



**MINUTES
JULY 25, 2017
5:30 P.M.**

**STEPHENS COUNTY BOARD OF COMMISSIONERS
HISTORICAL COURTHOUSE COURTROOM**

PRESENT FOR MEETING: Chairman Debbie Whitlock, Commissioners, Dean Scarborough, and Michelle Ivester; County Clerk Beth Rider; County Administrator Phyllis Ayers; County Attorney Brian Ranck

PUBLIC HEARING PLANNING AND ZONING

Ms. Ayers opened the public hearing. Ms. Ayers stated she would combine 1, 2, and 3 since they are the same parcel. The request is for a rezoning, conditional use and a variance to build a commercial boat storage. He is asking for a minimum side yard setback from 55 feet to 36 feet. The property is 2.5 acres and is surrounded by Residential Single, Agriculture Residential, Commercial Community and Commercial General. Ms. Ayers stated she saw no issues and is the recommendation to approve all three requests. Ms. Ayers opened the meeting for anyone wishing to speak in favor of the request. Mr. Jon West stated it is self explanatory and would appreciate the board approving this. Ms. Ayers opened the floor for anyone wishing to speak in opposition of the requests. No one spoke in opposition.

- (1) Rezoning request from Stephens County Habitat for Humanity, Inc, Petitioner Nichols & West Properties for property located at 5810 Rock Creek Road, Toccoa, Georgia 30577. Parcel 058 016. The subject property is currently zoned as Residential Single, proposed action to be taken is to rezone as Commercial Community Business District to build commercial boat storage facility.
- (2) Conditional Use request from Stephens County Habitat for Humanity, Inc, Petitioner Nichols & West Properties for property located at 5810 Rock Creek Road, Toccoa, Georgia 30577. Parcel 058 016. The proposed action to be taken is to build a commercial boat storage facility.
- (3) Variance request from Stephens County Habitat for Humanity, Inc, Petitioner Nichols & West Properties for property located at 5810 Rock Creek Road, Toccoa, Georgia 30577. Parcel 058 016. The proposed action to be taken is to build a commercial boat storage facility and is requesting a variance to reduce the minimum side yard setback from 55' to 36'.
- (4) Rezoning request from James Hopkins, Petitioner of Lloyd Campbell for property located at 2753 East Tugalo Street, Toccoa, Georgia 30577. Parcel 041A 021. The subject property is currently zoned as Commercial General, proposed action to be taken is to rezone as Residential Single to place a residence on the property.

Ms. Ayers stated this property is 1.82 acres, it is undeveloped with a concrete pad. The applicant is purchasing the property contingent upon approval of the request. He would like to erect a steel building with a portion for living quarters. Planning Commission's recommendation is to approve. Ms. Ayers opened the public hearing for anyone wishing to speak in favor of the request.

Mr. James Hopkins stated he would appreciate the board's consideration.

Mr. Owen Collins asked how high the building would be. Mr. Hopkins stated it will be around 16 feet.

Mr. Collins was asked if he was ok with the building and he stated they had no problem with it, it was at the old runway. No one else spoke in favor.

Ms. Ayers opened the floor for anyone wishing to speak in opposition. No one spoke.

1ST PUBLIC HEARING FOR AMENDING ARTICLE V - LAND USE ORDINANCE AI – AGRICULTURE INTENSIVE DISTRICT

County Attorney Brian Ranck stated this is the first public hearing with changes to the district requirements in the Agriculture Intensive District that involves the poultry operations. The County is currently under a moratorium for poultry operations. The commissioners asked staff to look at the increase of the district requirements. Mr. Ranck stated what we have is derived from the commissioners input and consultation with experts of different authorities and studies that have been done on poultry operations. There will be a second public hearing on August 8th which will be the zoning hearing, and will have more information for the commissioners to consider.

