



**MINUTES
OCTOBER 10, 2017
8:30 A.M.**

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

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

LAND USE PUBLIC HEARING

1. REZONING REQUEST FROM STEPHEN WALLACE PETITIONER, 2347 HWY 145, EASTANOLLEE, GA 30538. PARCEL 055 006. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE 2.17 ACRES OF THE PROPERTY TO AGRICULTURE GENERAL/RESIDENTIAL DISTRICT TO BUILD A HOME

Ms. Ayers stated this property in total is 19.34 acres, and currently has a residence. The request is to divide 2.17 acres for a residence; the property is in a mixed use area of agriculture and residential. The use is in conformity with the policy and intent of the plan and the recommendation is to approve. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request.

Mr. Stephen Wallace stated they are looking to build an 1800 square foot house which is surrounded by family land.

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

2. VARIANCE REQUEST FROM JAMES HOPKINS, 2753 EAST TUGALO STREET, TOCCOA, GA 30577. PARCEL 041A 021. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT. THE PROPOSED ACTION TO BE TAKEN IS TO BUILD A 60X50 SHED TO BE CONSTRUCTED ON EXISTING CONCRETE PAD WHICH WILL EXCEED THE GROSS GROUND FLOOR OF THE PRINCIPAL BUILDING MEASURED BY SQUARE FOOTAGE

Ms. Ayers stated we have had some zoning history on this property. Section 1409 (8) of the Land Use Ordinance requires a variance in the case of an accessory building's gross ground floor area exceeding the principal building measured by square footage. The accessory building is 3,000 square feet and the principal building is 736 square feet. The accessory building will be used for storage and will be the second building on the lot. The Planning Commission's recommendation is to approve. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request.

Mr. Jimmy Hopkins stated he has started his house, and found out his shed is larger than his home and he would have to get a variance. Ms. Ayers opened the floor for anyone wishing to speak in opposition, no one spoke in opposition. Ms. Ayers closed the public hearing.

REGULAR MEETING

Chairman Debbie Whitlock called the regular meeting to order at 9:10 a.m. and welcomed those present. Mr. James Addison gave the invocation and led the Pledge of Allegiance.

II. APPROVE AGENDA

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

III. APPROVE MINUTES

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

IV. OLD BUSINESS

1. BOARD TO DISCUSS FARMERS MARKET BUILDING

Ms. Ayers stated we have discussed not putting any more money into that building and moving the Farmer's Market to the ASI/Gem building. We put the Farmer's Market building up for sale without a minimum bid and we ended up rejecting the bid. The last motion was for us to consider putting it back up for sale and put a minimum bid on it. Randall is here and we have had some interest and seeing if there's anything we can do to that roof as cheaply as possible and reinstate it as a Farmers Market building. You have a quote from Robert Hamby to install a new .060 mil TPO roof system for \$16,375; you have a Roesch Construction for a new roof for \$52,000; you have a third quote of \$9,500 from Robert Hamby to patch what is there. We discussed where the money would come from; we talked about it at the end of the budget year. We had some projected available fund balance we could take it from and we had money set aside for a four year financial recovery from the Goodwill building and contingencies. Ms. Ayers stated there are several areas because we did end up raising the millage another half mil which added another \$250,000 of property tax revenue.

Randall Cleveland explained the roof situation and what could be done (inaudible)

Randall Cleveland stated if we put the rafter you wouldn't have to do the \$9500; the \$9500 is for the TPO. Commissioner Scarborough asked if you do the \$16,000 do you still have to do the \$9500. Randall Cleveland stated "yes". Commissioner Scarborough stated that would make it \$25,875.00.

Chairman Whitlock stated you are looking at two different systems which is a retro one where they will put down some beams and channels and a metal roof over the existing roof; another option that would save us some money would be to do the built up roof. Ms. Ayers stated Roesch Construction is not a flat roof. Randall Cleveland stated the TPO is a rubberized roll, they will roll it out; it has worked good, we have it at the Health Department and some of our other flat roofs that have been there eight or nine years. Chairman Whitlock asked the life expectancy of the roofs. Randall Cleveland stated 20-30 years. Chairman Whitlock asked about a metal roof. Randall Cleveland stated around 50 years; the color will usually fade but it has a longer life expectancy. With a metal roof you do have to go back and replace the washers when you get a leak. Chairman Whitlock asked if we go with a flat roof does that come with assurances. Randall Cleveland stated it would have a warranty. Ms. Ayers asked for Randall to discuss any other issues in the building once we fix the roof that might be another issue. Randall Cleveland stated we need exhaust fans in the building; the floor is uneven in places but overall it is a decent building. It does not have heat and air; the plumbing is good it has been redone and the bathrooms need a little work. Randall stated overall it is a pretty good building except for the roof. Commissioner Bell asked about the electrical system. Randall Cleveland stated it is an older electrical system, it has copper wiring. Chairman Whitlock stated either roof we still need a heating and air system. Randall Cleveland

