



**MINUTES**  
**NOVEMBER 14, 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

**REGULAR MEETING**

Chairman Debbie Whitlock called the regular meeting to order at 10:00 a.m. and welcomed those present. Mr. Teasley gave the invocation and led the Pledge of Allegiance.

**I. APPROVE AGENDA**

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to approve the agenda with the addition of Item #7. **Motion carried unanimously.**

**II. APPROVE MINUTES**

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

**III. OLD BUSINESS**

**1. BOARD TO CONSIDER MOTION TO ADOPT OCCUPATION TAX RATE SCHEDULE**

Ms. Ayers stated the board had suggested getting the average of the City and applying a rate across the board. A rate across the board was getting ridiculous as the gross sales got up; Ms. Ayers stated she scratched that altogether. The first page is taking the average of the City and we had another comment to have less breaks in it than what we had. It seems that more cities use number of employees and Forsyth does too. The next meeting will be the first formal public hearing for the ordinance and December meeting will be the second public hearing and adoption of the ordinance. Commissioner Scarborough stated he had made the comment about less brackets. We could start out with anything under \$200,000 is \$100 that cuts out four brackets. Chairman Whitlock stated and the rest would remain the same. Commissioner Scarborough stated unless you want to group another group up to \$750,000; Commissioner Scarborough stated he was just looking at the first four. Ms. Ayers stated one thing she added was if anyone had gross sales of more than \$5 million they would come to the board. Commissioner Ivester asked if we added anything about pop-up shops. Ms. Ayers stated in the ordinance we did. Commissioner Ivester asked if we could put a fee schedule with that. Ms. Ayers stated what we did inside the ordinance, we took the schedule information completely out of the ordinance and said it would be set by the governing authority so that when you adopt the ordinance you are not actually adopting the schedule at the same time; that helps because you don't have to go back through a public hearing as long as the County Attorney is okay with the different classes of schedules. We could add

that later. County Attorney Brian Ranck stated he would like to see what the board comes up with today and then from there verify it for legal purposes. Commissioner Scarborough stated we are looking at two different things; we are looking at established businesses in the community, and someone that is here for the weekend or a day. Commissioner Ivester stated there is a place on Big A Road, she stated she has no problem with yard sales and everybody is entitled to have a yard sale; but they are having a yard sale almost every day so it has become more of a business versus a yard sale. Commissioner Ivester stated she would like to see something cover that. If they are going to do that they need to follow the same guidelines as a thrift store. Ms. Ayers stated what Commissioner Ivester is saying is if someone has a yard sale they wouldn't follow this tax schedule. Mr. Ranck stated if they conduct business a sufficient number of days they should be treated like any other business. Commissioner Ivester stated this in particular person is having it every single day and she believes it is multiple people. Mr. Ranck stated that would be a business. Ms. Ayers stated she thinks that would be a business and can address that in the ordinance, we excluded yard sales, but we can add a yard sale definition. Commissioner Ivester stated they are not going to claim that on their 1099. Ms. Ayers stated you would not have any proof of gross sales you would just charge a flat fee. Commissioner Ivester stated we would need to verify what we would consider a yard sale, would we do that in the ordinance. Ms. Ayers stated in the ordinance is where you need to define the difference between a pop up yard sale versus long term. The fee of what we charge them would be either added on to this for a temporary one day business for a flat fee of \$25. Commissioner Scarborough asked Ms. Ayers to look at a couple of people's definitions of a yard sale. Commissioner Ivester stated the City did something. Chairman Whitlock stated yes the city had this issue; she did not mind if people operate something like that as long as it is organized and well kept. Commissioner Scarborough stated if it is a business it is a business; if it is a yard sale, garage sale or estate sale, those are short-term and never intended to be a continual operation. Commissioner Ivester stated this particular one is super junky and it makes our town look really bad when you come in and see all that junk scattered all in the yard. Ms. Ayers stated it has turned into a flea market. We defined yard sale in the last one and can't remember what we put as the definition, but will go back and revisit it. Commissioner Ivester stated we need to charge enough to make it not so easy to do that. Ms. Ayers stated if they don't keep it orderly and clean it becomes a nuisance. Commissioner Ivester asked the Marshal if there was anything that we can do now about having a yard sale every day. Marshal Tony Addison stated he would go out and check to see if they have permits. Chairman Whitlock asked if anyone had complained and what were the complaints. Commissioner Ivester stated yes, that it was junky. Commissioner Scarborough stated the main thing look at in the definition; it is not a yard sale, it is a business. Commissioner Scarborough stated he didn't like to have yard sales because they are a lot of work. Mr. Ranck stated his suggestion is not to get too caught up in what a business is; technically we don't care what the business is, it is what it is. We should look at the number of days it operates and how you are going to apply the occupation tax, either to gross revenue or employees. The distinguishing factor is the number of days it operates that is an objective standard, number of days it operates. Chairman Whitlock stated maybe she should go by and chat with them. Commissioner Scarborough stated it is best we establish in our ordinance of what we want and what we don't before we go talk to somebody. Commissioner Ivester stated if we don't address it we will have more and more if we allow that to happen. Ms. Ayers stated we will look back at the definition and take that into account. Mr. Ranck stated it sounds like a consignment shop and that should be treated different than a yard sale. Commissioner Scarborough stated you definitely don't want to restrict people that want to gather a few things and put it in their yard for a garage sale or yard sale; you want that to be allowed. Mr. Ranck stated it also becomes a question of the use in that particular district from a land use standpoint; that is something else you have to look at. Is it a commercial operation and when are they conducting the business. Chairman Whitlock stated they could be in violation if it is residential. Mr. Ranck stated again that goes to the question whether it is a business or a true yard sale.