Mr. Ranck opened the public hearing for anyone wishing to speak in favor of the Land Use changes. No one spoke in favor. Mr. Ranck opened the floor for anyone wishing to speak in opposition. No one spoke in opposition. Mr. Ranck closed the public hearing.

REGULAR MEETING

Chairman Whitlock called the regular meeting to order and welcomed those present. Mr. Teasley gave the invocation and led the Pledge of Allegiance

I. APPROVE AGENDA

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve the agenda with addition of item #16 which reads: BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN LETTER OF REQUEST FOR STATE FUNDING ASSISTANCE ON BEHALF OF THE TOCCOA-STEPHENS COUNTY AIRPORT AUTHORITY. **Motion carried unanimously.**

II. APPROVE MINUTES

- 1. JULY 11, 2017 – PUBLIC HEARING - WORK SESSION & REGULAR MEETING**
- 2. JULY 12, 2017 – PUBLIC HEARING**

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to approve minutes as presented. **Motion carried unanimously.**

III. OLD BUSINESS

- 1. BOARD TO CONSIDER MOTION TO ENTER INTO AGREEMENT WITH WRIGHT MITCHELL & ASSOCIATES/ARCHITECTS AND/OR GEORGE HLAVENKA, A1A FOR PROPOSED COUNTY OFFICES AND AUTHORIZE ADMINISTRATOR TO GIVE THE NOTICE TO PROCEED**

Randall Cleveland stated the fees will be hourly with a max amount of \$10,000.

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to enter into an agreement with Wright Mitchell & Associates and authorized Administrator to give the notice to proceed. **Motion carried unanimously.**

IV. NEW BUSINESS

1. REZONING REQUEST FROM STEPHENS COUNTY HABITAT FOR HUMANITY, INC, PETITIONER NICHOLS & WEST PROPERTIES FOR PROPERTY LOCATED AT 5810 ROCK CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 058 016. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE, PROPOSED ACTION TO BE TAKEN IS TO REZONE AS COMMERCIAL COMMUNITY BUSINESS DISTRICT TO BUILD COMMERCIAL BOAT STORAGE FACILITY

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve rezoning request. **Motion carried unanimously.**

2. CONDITIONAL USE REQUEST FROM STEPHENS COUNTY HABITAT FOR HUMANITY, INC, PETITIONER NICHOLS & WEST PROPERTIES FOR PROPERTY LOCATED AT 5810 ROCK CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 058 016. THE PROPOSED ACTION TO BE TAKEN IS TO BUILD A COMMERCIAL BOAT STORAGE FACILITY

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve conditional use request. **Motion carried unanimously.**

3. VARIANCE REQUEST FROM STEPHENS COUNTY HABITAT FOR HUMANITY, INC, PETITIONER NICHOLS & WEST PROPERTIES FOR PROPERTY LOCATED AT 5810 ROCK CREEK ROAD, TOCCOA, GEORGIA 30577. PARCEL 058 016. THE PROPOSED ACTION TO BE TAKEN IS TO BUILD A COMMERCIAL BOAT STORAGE FACILITY AND IS REQUESTING A VARIANCE TO REDUCE THE MINIMUM SIDE YARD SETBACK FROM 55' TO 36'

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve variance request. **Motion carried unanimously.**

4. REZONING REQUEST FROM JAMES HOPKINS, PETITIONER OF LLOYD CAMPBELL FOR PROPERTY LOCATED AT 2753 EAST TUGALO STREET, TOCCOA, GEORGIA 30577. PARCEL 041A 021. THE SUBJECT PROPERTY IS CURRENTLY ZONED AS COMMERCIAL GENERAL, PROPOSED ACTION TO BE TAKEN IS TO REZONE AS RESIDENTIAL SINGLE TO PLACE A RESIDENCE ON THE PROPERTY

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve the rezoning request. **Motion carried unanimously.**

5. BOARD TO CONSIDER THREE NOMINATIONS EACH FOR THE HOSPITAL AUTHORITY BOARD MEMBERS MARK WILKINSON AND DR. ROBERT SLATE FOR TERM EXPIRING SEPTEMBER 14, 2017

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to postpone. Motion carried unanimously.

