

# MINUTES

WORK SESSION OF THE  
COLQUITT COUNTY BOARD OF COMMISSIONERS  
Tuesday, February 3, 2015  
5:30 p.m.

**CALL TO ORDER:** The meeting was called to order at 5:30 p.m. by Chairman Terry R. Clark. The purpose of the meeting was to discuss upcoming agenda items and any other county business deemed necessary. The meeting was duly called and advertised.

**PRESENT:** Those present were Commissioners Winfred Giddens, Marc DeMott, Donna Herndon, Paul Nagy, Johnny Hardin, and Chairman Terry R. Clark. Also present were County Administrator Chas Cannon, County Attorney Lester Castellow, Human Resources Director John C. Peters, Finance Director Wayne Putnal, Compliance Officer Russell Moody, Sheriff Al Whittington, Captain Julius Cox, and County Clerk Melissa Lawson.

**ABSENT:** Commissioner Luke P. Strong, Jr.

**BUDGET UPDATE:** Wayne Putnal, Finance Director, presented a budget update to the board. Mr. Putnal stated that budget comparison reports were updated through December 2014, due to the fact that revenue is not reported until the month following its actual collection. Mr. Putnal declared that he had no immediate concerns regarding revenue collections thus far.

Commissioner DeMott requested clarification regarding the fiscal year observed by the county.

Mr. Putnal presented expenditures broken down by each county department and stated that to date, there were no immediate budget concerns.

Mr. Cannon opened the floor for questions regarding the budget update and stated that Mr. Putnal would provide the board with budget updates on a monthly basis.

Mr. Putnal presented Solid Waste fund figures, and declared that he anticipated substantial past due revenue collection from the most recent solid waste tax sale.

The Health Insurance fund was discussed at length, with Mr. Putnal stating that the fund must absorb a few substantial claims not covered by stop loss insurance.

**RETIREMENT DISCUSSION:** At this time, Mr. Putnal addressed a concern recently aired by a county citizen regarding a commissioner's eligibility for county retirement.

Lester Castellow, County Attorney, stated that the Georgia legislature clearly grants the authority to offer retirement to commissioners.

Commissioner DeMott stated his desire to convey a unified message that if he chose to contribute to the retirement plan that it would cost the county no more than it would a regular employee. Mr. Putnal stated that this was correct, and further stated that this was a very common practice among municipalities.

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Commissioner Herndon stated that not all commissioners take advantage of county health insurance and retirement, as she herself did not.

**BOARD PREVIEW:** County Administrator Chas Cannon presented an overview of upcoming agenda items to be previewed before the regular meeting of the board at 7:00 p.m. The following agenda items were discussed:

- Citizens Having Business With The County – Mr. Cannon informed the board that citizen David R. Cass had previously requested to be placed upon the agenda but had since removed his name. However, Mr. Cannon indicated that several citizens had indicated their desire to address the commission during the public comments section of the agenda.
- Renewal of Public Defender Services Contract – Mr. Cannon explained that the request for renewal from Judge Kent Edwards, Circuit Public Defender, would extend the contract until December 31, 2015. Mr. Cannon stated that he would examine this particular budget closely during upcoming budget deliberations, more particularly the amount of rollover funds, stating that the budget had increased yearly.

Commissioner Hardin agreed, and Mr. Putnal stated that the rollover funds in question were submitted to the Public Defender Council on an annual basis.

- 2015 Contribution to Defined Benefit Plan – Mr. Cannon informed the board that \$1,050,000.00 was included in the current budget for this expense. Mr. Cannon stated that the recommended contribution amount of \$837,975.00 would result in budget savings of \$212,325.00.
- Approval of Bid for Backhoe – Roads & Bridges – Mr. Cannon stated that Flint Equipment Company was the low and recommended bid with total bid costs of \$31,500.00. When combined with anticipated auction proceeds, Mr. Cannon stated the final costs could be as low as \$11,500.00, a combined savings of \$51,500.00.
- Approval of Bid for Pursuit Vehicle – Sheriff's Department – Mr. Cannon stated that the low bid was from Hutson Motor Company in the amount of \$23,578.00, for the provision of a 2015 Dodge Charger. Mr. Cannon explained this unit would replace Unit 9186, which was totaled during an accident at the intersection of R L Sears Road and Cool Springs Road. Mr. Cannon noted that insurance recovery funds in the amount of \$12,000.00 and anticipated auction proceeds would offset the purchase price of this vehicle by approximately \$19,000.00. He further noted that immediate funding for this purchase would be derived from contingency funds.