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to adopt the occupation tax rate schedule with one change anything \$0 - \$200,000 will be \$100 and the rest would remain the same and come back and amend with a temporary fee. **Motion carried unanimously.**

#### IV. NEW BUSINESS

1. BOARD TO CONSIDER MOTION TO APPROVE OR DENY ALCOHOL RENEWAL FOR CALICO GENERAL STORE; MILL CREEK GATHERING; ROYAL FOOD STORE #28; ROYAL FOOD STORE #32; JAPNOOR FAST FOOD, INC.; SHELL MOUNTAIN MART

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

2. BOARD TO CONSIDER MOTION TO SET QUALIFYING FEES FOR 2018 ELECTION AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to set qualifying fees and authorize Chairman to sign resolution. **Motion carried unanimously.**

3. BOARD TO CONSIDER MOTION TO APPROVE THE GEORGIA FIREFIGHTER'S CANCER BENEFIT PROGRAM FROM ACCG AND AUTHORIZE CHAIRMAN TO SIGN THE APPLICATION AND PARTICIPATION AGREEMENT

Ms. Ayers stated the annual premium is estimated at about \$13,494, we budgeted \$25,000 based on what we first heard we would have to pay. This is a much better number, we have about 100 firefighters.

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to approve the Georgia Firefighter's Cancer benefit program. **Motion carried unanimously.**

4. BOARD TO CONSIDER REQUEST TO AUTHORIZE STAFF TO MOVE FORWARD IN ADOPTING A FALSE ALARM ORDINANCE FOR COUNTY FIRE SERVICES

Ms. Ayers stated this request came from the Chief Coordinator and the Chief's Council; this is a sample of an Alarm Resolution from the City of Lavonia; the Council wants to start charging. Commissioner Scarborough asked is that any false alarm or is that an alarm from an automatic alarm system. Chairman Whitlock stated Dennis explained to her it is from an automatic alarm system; if it keeps going off and it doesn't get fixed. Commissioner Bell stated it is not someone calling in, that is covered under state law. This is for malfunctioning alarms; if they have three or four during a month, they are fined. Commissioner Scarborough asked if this is the same kind of thing for burglar alarms, but this is fire. Commissioner Bell stated it needs to be everything if we do it. Mr. Ranck stated if you want to do this he would suggest not do a resolution, it needs to be an ordinance. We looked at some of this in the past when this came up and we can incorporate whatever language the volunteers want. Mr. Ranck stated to clarify it is his understanding this covers if you have ADT alarm system anytime they get an alarm call that dispatches to public service responders and it is not related to a true emergency. This would cover any kind of activation of that alarm that meets the definition that you come up with. In this resolution there are things that exclude that talks about what doesn't constitute a false alarm. Chairman Whitlock stated can we get Danielle to see what the statistics are. Commissioner Scarborough stated maybe she can look into the numbers of false alarms we have; if we are not having that many this may not be necessary. Commissioner Bell stated he would recommend getting some research before we do this.