6. BOARD TO CONSIDER MOTION TO APPROVE ACCG GROUP HEALTH BENEFITS PROGRAM HEALTH AND WELLNESS PROGRAM GRANT APPLICATION AND AUTHORIZE CHAIRMAN TO SIGN

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to deny the ACCG Group Health Benefits Wellness Program grant application. **Motion carried unanimously.**

7. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN THE ACCG GROUP SELF-INSURANCE WORKER'S COMPENSATION FUND SAFETY DISCOUNT VERIFICATION FORM

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to authorize Chairman to sign safety discount verification form. **Motion carried unanimously.**

8. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN THE ACCG INTERLOCAL RISK MANAGEMENT AGENCY FOR PROPERTY AND LIABILITY SAFETY DISCOUNT VERIFICATION FORM

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to authorize Chairman to sign safety discount verification form. **Motion carried unanimously.**

9. BOARD TO CONSIDER MOTION TO RE-APPOINT FLOYD MEANS TO THE STEPHENS COUNTY BOARD OF FAMILY AND CHILDREN SERVICES FOR A FIVE YEAR TERM ENDING JUNE 30, 2022

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to re-appoint Floyd Means to the Stephens County DFACS Board. **Motion carried unanimously.**

10. BOARD TO CONSIDER MOTION TO AUTHORIZE ADMINISTRATOR TO SIGN FY 2017 AUDIT LETTER OF ENGAGEMENT WITH MAULDIN & JENKINS

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to authorize Administrator to sign letter of engagement. **Motion carried unanimously.**

11. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN STATE OF GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES LETTER OF SPENDING FOR FY 2018 FUNDS

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to authorize Chairman to sign State of Georgia Division Of Family And Children Services letter of spending for FY 2018. **Motion carried unanimously.**

12. BOARD TO CONSIDER MOTION TO APPROVE FY2018 BUDGET AMENDMENT FOR COUNTY CLERK AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve budget amendment and authorize Chairman to sign resolution. **Motion carried unanimously.**

13. BOARD TO CONSIDER MOTION TO AWARD GEOTECHNICAL SERVICES BID FOR W. CURRAHEE STREET (DICKS HILL PARKWAY)

Ms. Ayers stated you have the RFP in your agenda that Keith Canup wrote; Smith Engineering made a recommendation on what should be in the RFP. We have a letter from J M Smith Engineering, the

current conditions and some history some things to put in there and some concerns. Ms. Ayers stated if you recall, we moved the third lane of traffic off of that slope so that there were only two lanes; we contacted Patterson Pump and made that agreement with them and that is the way it has been since we closed the third lane. We do know the Road Department has been up in the pipe, we do know that one of the situations is water going in and not sure where it is coming out of. We need a firm to do these borings, there would be at least eight borings could be more into the property to access it if we have a significant issue on that road. We may have to have a road closure to fix it which will cost a massive amount of money or re-routing the traffic to another road. Chairman Whitlock stated we have different options, or we could do nothing that she did not recommend that. Ms. Ayers stated we could do nothing, but we have a letter with recommendations from a consultant. Chairman Whitlock stated she was in agreement; we do need to have this done to determine what the issues are and we can make a decision on these findings. Ms. Ayers stated that Keith sent out a bid package and asked Smith Engineering to help grade the bids against the requirements from the bid package. Ms. Ayers stated that Keith needed another person in case it was a tie, and she asked Randall to get up to speed on the bid package. Randall sat in and did some ratings with Smith engineering and Keith and he can answer some of these questions. In your document you have a summary of four people that bid; we have high bid of \$63,000 and a low bid of \$13,500. You have your recommendations and scoring to go with Nova Engineering at \$29,750. You have their package and if you look under the comments Nova had a lot more detail and visited the site, they are certified by GDOT, so it is our recommendation to go with Nova. (Randall Cleveland made comments but was not audible). Ms. Ayers stated NOVA came to the site and all scoring was unanimous for NOVA and the scoring was done separately. Ms. Ayers stated to pay for this we could use contingencies from General Fund or SPLOST VI or other money from another contract coming in we will recoup money off of that and we can determine that later. Commissioner Ivester stated that she rode out and took a look around and she also rode down Davis Mountain to see if we have a good alternate route if we have to close the road; given that the trucks are coming Patterson Pump. Davis Mountain would have to be paved; we cannot leave that a dirt road. Commissioner Scarborough stated it would have to be paved and widened. Commissioner Scarborough asked about the box culvert that was put in six years ago; he asked if that was not long enough from the slope to cause the degrade. Ms. Ayers stated she was not sure what caused it. In Smith Engineering's letter there is several things going, the City has a main water line that has concrete on it, he mentioned that could be part of the problem the culverts and the way the soil has settled. Mr. Cabe is the closest to the movement to the earth. We have confirmed the water is going in and not coming out. Ms. Ayers stated before we start we will get letters to the neighbors to sign Hold Harmless agreements. A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to award bid to Nova Engineering. **Motion carried unanimously.**