stated we can use the exhaust fan; we have one but we will need to replace it. Commissioner Scarborough stated it sounds like from discussion on the outside the farmers would like to stay there. Chairman Whitlock stated she was good with them being there; at this point they have fought hard, we need a Farmer's Market here. Commissioner Bell stated what we need to realize is the problem we had in the past; it can't be a Walmart, we have to have someone to oversee it to make sure everything is done right. Commissioner Scarborough stated we probably need to put them in charge and have a representative group of just the people that use it and let them govern it. Attorney Brian Ranck stated when you are referring to Walmart you are talking about things that are not kin to the Farmer's Market. One thing you might look at, you could adopt some policy's to govern that; they would dictate what uses could be made of it and create some kind of committee to oversee it. You could adopt a policy that spells out a Farmer's Market type use versus Walmart. Commissioner Ivester stated she knew this was a dire need but she has been speaking with an entity who wants to do a project and this may be something that would be right up their alley. Commissioner Ivester stated she would like to see if they would take this on and possibly pay for the roof, it is a strong possibility they might. Commissioner Ivester stated she would like to postpone this vote until the next meeting to talk with the group. Commissioner Scarborough stated since this is a dire need and you find out any word before the next meeting maybe we could have a called meeting. Randall Cleveland stated as long as the rain doesn't get under it; it is a pretty big area that is rotted. The 2x4's in that section are falling on the floor. Ms. Ayers stated it could actually fall.

A motion was made by Commissioner Ivester, seconded by Commissioner Bell to postpone until the next meeting for Commissioner Ivester to find out something and will have a called meeting if needed.

Motion carried unanimously.

2. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN ADVANCED ENVIRONMENTAL MANAGEMENT, INC CONTRACT AWARDED ON SEPTEMBER 26, 2017

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

V. NEW BUSINESS

1. TIM MARTIN TO UPDATE BOARD

Mr. Tim Martin gave an update on Stephens County Development Authority Activities. Mr. Martin stated last fiscal year they worked on eleven locations or expansions for a total of \$23.2 million; they are just shy of 400 jobs. Mr. Martin worked with DOT for a Ribbon Cutting Ceremony on the new 17 Hwy. Mr. Martin updated about the sanitary sewer project. Mr. Martin discussed buildings that have been sold or looking to sell; the expansions of Nifco KTW. Mr. Martin stated he represented Toccoa and Stephens County in Turkey and Germany and visited the home offices of Nifco KTW and Sark Wire. Mr. Martin stated the industry represents 35% of the total digest; he worked with Taylor Communications to extend their lease for another 11 years. Mr. Martin is continuing his work with Southeast Metals for their rail spur grant. Mr. Martin thanked the board for their support with the NextSite Retail and the Hospitality projects.

Elizabeth Jones, Administrative Assistant share their website and marketing efforts and stated she is reaching out on all media outlets.

No motion needed.

2. BOARD TO CONSIDER MOTION TO APPROVE OR DENY THE REZONING REQUEST FROM STEPHEN WALLACE PETITIONER, 2347 HWY 145, EASTANOLLEE, GA 30538. PARCEL 055 006. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE 2.17 ACRES OF THE PROPERTY TO AGRICULTURE GENERAL/RESIDENTIAL DISTRICT TO BUILD A HOME

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

3. BOARD TO CONSIDER MOTION TO APPROVE OR DENY THE VARIANCE REQUEST FROM JAMES HOPKINS, 2753 EAST TUGALO STREET, TOCCOA, GA 30577. PARCEL 041A 021. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT. THE PROPOSED ACTION TO BE TAKEN IS TO BUILD A 60X50 SHED TO BE CONSTRUCTED ON EXISTING CONCRETE PAD WHICH WILL EXCEED THE GROSS GROUND FLOOR OF THE PRINCIPAL BUILDING MEASURED BY SQUARE FOOTAGE

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

4. BOARD TO CONSIDER MOTION TO LIFT THE LOCAL STATE OF EMERGENCY DATED SEPTEMBER 12, 2017

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to lift the Local State of Emergency. **Motion carried unanimously.**

5. BOARD TO CONSIDER MOTION TO REJECT PUBLIC WORKS EQUIPMENT TRANSFER BIDS

A motion was made by Commissioner Ivester, seconded by Commissioner Bell to reject the equipment transfer bids. **Motion carried unanimously.**

6. BOARD TO CONSIDER MOTION TO APPROVE FY2018 BUDGET AMENDMENT FOR RECREATION DEPARTMENT AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve FY 2018 budget amendments and authorize Chairman to sign resolution. **Motion carried unanimously.**