Commissioner Ivester stated it happens all the time in real estate when a realtor goes to look at a house if someone has set the alarm and forgets to unset it, it will go off. Mr. Ranck stated Morgan County has an ordinance that he has looked at previously treated like some of the language that he can tweak it and make it your ordinance if you want to do it. Ms. Ayers stated she will get with Danielle and Jamey to get a number of false alarms. Ms. Ayers stated she could tell from experience because she has to come here personally at least four times a week; if the birds fly certain way or the wind blows the alarm goes off. Chairman Whitlock stated she has a problem with the ordinance if you're not doing anything wrong and there is no Mal intent there; like you said something setting off an alarm that you have no control over. Commissioner Bell stated a lot of people get confused on this; it is not really trying to get the homeowner. If you have any of the alarm companies it is their responsibility to get it fixed. Chairman Whitlock stated the homeowner is the one that is going to be hit with that and they are going to be forced to go up against the company to recoup their money. Commissioner Bell stated that is the reason you have to research what is going on; some ordinances don't go against the homeowner it is against the companies. Ms. Ayers stated she would call the City of Lavonia and see if when they put that in place did it decrease; or what it did for them. Commissioner Ivester stated she thinks the alarm companies themselves charge you if you have one to go off continuously. Mr. Ranck stated you have technical problems like a bad sensor or things like that, and sometimes just equipment malfunction.

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

5. BOARD TO CONSIDER MOTION OF REMOVING A PART TIME POSITION FROM THE SENIOR CENTER'S FY 2018 BUDGET IN THE AMOUNT OF \$20,285.82

Ms. Ayers stated we had our budget retreat; we went back and had another budget retreat and Commissioner Scarborough and Commissioner London were not there. We brought people in and had a lot of discussions and we verbally said when this position retired we wanted to remove it and not fund it. The timing of when this position retired was right at June 15<sup>th</sup>. Ms. Ayers stated we didn't know when that position would retire; we adopted the budget the next four or five days. There was no amendment or change to the budget and this is to formalize a verbal request. The Senior Center Director Lisa is here to discuss this position. Chairman Whitlock asked before we had our budget retreat you had your position, full-time and part-time position; what positions did you have filled before we did anything? Ms. Thomas stated she had two full-time and two part-time. Chairman Whitlock asked now you have what. Ms. Thomas stated she has two full-time, one was on medical leave but she is back; and one part-time. Chairman Whitlock asked does that exclude you. Ms. Thomas stated that includes me. Ms. Thomas stated she didn't know if they realized it or not but the elderly population for the first time ever has surpassed the youth; senior services are more important than ever. Ms. Thomas stated when she started with the senior center almost 10 years ago we had two full-time and three part-time; we had been reduced down to two and two. As it is now with two and one we have been that way since Barbara retired. Ms. Thomas stated the part-time we have now is a stellar employee but she is limited, she is hearing impaired. Ms. Thomas stated on the back page of what she had given the board are some messages that the part-time employee took for her and she did finally get her to start putting the number down, because she wasn't doing that at first. Ms. Thomas stated sometimes she and the other full-time employee can't be there and with the pool being shut down, the exercise room is being used a lot more. Sometimes we have to close for half of the day because we don't have the extra position to keep it open. Ms. Thomas stated what she gave you was a list of things, just a few things we do on a regular basis. Ms. Thomas stated she put her mission statement on here because a lot of times people have the misconception that we just want to have fun and go on trips; we do provide a lot of services for seniors in our community. We do have in our mission statement activities and fun listed last these are the most