14. BOARD TO CONSIDER MOTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TOCCOA FOR ROAD WORK ON 26 CITY STREETS

Ms. Ayers stated that she, Keith Canup, Randy Smith, and the asphalt specialist at the Road Department have walked the roads listed; the total cost to the County for the 26 roads listed will be \$647,947.45. The list you have as exhibit A describes the work on the streets; we are not doing the same work on all the streets. The material cost is \$470,291.65 and we have agreed, we have what the City is responsible for and we have what the County is responsible for. We are not taking all the heads out of the department so we can keep our mowing crews going; we will only do pavement work. We will not be flagging, striping or milling and estimate about six weeks of work and plan to integrate with roads you approved for the county. Commissioner Scarborough stated the City's estimated savings to them is about \$140,000; we are making above our cost; that will help us with our equipment. It is good to cooperate. Chairman Whitlock stated the City and the County both benefit from this.

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to enter into an agreement with the City of Toccoa. **Motion carried unanimously.**

15. BOARD TO CONSIDER MOTION TO ADOPT BUILDING PERMIT FEES FOR PERSONAL WIRELESS SERVICE FACILITY TOWERS

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to adopt building permit fees. **Motion carried unanimously.**

16. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN LETTER OF REQUEST FOR STATE FUNDING ASSISTANCE ON BEHALF OF THE TOCCOA-STEPHENS COUNTY AIRPORT AUTHORITY

Mr. Will Cobb stated the reason they are asking the County and the City to sign the letter is because the FAA does not recognize the Airport Authority as a sponsor. Mr. Cobb stated they have already paid for projects but will get reimbursed for them.

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to authorize Chairman to sign letter. **Motion carried unanimously.**

I. INVOICES OVER \$5,000

1. **SOUTHEAST EMULSIONS - \$8,175.15**
2. **HANSON AGGREGATES - \$5,627.67**
3. **ACREE OIL - \$8,807.25**

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to pay the invoices.

II. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR/FINANCE REPORT
2. DEPARTMENT REPORT
3. COMMISSIONERS REPORT

III. MATTERS FROM CITIZENS – TIME LIMIT OF THREE (3) MINUTES

IV. EXECUTIVE SESSION – PERSONNEL

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to enter into executive session for Personnel at 6:45 p.m. **Motion carried unanimously.**

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to reconvene regular meeting at 6:58 p.m. **Motion carried unanimously.**

V. ADJOURNMENT

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to adjourn regular meeting. **Motion carried unanimously.**

Approved this _____ day of _____, 2017

Debbie Whitlock, Chairman

Attest:

Beth Rider, County Clerk