

Monroe County Board Of Commissioners
March 4, 2008 Regular Session & Public Hearing Official Minutes
6 PM

Present: Chairman Harold W. Carlisle, Vice Chairman Jim Peters, Commissioners Mike Bilderback, Larry C. Evans, Jim Ham, County Attorney Mike Dillon, County Clerk Cindy Crowley and Clerk II Janet Abbott. Before Chairman Carlisle opened the meeting at 6PM, he led with a volunteer prayer and the Pledge of Allegiance.

Phil Ham—Boy’s Scout Troop 51

Troop 51 is requesting the closing of a portion of Montpelier Road, 7:30AM—9:30AM, April 12th, for a bike race for Scouts in the Ocmulgee District of the Central Georgia Council. Mr. Ham presented to the Commission that the road would be closed except for local traffic; signs and barrels will be placed at each end; adults will monitor the event; and remove all barriers and return to the road department.

Motion Commissioner Evans motioned to approve the Boy’s Scout request.

Second Commissioner Ham for discussion; he asked how many kid would be participating, response was approximately 150.

Pass 5-0, Chairman Carlisle wanted the record to show his support.

David Battle & William Scott—Requesting Water to Mt. Zion Church

Mr. Battle & Mr. Scott stated the church will need water as soon as the new church is built, and the wells on the property are in bad shape and have been on the property for many years.

No action taken. Commissioner Bilderback stated he had been working on it and he would try to obtain an easement in or near Heritage Farms to get a line to the church.

Tax Commissioner Patsy Miller—Registrar’s Office

Mrs. Miller requested, due to 15,525 registered voters in the county, the need for a full time staffed office to be provided by the Commission and that the move will have to be permanent not short time.

No action taken. The Commission requested Mrs. Miller working with Commissioner Evans, Karen Pittman and City officials for more details and the possibility of combining city and county elections and to bring information back to the Board.

Zoning Officer John Kutscher—Rezoning Public Hearing

Phillip Spiers of Spiers Investments present requesting rezoning from **agricultural to residential** for his property located on Old Dames Ferry Road (Map 111-Parcel 5A). He would like to split his 4.78 acre tract to 1½ acre tracts. He plans to sell the lots restricting mobile homes. **Mr. Brian Griner spoke in favor;** he owns the adjacent land and has nice homes located on the river. **Ms. Brenda Torstenson spoke against;** she was concerned with increase traffic if large land owners decide to request rezoning and have numerous lots added.

Motion Commissioner Evans motioned to approve.

Second Commissioner Bilderback for discussion; Commissioner Ham stated the homes should be 14 feet off the ground; Commissioner Evans states he new property owner living there during the flood were still living in their homes.

Pass 3-0, Ham abstained.

Zoning Officer John Kutscher—Conditional Use Public Hearing

Elizabeth Whitehurst present requesting conditional use in a residential district to operate a hair salon in her home located at 995 Buck Drive (Map 101A-Parcel 15). She will convert existing space to a salon and will not hire employees. **None present against.**

Motion Commissioner Ham motioned to approve.

Second Commissioner Evans, after no discussion.

Pass 4-0

Zoning Officer John Kutscher—Conditional Use Public Hearing

Robert Willis is requesting a conditional use to operate a restaurant that serves alcoholic beverages located at 6418 Hwy. 42 North (Map 36-Parcel 7B), converting part of his home in to a restaurant with separate living quarters and opening a museum.

Canceled

Abandonment of County Road 221 Public Hearing

Commission's approval of abandonment of a section of county road 221 known as the access road to the boat launch at the Old Juliette Bridge and beginning at a point where said road intersects with Round Oak-Juliette Road. **Commissioner Ham** asked how we are on the boat ramp, we said we weren't closing this road until we made a place for a boat ramp. **Commissioner Bilderback** explained when American Natural Resources donates the 3.63 acres; we will only provide a boat landing not a ramp. And hopefully with the Georgia

Department of Natural Resources we will have a concrete boat ramp at Pope's Ferry. **Eric McCollum, American Natural Resources spoke in favor**, he reminded the Commission that the company was donating 3.63+/- acres for the purpose of the county making it a public park after the closing of the road; he also reminded them of the request for a \$150,000 tax credit on the land and a sign acknowledging the company for the land donation. **No one spoke against.**

Motion Commissioner Ham motioned to abandon the road at such time as the land closes, where the County is in possession of the 3.63+/- acres that American Natural Resources (ANR) deeds to the County; and in return of the ANR deeding the land to the County, we are allowing ANR to put up a sign on the land as to who donated the land, we are going to give you (ANR) a letter for Internal Revenue purposes for the tax credit.