Commissioner Herndon inquired as to whether or not the vehicle involved in the accident was new.

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- Other County Business from County Administrator – Mr. Cannon stated that due to existing Vice – Chairman Strong’s recent health issues, he recommended the appointment of a new Vice – Chairman in order to update authorized signatures on all county financial accounts. It was the consensus of the board to appoint Commissioner Herndon as Vice – Chairman for calendar year 2015.
- Mr. Cannon suggested “piggy-backing” off of a previous bid obtained for the Sheriff’s Department in order to obtain a four door crew cab pickup truck to be utilized by the Roads and Bridges department. According to Mr. Cannon, Edwards Motors agreed to honor the previously obtained bid price of \$24,100.00 and Mr. Cannon noted that \$16,500.00 was still available in capital outlay funds.
- Mr. Cannon stated that several pieces of equipment would need to be declared as surplus before being taken to auction. Mr. Cannon explained that auction proceeds would be utilized to offset equipment purchases.
- Public Hearings – Mr. Cannon reviewed two potential amendments to the zoning ordinance that would require public hearings. Amendment to Article XIX, Section 19.02 would require the construction of a dry stack house on any new chicken house sites and amendment to Article II, Section 2.01 would establish the definition of a dry stack house. Mr. Cannon presented the board with a letter from Mr. Mike Giles, President of the Georgia Poultry Federation, urging caution regarding the implementation of these amendments.

**SOLID WASTE TAX SALE** – Mr. Cannon gave the board a progress update regarding the results of the recent solid waste tax sale. He stated that no parcels were sold and that past due collections as a result of the levy process were substantial. Mr. Cannon stated that the Solid Waste department would begin work on another delinquent list in the near future.

At this time, Mr. Castellow addressed recent concerns regarding the legality of the solid waste tax sale. Mr. Castellow stated that according to state statute, solid waste fees are to be collected in the same manner as property taxes. He further stated that, not only has the Georgia Supreme Court upheld the legality of this practice, but the United States District Court had as well.

To further update the board on solid waste revenues and expenditures, Mr. Cannon stated that the solid waste fund was in sound financial shape.

**ADMINISTRATOR UPDATES:** At this time, Mr. Cannon discussed pertinent issues to be brought to the board’s attention.

- Consideration of Impact Fee – Mr. Cannon stated that Mr. Daniel Davison and Mr. Brian Glass would like the board to consider an impact fee on any structure or facility that would require the county to construct or relocate county property. Mr. Cannon further stated the particular concern of Mr. Davison and Mr. Glass was regarding any county work that might be necessary to straighten the ninety degree

turns on J.R. Suber Road, pending the construction of a poultry operation on that road.

Mr. Castellow stated that if the county planned to assess an impact fee, it must comply with the Georgia Development Impact Fee statute, and informed the board that this would more than likely be a long and complicated process. According to research performed by Mr. Castellow, a comprehensive plan would have to be developed, as well as a list of services and capital projects.

Mr. Castellow stated that another possibility would be to consider the implementation of a special assessment fee for any such improvements on J.R. Suber Road. Mr. Castellow further stated that this would have to be based on the road frontage of every property owner along the road.

Mr. Castellow questioned if semi-trucks could safely travel down J.R. Suber Road.

Russell Moody, Compliance Officer, stated that it would be difficult along the first major curve in the road.

At this time, Mr. Daniel Davison addressed the board. Mr. Davison stated that his family owned property along J.R. Suber Road for over forty years. Mr. Davison stated he had grave concerns regarding the potential poultry development. Mr. Davison thanked the board for researching the issue of stack houses and for considering amendments to the zoning ordinance.

