens followed by the Pledge of Allegiance.

PRESENT: Those present were Commissioners Luke Strong, Winfred Giddens, Terry Clark, Billy Herndon, Ray Saunders, Johnny Hardin, and Chairman John B. Alderman. Also present were County Administrator Bryan C. Shuler, County Attorney Lester Castellow and County Clerk Deborah Murkerson.

APPROVAL OF MINUTES OF MEETING HELD DECEMBER 19, 2011: Commissioner Saunders made a motion to approve the minutes as presented for the meeting held on December 19, 2011. Commissioner Hardin made a second. The motion carried unanimously.

APPROVAL OF LIST OF UNPAID INVOICES: Commissioner Clark made a motion to approve payment of the list of unpaid invoices. Commissioner Strong made a second. The motion carried unanimously.

APPROVAL OF TAX RELIEFS AND ADDITIONS: Commissioner Strong made a motion to approve the tax reliefs and additions. Commissioner Hardin made a second. The motion carried unanimously.

ANNUAL APPOINTMENTS FOR PROFESSIONAL SERVICES: Commissioner Hardin made a motion to reappoint Lester Castellow as County Attorney. Commissioner Giddens made a second. The motion carried unanimously.

Commissioner Hardin made a motion to reappoint Dr. Mukul Khurana and Dr. Jeanphis Laguerre as County Physicians and Medical Review Officers. Commissioner Strong made a second. The motion carried unanimously.

The Board voiced no objections to reappointing Mauldin and Jenkins as County Auditors for 2012 in as much as they were awarded a 3-year contract in 2010.

PRESENTATION OF CHAIRMAN'S COMMITTEE APPOINTMENTS: Chairman Alderman presented his committee appointments for 2012. (These appointments are made a part of the minutes by reference thereto.)

ADOPTION OF RESOLUTION FOR QUALIFYING FEES FOR 2012 ELECTIONS: Commissioner Giddens made a motion to approve the following qualifying fees by resolution for the 2012 elections. Commissioner Hardin made a second. The motion carried unanimously.

OFFICE	BASE SALARY	QUALIFYING FEE
PROBATE JUDGE	\$56,352.46	\$1,690.57
SHERIFF	\$70,227.59	\$2,106.82
CLERK OF COURT	\$56,352.46	\$1,690.57
TAX COMMISSIONER	\$56,352.46	\$1,690.57
SOLICITOR, STATE COURT	\$39,500.00	\$1,185.00
JUDGE, STATE COURT	\$84,176.56	\$2,525.30
CORONER	\$14,560.78	\$ 436.82
COUNTY COMMISSIONER (Districts 2, 4, and 6)	\$ 4,200.00	\$ 126.00
MEMBER, BOARD OF EDUCATION (Districts 2, 3, and 6)	\$ 7,800.00	\$ 234.00

(Resolution Number 2012-R-1 is hereby made a part of the minutes by reference thereto.)

APPROVAL OF RENEWAL OF ANNUAL CONTRACT FOR FAMILY CONNECTION FISCAL AGENT: Commissioner Strong made a motion to approve the renewal of the annual contract for Family Connections as the Fiscal Agent for the Family Connection Collaborative on Children and Families from July 1, 2012 through June 30, 2013. Commissioners Herndon and Hardin made a second. The motion carried unanimously.

APPROVAL OF RENEWAL OF ANNUAL RENTAL CONTRACT FOR CHILD SUPPORT SERVICES OFFICE: Commissioner Herndon made a motion to approve the renewal of the annual contract for rental space from the Department of Human Resources, Child Support Services building

located on North Main Street for the period of July 1, 2012 through June 30, 2013. Commissioner Clark made a second. The motion carried unanimously.

APPROVAL OF PAY REQUEST FROM CONTRACTOR FOR PRISON FACILITY: Commissioner Hardin made a motion to approve a pay request from Barber Contracting Company in the amount of \$56,700.00 for their work on the new Prison Facility at the old Detention Center. Commissioner Herndon made a second. The motion carried unanimously. It was noted that the contractor's work will soon be completed and county forces will be able to complete their portion of the renovations.

PUBLIC HEARINGS

Public Hearing – Request for Residential Planned Unit Development (RPUD): The public hearing was called to order by Chairman Alderman. The hearing was duly called and advertised. John C. Peters, Zoning Official, addressed the Board stating that an application was received from Michael H. Copeland and Patricia Copeland requesting rezoning in order to place three (3) additional homes on their property for family members. The property is on a four-acre tract on B. Allman Road. The property has been used as residential and zoned R-1MH (Residential-Mobile Home). The request was presented to the Moultrie-Colquitt County Planning Commission on January 9, 2012 and recommended that the request be denied.