Second Commissioner Evans, for discussion; if the Commission decides to sell the donated land they will offer American Natural Resources a right of first refusal.

Pass 4-0

Motion Commissioner Ham motioned to offer American Natural Resources right of first refusal, if Monroe County decides the land can be used for another purpose instead of a park.

Second Commissioner Bilderback, after no discussion.

Pass 4-0

Finance Department—Barbara Baswell, Chief Finance Officer

Ms. Baswell stated that Kim Romine asked her to bring before the board; we are running very low on contingency for 2007 and some of the departments she has adjusted have excess amounts left in their budgets and she would like to ask the Board for authorization to move any of these **overages in to contingency.**

Motion Commissioner Evans motioned to allow Kim Romine to transfer any excess balances from any department in to contingency for 2007.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

Approval of Account Payable Checks 28141—28281 = \$429,755.12—Ms. Baswell

Motion Commissioner Bilderback motioned to approve the above checks.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

Finance Department—Barbara Baswell, Chief Finance Officer Budget Amendments

Resolution to Amend 2008 Budget

A resolution is required to correctly handle changes to the anticipated revenues and appropriations. The Sheriff's department received insurance reimbursement for a wrecked vehicle which will be used to purchase a new replacement vehicle.

Commission instructed Ms. Baswell to gather more information concerning budget resolutions.

Georgia Fund One Resolution Change—Ms. Baswell

The resolution change is adding Farmers Bank Health Insurance account, so that we can manage transferring funds from the general fund account to the GA Fund One Account where it will draw the best investment earnings until it is required to cover funding for the health insurance draw downs. Funds required to cover the draw will only be moved.

Motion Commissioner Bilderback motioned to approve the above resolution change.

Second Commissioner Evans, after no discussion.

Pass 4-0

Ms. Barbara Baswell stated it's not on the agenda and was suppose to be; I had gave the Clerk a resolution from BB&T to open a new bank account for the 2008 SPLOST; she asked for approval from the Commission.

Motion Commissioner Evans motioned to approve the above resolution.

Second Commissioner Ham, after no discussion.

Pass 4-0

Notice: Let the minutes show, the above resolution approval request was a BB&T signature card, which Ms. Baswell had mistaken for a resolution. **There will be no resolution signed or attached.**

Brian J. Griner—River Mist Subdivision Property Purchase

Mr. Griner stated he was in the process of purchasing a lot from Anthony and Isabel Walsh for \$100,000, in River Mist Subdivision and one of the stipulations of the restrictive covenants is that the County is offered the first right of refusal. And he asked the Commission to sign off on their first right of refusal. The Commission stated they would look at the proposal and then place the refusal on the next agenda.

OTHER COUNTY BUSINESS

Waive Reading February 19th Minutes

Motion Commissioner Evans motion to waive the reading of Feb. 19th minutes.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

Approve February 19th Minutes

Motion Commissioner Ham motioned to approve minutes any changes need to come before the Board.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

American Tower Management, LLC License Agreement

At the January 17th's meeting, the Board instructed County Attorney Mike Dillon to research the agreement; Mr. Dillon reviewed and permitted the agreement for the Board's approval and to authorize Sheriff John Bittick to sign the agreement.

Motion Commissioner Ham motioned to approve and authorize the Sheriff to execute agreement.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

BellSouth Telecommunications Authorization No: 8RY63012N Maynards Mill Road

The company plans to place approximately 330 feet of buried fiber optic cable parallel to Maynards Mill Road from the intersection of Rogers Church Road to an existing equipment cabinet. BellSouth agrees at its own expense, to the following; place the facilities; remove and relocate facilities pursuant to lawful request to do so incident to improvement of the roadway for general travel purpose; and no pavement cuts will be made.

Motion Commissioner Ham motioned to approve subject to, BellSouth meet with Cooter Waller, Road Inspector's approval due to the new utility typical sections.

Second Commissioner Evans, after no discussion.

Pass 4-0

Approve and authorize Chairman Carlisle to sign ‘Stantec Professional Services Agreement’

Stantec will perform the following services for the Strickland Loop Road Landfill; groundwater evaluation semiannually; methane monitoring and report quarterly; leachate analysis and report semiannually for the proposed fee of \$8,200.

Motion Vice Chairman Peters motioned to approve the agreement.

Second Commissioner Ham for discussion; he asked to contact Stantec and inquire into the locks on the wells. Evans had asked permission from the Board several months ago for him and Sid Banks, Road Superintendent to look in to contracting the landfill out for revenues.

Pass 4-0

Chairman Carlisle states that the City of Forsyth dumps all their garbage in to the County’s landfill at no charge in return they dispose of all the leachate. If we could find somewhere else to dispose of our leachate, we could charge the City to dump in our landfill; if the Commission is interested in looking in to that issue. Commissioner Evans suggested meeting with the City on the issue.