important. Ms. Thomas stated she would like to propose instead of doing away with the position totally as it is already budgeted for, if we reduce it from 30 hours to maybe 25 no less than 20; at 25 hours we would save \$5,335 a year. The Senior Center we do have one of the smallest budgets in the county, we are on a shoestring budget but we are doing well with what we have. If we could possibly keep this position even though Barbara was full-time she did have full benefits; if we were to hire someone it would be without benefits and that would be a savings as well. Ms. Ayers stated this figure does not include benefits she relinquished her health years ago. Commissioner Bell stated you need this position. Ms. Thomas stated we need this, we are stretched and it has put a hardship on us not having that position. Commissioner Bell stated Meals on Wheels takes a lot of time. Ms. Thomas stated yes, that takes a lot of time doing 70 meals five days a week. Commissioner Bell asked do ya'll deliver. Ms. Thomas stated yes we do have volunteers that deliver but we do have to deliver some ourselves. Chairman Whitlock asked Ms. Ayers when we were looking at this and we know as she stated this is one of our lower budgeted departments, didn't we look at surrounding counties for Senior Center budgets. Ms. Ayers stated it seems like we did but can't recall for sure without getting the folder. Ms. Thomas stated we are the only county that is not let subsidized by Legacy Link that is a plus for our County; when you are subsidized by Legacy Link you have federal guidelines you have to stay in compliance with. One is congregant meals where you offer meals for \$.50 a day and it ends up providing more of a soup kitchen atmosphere instead of a Senior Center atmosphere. Ms. Thomas stated we have had three county leaders from surrounding counties come to our senior center and want to know how to have a successful center. One reason they do not is because they are subsidized; a neighboring county said they were close to providing the funding that we have and we are not subsidized. Chairman Whitlock stated she believes we have one of the better senior centers around and she applauded Lisa for that. Commissioner Scarborough asked if Legacy Link and Triple A were about the same type of thing, which is area assistance. Ms. Thomas stated no, it is not the same. Commissioner Ivester stated if we did 25 hours it would only be about \$15,000 versus \$20,000. Chairman Whitlock stated we initially adopted a very conservative budget because of concerns and unknown because of mandates that came from the state. We didn't know what our budget was going to look like; Chairman Whitlock asked Phyllis what would it look like if we give \$15,000 to the Senior Center for part-time position. Ms. Ayers stated what she can tell you is we have had discussion over the last few weeks, when we went to our budget session she had projected a growth in our fund balance of \$438,000 which Ms. Ayers stated she always gives herself a cushion because there are a lot of people's financials that feed into our financials that is part of the big pie. Ms. Ayers stated when she closed the books; we did do better than the \$438,000. Ms. Ayers stated the auditors left on Friday and they finished their fieldwork but we don't have the draft of the fund balance growth they blessed yet. Ms. Ayers stated in her opinion she would not look at giving any of the extra growth away until we see exactly what it is. Ms. Ayers stated she had other agencies calling and they are going to be doing the same thing here. Commissioner Scarborough stated that was his suggestion also, we always have a mid-year budget retreat and we can look at the gap that exists from previous budget or changes that have evolved since that time; Commissioner Scarborough stated he would suggest to address this along with all the other changes at mid-year budget retreat. Ms. Ayers stated we can do that, by next week they should have the draft that will let you know what your growth is; you can look at a hard-core number for fiscal year. Commissioner Ivester stated you have \$12,000 you just saved from the firemen's insurance where we budgeted \$25,000 and we are only going to end up spending \$13,000. Ms. Ayers stated she figured the firemen are going to ask for that extra. Commissioner Scarborough stated that way we have an opportunity to look at the entire picture instead of a piece here and there. Ms. Ayers stated she received a call yesterday from an agency asking now that the audit is over, they wanted to know if we have any extra money what it is looking like; if they might get some of their funds back. Ms. Ayers stated that she told them the same thing she just told you. Commissioner Scarborough asked Lisa between now and then can you write up a job description for that position. Ms. Thomas stated yes. Ms. Ayers stated she already has one and that position is actually titled

Kitchen Coordinator; even at our next meeting November 28<sup>th</sup> you will probably have your fund balance number by then if you want to postpone this for one meeting. Commissioner Scarborough asked Ms. Ayers if she had a summary of what she expected to be asked by others. Ms. Ayers stated yes, and we know Title Ad Valorem Tax is completely un-budgetable and it did do better; next year you just cannot get your hands around that number any longer. That is a scary figure that has been a big figure for us. Ms. Ayers stated in Magistrate Court we made a change at the middle of the year and Anne Pickett is doing a great job; Magistrate receipts were up. Clerk of Court receipts were astronomically up. Ms. Ayers stated there were five or six revenues that came in better, there were positions that are pretty tight; the department heads that are here can vouch for this, during the year there are positions if someone leaves and we do everything we can to squeeze every dollar out and not fill the position until we have to have it. Ms. Ayers stated when you get your fund balance growth you'll get a full financial report with commentary, it is going to be a combination of about six revenue line items that came in better; a couple with spending that came in better. In January we were trying to figure out what the Election office would spend in the next six months and that is not easy to do. Ms. Ayers stated at the next meeting you should have a concrete number. Chairman Whitlock asked Lisa to come back and defend her position.