Michael H. Copeland addressed the Board stating that land values of the property owners had not gone down as was stated at the Moultrie-Colquitt County Planning Commission meeting last week. He further provided pictures of this property along with tax records for the Board's review. As far as an increase in traffic that was discussed, he stated that he did not see where adding three (3) mobile homes would generate such an increase in traffic as was stated. He provided paperwork from the Health Department stating that the land has been approved for additional sewage systems. He further stated that he wanted to have this property rezoned so that his aging mother and sister could move closer to him from their current homes in Florida.

Patricia Copeland addressed the Board on behalf of herself and her daughter, Kathleen Riley, who was unable to attend. She said that due to the economic situations, she and her daughter needed to move from Florida to be near her son. She purchased the property for this purpose and there was not a plan to put more that the current zoning would allow.

Linda Miller then addressed the Board representing the majority of the other property owners on this road opposed to the rezoning application. Ms. Miller stated that she had lived there for the past 32 years with a “gentleman’s agreement” that it would not become a mobile home park and now they have a large rental population with a “sea” of mobile homes. She stated that some are well maintained and others are not. She is asking the Board to uphold the zoning currently in place and not change it to prevent further traffic in as much as this is a dead end cul de sac road. Ms. Miller further stated that Mr. Copeland is actually conducting a business on this road with all of his rental property. She stated that current property owners want to keep this area as rural as they can. She reminded the Board of how Regency Village was when it first opened up and how it looks now as well as the area now known as “Little Mexico” and Circle Road. She stated that something that is bothersome to her is the fact that this could open up to future development. She stated that a piece of property is only worth what you can sell it for and that areas for sell are going far below what they owners paid for them.

Mr. Copeland rebutted Ms. Miller’s statements. He affirmed that he does have other rental properties in the area, but his mother should not be penalized for this. He stated that Ms. Miller’s statements seem to state that mobile home residents are second grade citizens. He stated that people need a place to live.

Ms. Miller addressed the Board again stating that she needed to defend herself. She said that she lived in a mobile home as a child and as a married adult and would never pass judgment on anyone for living in a mobile home. She said that she only has a problem in the rezoning of this neighborhood.

Harold Jarrell, a resident of this road for 28 years, then spoke to the Board. He stated that he had traded a double wide for a triple wide and has enjoyed it, but he doesn’t think that any more mobile homes should be placed in this area. He asked the Board to deny the application.

Mr. Copeland then confirmed that he had put one more mobile home at the back of his mother’s property, but he went through all of the codes in the compliance office and had not broken any rules.

Public Hearing – Request for Rezoning from AG (Agricultural) to C1 (Commercial): The public hearing was called to order by Chairman Alderman. The hearing was duly called and advertised. Mr. Peters addressed the Board stating that an application had been received from Hugh B. Peterson requesting rezoning in order to renovate a building on his property for his home business. The property is a 2.806 acre tract located at 2317 highway 33 South in the Autreyville area.

Mr. Peterson is a licensed federal firearms buyer and seller who would like to use a guest house on his property for his business. The request was presented to the Moultrie-Colquitt County Planning Commission on January 9, 2012 and was recommended for approval.

Hugh B. Peters, owner of Brad's Gun Shop, addressed the Board stating this home business had begun as an internet business and he is now ready to expand to outside sales, which would generate sales tax revenue for the county and the state.

Request for Zoning Code Amendments: The public hearing was called by order by Chairman Alderman. The hearing was duly called and advertised. Mr. Peters addressed the Board about the proposed amendments to the zoning code. The first amendment addresses billboards within Colquitt County to be placed in Article Number IV-General Provisions, Section 4.32; Article Number XIV – General Business District, Section 14.03; and, Article XV – Commercial District, Section 15.03. The following would be added to each of these sections:

All billboards within Colquitt County shall be erected, constructed, and maintained in accordance with the Colquitt County Building Code and provisions found in the Georgia Outdoor Advertising Act that is found under O.C.G.A. Section 32-6-70 through 32-6-97. Only those signs that are permitted by these regulations shall be erected within the County.

The next amendment requested is for Article IV – General Provisions, Section 4.34 to make the following amendments:

Delete: with the approval of the planning commission/county commission.

Add: Section 4.34(b)(4): The fence shall be one of three types: a solid material such as wood or metal; fabric with a minimum visibility of 88%; or, bottom-locking style slat for 2" chain link mesh.