Realizing that the proposed development could still proceed, Mr. Davison stated that there were a number of ponds and streams located upon J.R. Suber Road that he believed constituted the designation of wetlands. Upon this discovery, Mr. Davison stated that he hired an engineer to survey the property and the engineer concluded that there were indeed wetlands that would be considered jurisdictional waters of the Army Corps of Engineers. Mr. Davison urged the board to take these findings into consideration.

Mr. Davison declared that the Warrior Creek watershed was an asset to the county and should not be subject to pollution by the potential poultry development.

Mr. Davison voiced his concern regarding Mr. Moody granting a permit when the property in question contained wetlands. Brian Glass requested that the county rescind the permit due to the presence of wetlands.

Mr. Glass voiced his concerns regarding potential damage to J.R. Suber Road itself, stating that the semi-trucks that would service the chicken houses would cause extreme damage to the road as well as endanger the safety of the residents along the road.

Mr. Davison urged the board to study the wetlands issue.

Mr. Moody stated that the parcel to the west could possibly contain wetlands and a developer was currently in the process of verifying the existence of wetlands. According to Mr. Moody, the eastern parcel that had been permitted showed no evidence of wetlands.

Mr. Davison asked that the board strongly consider an impact fee.

Mr. Cannon stated that he would have Mr. Moody research the matter regarding the eastern and western parcels of the property in question and report back to Mr. Davison.

Commissioner Herndon stated that she understood the concern for the road and the environment.

Commissioner DeMott questioned if Equity or Sanderson Farms was involved with the potential poultry operation.

Commissioner Giddens stated that he did not believe taxpayers should have to fund repairs to a road for the purpose of supplying a single poultry operation ingress and egress.

- Interviews for Compliance Office Department Head – Mr. Cannon informed the board that he was currently conducting interviews for the Chief Compliance Officer department head position.
- Lake Murphy – Mr. Cannon voiced his recommendation that the county divest the property upon which Lake Murphy is located, due to excessive partying and loitering at this location. Mr. Castellow voiced his concern that Lake Murphy might potentially be involved in a special program for watersheds. Mr. Cannon stated he would research the matter further and report back to the board.
- 10 Hour Work Days – Mr. Cannon stated he was currently looking into the feasibility of implementing 10 hour work days for certain departments, mainly for the months of April through October, in order to take advantage of the extra hours of sunlight as a result of daylight savings time. He further stated that once figures were obtained, he would report back to the board.
- House Transportation Bill (HB 170) – Mr. Cannon explained this bill would convert the state and local sales tax on motor fuel to a state excise tax, bring the rate to 29.2 cents per gallon based on a four year average price of fuel. He further explained that SPLOST and ESPLOST would remain in place until expiration of the referendums. Mr. Cannon stated this would authorize local governments to levy a \$.03 cent per gallon excise tax on motor fuel by ordinance, with the proceeds to be used for transportation purposes only. In addition, local governments would also be authorized to levy an additional \$.03 cents per gallon through local referendum to





# AFFIDAVIT

This is to certify that the Colquitt County Board of Commissioners held an Executive Session Meeting (closed meeting) on February 3, 2015 at 6:40 o'clock a.m./p.m. The majority of the quorum present voted in the open meeting to go into Executive Session (closed meeting). The subject matter discussed was applicable under the following code section(s):

- O.C.G.A. 50-14-2(1) – Consultation with an attorney regarding pending or potential legal action.
- O.C.G.A. 50-14-3(4) – Discussion of future acquisition of real estate. (Notice was given as required and minutes taken.)
- O.C.G.A. 50-14-3(6) – Discussion of personnel matters.

I further certify that the subject matter of the Executive Session (closed meeting) was devoted to matters within the exception provided by law and the above checked identifies the specific relevant exception.

This 3rd day of February, 2015.

Terry Clark  
Terry Clark, Chairman

Winfred Giddens  
Winfred Giddens, Commissioner

Donna Herndon  
Donna Herndon, Commissioner

Johnny Hardin  
Johnny Hardin, Commissioner

Luke Strong  
Luke Strong, Commissioner

Marc DeMott  
Marc DeMott, Commissioner

Paul Nagy  
Paul Nagy, Commissioner

Sworn to and subscribed before me, this 3rd day of February, 2015.

Melissa Lawson  
County Clerk or Notary Public  
My Commission Expires: \_\_\_\_\_