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough to postpone until mid-year budget retreat. **Motion carried unanimously.**

6. BOARD TO CONSIDER MOTION TO APPROVE FY2018 BUDGET AMENDMENT FOR DISTRICT ATTORNEY, SENIOR CENTER, GENERAL ADMINISTRATION, ECONOMIC DEVELOPMENT, E911 AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

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

7. BOARD TO CONSIDER PRESENTATION OF TATE LAW GROUP

Mark Tate with Tate Law Group gave a presentation to the board stating he represents people who have been harmed by other people's negligence. Mr. Tate stated he works with another attorney group out of New York City and they have been working on cases they are filing against major pharmaceutical manufacturers and distributors. Mr. Tate stated we have an Opioid crisis in this country that affects all walks of life. Mr. Tate would like for the board to retain his services for any lawsuits against Pharmaceutical manufacturers and distributors. **No motion needed.**

## V. INVOICES OVER \$5,000

1. ELECTION SYSTEMS & SOFTWARE, LLC - \$6,980.00
2. ROAD PRODUCTS, INC - \$18,597.60
3. ACCG - \$22,539.00
4. C W MATTHEWS - \$43,219.10
5. C W MATTHEWS - \$41,240.52
6. C W MATTHEWS - \$45,026.33
7. ACREE OIL - \$10,012.02
8. ACREE OIL - \$5,586.40

A motion was made by Commissioner Ivester, seconded by Commissioner Scarborough 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**

Ms. Hilde Rice - Ms. Hilde Rice addressed the board stating she has a dog problem next door. There is an aggressive dog that is her neighbors that has chased her five-year-old and seven-year-old grandson. She stated the dog barks every time they are outside. Ms. Rice stated the neighbor on the other side has a dog about the size of the Great Dane and that dog has chased her and her grand children down the driveway. Ms. Rice stated she has lived in her home for 26 years; she has never been a proponent of the leash law and does not want her grandchildren's face ripped off before anything is done. Ms. Rice stated she did not know what her expectations are of the board but when she contacted animal control they told her to call 911. Ms. Rice stated that is wasted County time and money. Mr. Ranck stated initially he was going to say to call the animal control. We have had people come and talk about leash laws and tethering, tethering of dogs is just as bad and creates more of an aggressive dog. If the board is intent on the leash law we can get one; Mr. Ranck stated he has always been a proponent of the law that states you have to keep your dog on your own property if that means you have to get a fence. If the animal leaves its property then you can get a citation; it comes down to being a responsible animal owner. Ms. Rice stated her neighbor is not a responsible animal owner. Commissioner Scarborough asked has the animal control addressed this with the owner. Ms. Rice stated no, he told her to call 911. Ms. Rice stated we are afraid to shoot the dog we don't want to get in trouble and stated that she is carrying pepper spray when she goes out. Commissioner Scarborough stated wasp spray works wonderful; we will look into the animal control on this issue. Ms. Ayers stated we will get this to the Humane Shelter Director.

Mr. Rick Duerr stated he lives at Jenkins Ferry and was a volunteer fireman. Mr. Duerr stated he wanted to suggest having blue reflective markers on the roads to designate where a fire hydrant is located so that the firefighters can easily locate the hydrants at night. Ms. Ayers stated we had a fellow that clocked in the long and latitude of every fire hydrant; we have a GIS layer that has every fire hydrant on it and we made a map book and all the firefighters have one of these of the entire County. The roads are alphabetically and it shows where the hydrants are located. Commissioner Scarborough stated it is a positive thing but if you scrape the roads when you have snow or ice then they pop off; visually it is a good thing. Ms. Ayer stated there are areas that have a lot of hydrants none of the firefighters have complained and this was a four your project.

## **III. EXECUTIVE SESSION**

## **IV. ADJOURNMENT**

A motion was made by Commissioner Scarborough, seconded by Commissioner Ivester to adjourn the regular meeting at 10:17 a.m. **Motion carried unanimously.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Debbie Whitlock, Chairman

Attest:

\_\_\_\_\_  
Beth Rider, County Clerk