Also, the zoning map, as adopted in December of 2006, needs corrections as it relates to light industrial districts that were established in the 1950's in Colquitt County and to correct the zoning for the Moultrie Municipal Airport. This amendment would change the commercial district C-3 in the area known as Industrial Drive, Industrial Parkway, Industrial Road, and Industrial Lane to M-1 Light Industrial District and to change the Moultrie Municipal Airport from AG to M-1.

Chairman Alderman adjourned the Public Hearings.

DENIAL OF REQUEST FOR RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD): Commissioner Hardin made a motion to deny

the request from Michael Copeland and Patricia Copeland for a Residential Planned Unit Development (RPUD) as discussed in the Public Hearing. Commissioner Strong made a second. Those in favor were Commissioners Strong, Giddens, Clark, Saunders, and Hardin. Commissioner Herndon abstained. The motion carried.

APPROVAL OF REQUEST FOR REZONING FROM AG (AGRICULTURAL) TO C1 (COMMERCIAL): Commissioner Herndon made a motion to approve the request for rezoning from AG to C1 made by Hugh B. Peterson for a home business. Commissioners Giddens and Hardin made a second. The motion carried unanimously.

APPROVAL OF ZONING CODE AMENDMENTS AND MAP AND ADOPTION OF ORDINANCE FOR AMENDMENTS: Commissioner Strong made a motion to approve the proposed zoning code amendments and map and to adopt the attached ordinance for these amendments. Commissioner Clark made a second. The motion carried unanimously. (Ordinance Number 2012-ORD-1 is hereby made a part of the minutes by reference thereto.)

APPROVAL OF EMPLOYEES' HEALTH INSURANCE PREMIUMS AND STOP LOSS CONTRACT: Commissioner Hardin made a motion to approve the following increases in the employees' health insurance premiums and to award the Stop Loss Contract to Gerber for calendar year 2012. Commissioner Herndon made a second. The motion carried. Commissioner Clark opposed.

<u>Participants</u>	<u>Current rate</u>	<u>Proposed rate</u>
Employee only	\$30/pay period	\$39.09/pay period
Employee/child	\$92.50/pay period	\$114.44/pay period
Employee/spouse	\$115/pay period	\$137.30/pay period
Full Family	\$150/pay period	\$152.59/pay period

COUNTY ADMINISTRATOR – BRYAN C. SHULER: Mr. Shuler presented a resolution for adoption to apply for a new Community Development Block Grant (CDBG) for the Demott Subdivision area located in Commissioner Clark's district (formerly Commissioner Saunders' district). After discussion, Commissioner Hardin made a motion to adopt the resolution to apply for the grant and to authorize the Chairman to execute all necessary documents related to this project. Commissioner Giddens made a second. The motion carried unanimously. (Resolution Number 2012-R-2 is hereby made a part of the Minutes by reference thereto.)

Mr. Shuler addressed the issue discussed in a previous meeting about the bucket truck to be used to trim overhead tree limbs effecting county road

way travel. Mr. Shuler stated that the truck did not pass inspection and would cost over \$10,000 to repair. He stated that an auction was being held Saturday, January 21, 2012 in Tallahassee, Florida and there were two bucket trucks that might possibly suit the county's needs available for sell. After discussion, Mr. Shuler asked the Board to approve a purchase of no more than \$15,000, if the opportunity presented itself, to purchase a bucket truck that would be feasible to the county's needs. Commissioner Giddens made a motion to approve this request. Commissioners Clark and Hardin made a second. The motion carried unanimously.

Mr. Shuler then addressed a request from the Colquitt County Volunteer Firefighter's Association requesting office space in the Courthouse Annex that was previously used by the Solid Waste Department. Mr. Shuler stated that the Voter Registration Office is having issues with their office space also located in the Courthouse Annex and would look into both requests to determine the best solution for the offices. Commissioner Saunders recommended that Mr. Shuler look into this situation to attempt to accommodate the Fire Department office.

Commissioner Herndon asked about the use of the old Georgia Department of Labor Building that had been discussed for several years. Mr. Shuler reminded the Board that the original agreement was that the State would give this building/property to the County to use as a records repository. However, when new administration was in office, the gift was taken off of the table and the county was offered the building for \$142,000. After inspection of the building and the necessary repairs, it was deemed unfeasible. Mr. Shuler pointed out that when the County Prison moves into their new facility this year, the administrative office section of the old prison would be suitable for the county's records repository in as much as it would be located in a more secure area on current county property.