7. BOARD TO DISCUSS AMENDING CHAPTER 6 OF THE ALCOHOL ORDINANCE SEC. 6-70. REQUIRED REPORTS AND NOTICES AND SEC. 6-71 GROSS SALES REQUIREMENT

Ms. Ayers stated we have a seasonal business that cannot meet the requirements; you have our current ordinance that was adopted locally and it is highlighted what is required. We have looked at State language and cannot find anywhere it requires you to have this in your local ordinance. We have people by our ordinance that we could pull their licenses who are not meeting this. Ms. Ayers stated you might want to consider moving this all together or adding something for seasonal. Mr. Ranck stated he went over the States for alcohol sales and licensing; this question came up a few months ago and was asked if the sales ratio is dictated by State Law and we did not find anything.

Mr. Ranck stated his assumption is this is something that was put in your ordinance at the time it was adopted. The concept is to prevent gas stations from becoming a package store; as far as State law, Mr. Ranck stated he did not see anything out there. Ms. Ayers stated she asked County Clerk Beth Rider to reach out to the other clerks to see what their license state. It is common language, for example; the gross income from the sale of malt beverage and wine shall not exceed 40% of the gross income from total retail sales. Columbia County does not require sales tax records; the only license type they request must have at least 50% of food and that is a restaurant. Commissioner Scarborough stated we are specifically talking about businesses that are affected during off months; at the lake is pretty slack. Ms. Rider stated we only have one business that is Dutch Bait; the previous business was John's Bait Shop. They only sale chips, water, cokes and beer. Chairman Whitlock asked if their sales were down all year except with the exception of summer. Ms. Rider stated they are only open six months of the year. Chairman Whitlock asked if we could add language about seasonal. Commissioner Scarborough stated we should specify that. Commissioner Bell stated he thought the seasonal verbiage was best. Commissioner Scarborough asked if any others were close in margin. Ms. Rider stated everyone else is in compliance. Mr. Ranck stated you want to create an exception for seasonal type businesses. Commissioner Ivester stated or Not Applicable for businesses selling under a certain amount of dollars per month. Mr. Ranck stated you mean gross sales regardless of everything, not just food or alcohol. Ms. Rider stated the business asked if the board would consider lowering their fee. Commissioner Scarborough stated he would not agree to lowering the license fee because you only want serious businesses doing this. Mr. Ranck stated how do we define seasonal, six months or less. Ms. Ayers stated by law we could revoke their license. Chairman Whitlock stated she would not want to do that. Commissioner Scarborough stated he would make a motion to review for next 30 days without revoking their license to look at the possibility of seasonal; if we don't reduce the fee they probably will have to do away with it. Chairman Whitlock asked if we could do something with the sales, maybe a different sales amount. Mr. Ranck stated you could look at doing two exemptions; 1) for seasonal operation; and 2) exempt from that requirement if under certain threshold of gross sales. Chairman Whitlock stated if someone wants to have a bait shop where they sell chips and beer we want them to be able to do that. Mr. Ranck stated the County gets revenue from the alcohol license, you could look at some type of threshold; not sure what the number would be maybe \$500 or exempt. Ms. Ayers stated we get revenue from beer and wine taxes; they are turned in on time every month by distributors. Commissioner Scarborough asked if we could check that by what they report. Ms. Ayers stated you can't because it is at the distributor level and you can't trace it back to a store. Ms. Ayers stated she had tried that before. Ms. Ayers stated we will have a 30 day review but do not revoke their license while under review and look at seasonal and how to define it.

A motion was made by Commissioner Scarborough, seconded by Commissioner Bell to look into a possible seasonal exemption and threshold. **Motion carried unanimously.**

VI. INVOICES OVER \$5,000

- 1. ACREE OIL CO. - \$6,660.30**
- 2. ACREE OIL CO. - \$10,307.75**
- 3. C.W. MATTHEWS - \$13,813.51**
- 4. CENTRAL RESTAURANT - \$5,482.00**

A motion was made by Commissioner Bell, seconded by Commissioner Ivester to pay the invoices. **Motion carried unanimously.**

I. MATTERS FROM DEPARTMENTS

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

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

III. EXECUTIVE SESSION – PERSONNEL & POTENTIAL LITIGATION

A motion was made by Commissioner Bell, seconded by Commissioner Ivester to enter into executive session for personnel and possible litigation at 9:24 a.m. **Motion carried unanimously.**

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to reconvene regular meeting at 9:50 a.m. **Motion carried unanimously.**

IV. ADJOURNMENT

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to adjourn regular meeting at 9:50 a.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2017

Debbie Whitlock, Chairman

Attest:

Beth Rider, County Clerk