H.T. Maxwell, Jr., Request 2007 Tax Refund for Map 71-Parcel 6

Due to Interim Chief Appraiser Jane Newton’s letter stating the Board of Tax Assessor agreed to adjust Mr. Maxwell’s fair market value from \$42,784 to \$30,000; he is requesting a refund of his overpaid taxes of \$129.64, paid on December 19, 2007.

Motion Commissioner Ham motioned to approve refund \$129.64, due to Tax Assessors letter.

Second Commissioner Bilderback, after no discussion.

Pass 4-0

Margaret Von Seeberg Request 2006 & 2007 Tax Refund for Map 69-Parcel 4

Ms. Von Seeberg states in her letter, she had moved and received tax bills for her other tracts of land, but she forgot to call about the above property bill due to her age of 80 years, she requests a refund of \$350.45.

Motion Commissioner Evans motioned to deny Ms. Von Seeberg’s tax refund.

Second Commissioner Bilderback for discussion; Commissioner Ham stated he would like give her the refund due to her letter stating she has never been late in the past years.

Pass 3-1, Commissioner Ham opposed.

Rosemary Naughton Thomas Request Refund for Late Fee Penalties for Map 37-Parcels 17-18

Ms. Thomas states in her letter she did not receive her 2006 & 2007 tax bills, the penalties she is requesting a refund for are \$370.45 and \$351.12.

Motion Vice Chairman Peters motioned to deny Ms. Thomas' refund.

Second Commissioner Bilderback, after no discussion.

Pass 4-0

City Council & Board of Commissioners Quarterly Meetings

The City Council is requesting to begin meeting again at least once a quarter to go over any issues that may affect both City & County. Dates to consider; April 9th, 23rd or 30th (Wednesday 6PM); August 13th or 27th (Wednesday 6PM) and December 8th, 10th or 11th.

Motion Commissioner Ham motioned to invite the City Council to dinner March 18th at 4:45 PM to work on a schedule, at the expense of the Commissioners.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

Kevin Wangerin Attorney Fees

Discuss/review/decide whether to file a complaint with the Georgia Bar Association for the purpose of arbitration concerning attorney fees paid to Kevin Wangerin. **Commissioner Evans** stated this process would not cost the County any money. According to Mr. Wangerin's statements, he arbitrated and increased the assessment. Nothing of this nature occurred; the only value that increased was increased by the Georgia Department of Revenue, Mr. Wangerin claims he increased it for millions and millions. **Commissioner Bilderback** stated it did not increase above the 2002; Florida Power's letter stated, the reason they paid the extra money was to catch it up to the 2002 level so that they could not lose their appeal, because if they don't pay at the last undisputed level they lose their right to appeal, that is where the mystery money came from. Mr. Wangerin never advanced above the 2002 level, which was a trigger for him to get paid. **Commissioner Evans** states the confusion has existed to who owes what right to the point where the power companies continue to pay on the 2002 level. And a couple of power companies have sent in theirs based on the State's assessment; Dolton Power they were billed at (approximately) \$33,000 and they sent in (estimated) \$66,000. He also states he went the Tax Assessors Office got all the current values. The Georgia Department of Revenue got with Mrs. Patsy Miller, Tax Commissioner and it was determined the collection of taxes will be based on the unit method. He believes the county is due the back the money paid, because Wangerin said he negotiated the increases and that did not happen. This Board was led to believe the money would have to be refunded to these power companies, they were merely paying their advalorem

taxes; they were paying what they were billed, that is what all the records indicate none of their values increased. This Board paid Mr. Wangerin as if he had won the litigation.

Motion Commissioner Evans made a motion that the Board pursue the Georgia Bar Association to recover fees paid to Kevin Wangerin totally \$1,321,819.93.

Second Commissioner Bilderback for discussion; he was told by Mr. Wangerin that the settlement agreement was a bunch of emails the county never received. **Chairman Carlisle** stated the contract says Mr. Wangerin is due 40% of any increase of revenue and it doesn't stipulate where the money comes from and how he got it; this board signed, I was not the Chairman at the time the board signed it, I feel we need to honor the contract. He also was concerned if the county were to be awarded money, Mr. Wangerin could sue the county. **County Attorney Mike Dillon** stated the county would have to sue Wangerin to collect the money.

Vote 2-2, Evans and Bilderback in favor; Carlisle and Peters opposed; Ham abstained.

Motion did not carry.

Deputy Clerk / Human Resources Positions

Due to the retirement of Linda Jiles, Deputy Clerk/HR May 30th, the position will need filling.