OTHER BUSINESS: Commissioner Giddens asked about any ordinance governing scrap metal and batteries that are being reported stolen in records at this time. Mr. Shuler stated that he could not answer this question at this time, but will get back with him.

Commissioner Giddens then addressed an increase in calls he is having concerning stray dogs and cats in the county. Mr. Shuler stated that legislation is being discussed at this time to strengthen the dangerous dog laws which will in turn strengthen our animal control issues.

PUBLIC COMMENTS:

Joey Cox asked the Board to consider adopting an ordinance similar to the City of Moultrie's for the vendors who deal with scrap metal. Mr. Shuler

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stated that he would call the City of Moultrie tomorrow to get a copy of their ordinance to study.

Rufus R. Jolly asked the Board to consider a program that has been implemented in Lowndes County that reduces the costs of inmate's incarceration by using ankle monitors.

Rod Edwards asked the Board about his request at the December 19th meeting to be able to sell beer and wine at this store in the Bay Community. Mr. Shuler stated that the Board received information last week from the County Attorney on this matter and that an ordinance would have to be in place before any applications to sell beer and wine could be made. He stated that he is waiting for the Board to direct him as to what they wish to do on this matter.

With no further business to come before the Board, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

John B. Alderman
Chairman

Deborah Murkerson
County Clerk

Approved:

**COLQUITT COUNTY
BOARD OF COMMISSIONERS
APPOINTMENTS
2012**

Chairman	John B. "Benny" Alderman
Vice-Chairman	Billy Herndon
Library	Terry Clark
Dept. of Family & Children Services	Luke Strong
Health Board and MHMR	Terry Clark
Insurance Committee	Johnny Hardin and Ray Saunders
Volunteer Fire Department	Johnny Hardin, Billy Herndon, and Ray Saunders
Hospital Authority	Benny Alderman
Community Action Council	Luke Strong
Drug Task Force	Ray Saunders
E911 Planning Committee	Billy Herndon & Bryan Shuler
Recreation Committee	Winfred Giddens, Johnny Hardin, and Ray Saunders
Intergovernmental Committee	Luke Strong and Benny Alderman
Tax Assessors Office	Ray Saunders and Terry Clark
Property, Planning & Growth	Committee As A Whole

Liaison to Constitutional Officers:

Tax Commissioner	Terry Clark
Magistrate Court	Billy Herndon
Probate Court	Ray Saunders
Clerk of Court	Terry Clark and Johnny Hardin
Sheriff	Luke Strong, Johnny Hardin, and Winfred Giddens

***County Administrator is Ex-Officio Member on all committees except liaison to the Constitutional Officers.**

ORDINANCE

BE IT ORDAINED that the Code of Ordinances, Colquitt County, Georgia Appendix “A,” entitled “Zoning Ordinance” **BE AND IS HEREBY AMENDED AS FOLLOWS:**

1.

Article III, Section 3.02; Article IV, Section 4.32 and Section 4.34; Article XIV, Section 14.03; and, Article XV, Section 15.03; are **hereby amended, deleted, added, and changed** as shown on Exhibit “A” attached hereto and incorporated by reference herein, the amendments and changes to each section being shown under each section as “Change,” “Delete”, and/or “Add.”

2.

All ordinances and parts or ordinances in conflict with this Ordinance **are hereby deleted and repealed.**

3.

Except as amended and modified herein, the terms of the Zoning Ordinance, as amended, shall remain in full force and effect.

ORDINANCE adopted this 17th day of January, 2012.

COLQUITT COUNTY BOARD
OF COMMISSIONERS

BY: /s/ _____
John B. Alderman, Chairman

VOTE: 7 FOR
0 AGAINST

ATTEST: /s/ _____
Deborah Murkerson, County Clerk

EXHIBIT “A”

ARTICLE III.

List of Districts, Section 3.02 Map.

(Correcting December 2006 adopted map.)

ARTICLE IV.

General Provisions, Section 4.32(a) Signs.

Signs erected for the purpose of advertising or for displaying the names of the firm or business are permitted, provided they meet the regulations provided for hereinafter. A permit must be secured from the county building official prior to installing or erecting any permanent sign. No permit is required where permanent signs are painted on the building or premises for the purpose of displaying the firm name or for advertising, however, such signs must meet all of the other provisions as provided for herein. Signs of a temporary nature do not require a permit from the county; however, they must comply with the paragraph herein referred to as "temporary signs." Upon request, the building official will lend his assistance to a firm or business proposing to install temporary signs for the purpose of interpreting the intent of paragraph "temporary signs" following herein. No sign erected for any purpose shall be erected upon, or extend over or onto, any public property unless is specifically permitted hereinafter. Signs, banners, flags, etc., which are customarily used to advertise conventions, festivals, etc., or which may be part of a civic or community project advertisement may be erected on public property, provided permission is obtained from the county. A request from the county for a "courtesy permit" shall be made for such occasions.

Add: All billboards within Colquitt County shall be erected, constructed, and maintained in accordance with the Colquitt County Building Code and provisions found in Georgia Outdoor Advertising Act that is found under O.C.G.A. Sections 32-6-70 through 32-6-97. Only those signs that are permitted by these regulations shall be erected within the County.

General Provisions, Section 4.34 Junk and/or used auto parts yards, salvage yards, or coal yards.

- a. Screening or required fences around the entire area of junkyards and/or used auto parts yards, salvage yards or coal yards shall be at least six feet in height, provided, however, that such fences may be erected to a height not to exceed ten feet ~~with the approval of the planning commission/county commission.~~ There shall be a suitable and appropriate fence properly painted and erected in such a manner around the outside of all the lands on which such business is conducted in such manner so as to obliterate the premises from view, and such fence shall be properly maintained at all times by the owner or occupant and shall

comply with provisions of these regulations. It shall be unlawful to display any junk and/or used tires, fenders, or other auto parts or materials on or in front of such fence.

- b. In reviewing applications for junk and/or used auto parts yards, salvage yards or coal yards, in zones where permitted, the planning commission/county commission shall consider the following factors:
 1. The yard in question shall not be lower in elevation than abutting streets/roads and nearby major thoroughfares, and adjacent residential areas.
 2. Consideration should be given to noxious effects on adjacent properties.
 3. Junk in these yards may not be stacked to a height greater than the height of the fence.

ADD:

4. *The fence shall be one of three types: a solid material such as wood or metal; fabric with a minimum visibility of 88%; or, bottom-locking style slat for 2" chain link mesh.*

ARTICLE XIV.

General Business District, Section 14.03. Use permitted after special approval of the planning commission and county commission.

1. Adult entertainment establishments as permitted by Colquitt County Ordinance.
ADD:
2. *All billboards within Colquitt County shall be erected, constructed, and maintained in accordance with the Colquitt County Building Code and provisions found in Georgia Outdoor Advertising Act that is found under O.C.G.A. Sections 32-6-70 through 32-6-97. Only those signs that are permitted by these regulations shall be erected within the County.*

ARTICLE XV.

Commercial District, Section 15.03. Uses permitted after special approval of the planning commission and county commission.

The following shall be uses permitted in a C-3 district after special approval of the planning commission and county commission:

1. Wrecked motor vehicle compound.
2. Salvage yard, junkyard, used auto parts yard.
3. Adult entertainment establishments as permitted by Colquitt County Ordinance.
ADD:
4. *All billboards within Colquitt County shall be erected, constructed, and maintained*

in accordance with the Colquitt County Building Code and provisions found in Georgia Outdoor Advertising Act that is found under O.C.G.A. Sections 32-6-70 through 32-6-97. Only those signs that are permitted by these regulations shall be erected within the County.

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RESOLUTION

A RESOLUTION by the Board of Commissioners of Colquitt County, Georgia to authorize submission of a Community Development Block Grant (CDBG) application to the Georgia Department of Community Affairs (DCA) for funding under Title I of the Housing and Community Development Act of 1974, as amended.

WHEREAS, the Board of Commissioners of Colquitt County, Georgia, found that the program is necessary and desirable in order to improve the living conditions of low and moderate income persons living in Colquitt County, Georgia; and,

WHEREAS, the Board of Commissioners of Colquitt County, Georgia, desire that the CDBG application be submitted to the Georgia Department of Community Affairs for funding under Title I of the Housing and Community Development Act of 1974, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Colquitt County, Georgia, that the Chairman of Colquitt County, or his successor, is hereby authorized to submit to the Georgia Department of Community Affairs a Community Development Block Grant application and such supporting and collateral materials as shall be necessary.

SO RESOLVED, this 17th day of January, 2012.

/s/ _____
John B. Alderman, Chairman
Board of Commissioners
Colquitt County, Georgia

Voting For: 7

Voting Against: 0

ATTEST:

/s/ _____
Deborah Murkerson, County Clerk
Colquitt County, Georgia

(SEAL)