Motion Commissioner Ham motioned to open the position to county employees until March 11th (5 days); if there are more than one applicant then the Commission will choose at the next meeting; if there is only one that is interested in the position then the County Clerk will phone the Board and then we can go ahead and move them in to training and that will automatically open up whatever position that person moved from to be advertised.

Second Commissioner Bilderback, after no discussion.

Pass 4-0

Terry M. Scarborough Monroe/Bibb County Line Surveyor Update Letters

Motion Commissioner Ham motioned to have Commissioner Bilderback write Mr. Wesley B. Taylor, General Counsel, Office of Secretary of State a letter explaining 'time is of an essence' and we want to move ahead and to pay Terry Scarborough the same as now; with Chairman Carlisle's signature.

Second Commissioner Evans, after no discussion.

Pass 4-0

DISCUSS AND TAKE ACTION ON ANY OTHER BUSINESS

Commissioner Evans updated the Commission on Court House progress; all renovation projects are on schedule and mostly 80% complete.

Commissioner Ham Building Authority update; he has been working with Representative Jim Cole; they have worked out the hospital and we had to exclude the roads.

Don Daniel, writer for the Reporter, brought to the Commissioners attention Tiffany Andrews' memo asking the Commission to submit a letter supporting the Governor's proposal to include \$31.3 million in the budget for the revitalization efforts at the Tift Campus for the Department of Corrections. Chairman Carlisle stated he and the other Commissioner have already received the memo from Ms. Andrews.

Commissioner Bilderback requested from the Commission to allow Smith Pipeline \$200,000 to expand water line system. He also stated he believe the engineers that are currently working on water line projects in his district should be grandfather in, due to the work that has already been performed by the engineers.

Motion Commissioner Ham made a motion to authorize himself and Vice Chairman Peters to look at Smith Pipeline contract and let them do up to \$175,000 worth of work, starting off with Searcey Drive then going to the project in High Falls.

Second Vice Chairman Peters after no discussion.

Pass 3-2, Peters, Ham, and Carlisle in favor; Evans and Bilderback opposed.

Towaliga Judicial Circuit, Thomas H. Wilson, Chief Judge Bloom Building Letter

The Commission discussed the letter received from Judge Wilson stating it had come to their attention the Bloom Building has been put on the market for sale. He supports the purchasing of the property in order to alleviate overcrowding in the Tax Assessors Office and allow for storage of court records on a temporary basis. The purchase of the building would be a short term measure and the Commission could sell the property at a future date at a price that should be substantially higher at a time when market conditions are better. **Commissioner Evans** stated he is in favor of purchasing the building and believes the contract that is held by another buyer might not be valid or go through in the near future. **Chairman Carlisle** wanted to look in to

leasing the building for a couple of years; and also stated he was told the proposed buyer had a contract and a back up contract and he believed it would go through.

IN EXECUTIVE SESSION 8:30 PM

Motion Commissioner Ham motioned to go in to executive session at 8:30 PM to discuss land acquisition.

Second Commissioner Bilderback, after no discussion.

Pass 4-0

Present: All Commissioners, County Attorney Mike Dillon, County Clerk Cindy Crowley and Clerk II Janet Abbott.

OUT OF EXECUTIVE SESSION 8:50 PM

Motion Commissioner Ham motion to come out of executive session at 8:50 PM.

Second Vice Chairman Peters, after no discussion.

Pass 4-0

Motion Commissioner Ham made a motion to hire Jim Lawton to perform a MIA appraisal for Monroe County.

Second Vice Chairman Peters, after no discussion.

Pass 3-2, Carlisle, Peters and Ham in favor; Evans and Bilderback opposed.

Notice Let the minutes show that the location of the property was discussed in executive session and will be made public in these minutes after the location is released on the _____ day of _____, 2008. The property is located at _____, and is also known as _____.

Motion Vice Chairman Peters made a motion to have Ms. Crowley look in to the ownership/lease agreement of the CVS building.

Second Commissioner Ham for discussion; Commissioner Evans states the CVS building would be to far from the town square.

Pass 3-2, Carlisle, Peters and Ham in favor; Evans and Bilderback opposed.

Motion Commissioner Ham motioned to authorize the Chairman to meet with the person that owns the property we are interested in and have it appraised and suggest the possibility of buying said property.

Second Vice Chairman Peters, after no discussion.

Pass 3-2, Carlisle, Peters and Ham in favor; Evans and Bilderback opposed.

Notice Let the minutes show that the location of the property was discussed in executive session and will be made public in these minutes after the location is released on the _____ day of _____, 2008. The property is located at _____, and is also known as _____.

ADJOURNED 8:55 PM

Motion Vice Chairman Peters motioned to adjourn at 8:55 PM.

Second Commissioner Ham, after no discussion.

Pass 4-0