



**MINUTES
FEBRUARY 13, 2018
8:30 A.M.**

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

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

REGULAR MEETING

Chairman Michelle Ivester 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 London, seconded by Commissioner Scarborough to approve the agenda as presented. **Motion carried unanimously.**

**II. APPROVE MINUTES – JANUARY 23, 2018 – REGULAR MEETING
FEBRUARY 1, 2018 – COMMISSION PLANNING SESSION**

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

III. OLD BUSINESS

1. BOARD TO CONSIDER MOTION TO PLACE SUNDAY ALCOHOL SALES ON A BALLOT AND ADOPT RESOLUTION AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

Mr. Ranck stated this is a resolution authorizing Sunday sales for County Commission level and calls for the election. The Board of Elections will run with this and schedule referendum if adopted.

Commissioner Bell stated he feels like this should be up to the citizens of the county to vote on this.

Commissioner Bell stated he did not like it, but they need to vote on it. Chairman Ivester stated we can't put a lot on a ballot for the citizens to vote on and she thinks it is very important that we do this for the citizens to vote on and she is in favor of getting this on the ballot.

A motion was made by Commissioner London, seconded by Commissioner Whitlock to approve Sunday Sales to be placed on a ballot, adopt resolution and authorize Chairman to sign. **Motion carried 4-1; Commissioner Scarborough opposed.**

IV. NEW BUSINESS

1. BOARD TO CONSIDER MOTION TO DECLARE SATURDAY, APRIL 14, 2018 AS AMNESTY DAY AND AUTHORIZE DOUBLE TIME PAY TO ROAD WORKERS

Commissioner Whitlock stated she was not sure she agreed for double time pay for the road workers. She stated she worked seven days a week and never got anything but time and a half. Ms. Ayers stated realistically if we don't pay double time, time and a half won't cut it; it will not bring them out. If you have ever been up on top of that hill with boots on the ground all day long with five people, double time brought them out. Ms. Ayers stated Stanley has been up on the hill a long time during the day with her, we can do time and a half but we need a lot of volunteers; that is where the double time came in not all the road workers come out but half do.

A motion was made by Commissioner Bell, seconded by Commissioner Scarborough to declare April 14, 2018 as Amnesty Day and authorize double time pay for road workers. **Motion carried unanimously.**

2. BOARD TO CONSIDER MOTION TO RE-APPOINT MARK WILKINSON TO THE PLANNING COMMISSION BOARD FOR A FIVE YEAR TERM

A motion was made by Commissioner Scarborough, seconded by Commissioner Bell to re-appoint Mark Wilkinson to the Planning Commission for a five year term. **Motion carried unanimously.**

3. BOARD TO CONSIDER MOTION TO APPROVE FY 2018 BUDGET AMENDMENT FOR ROAD DEPARTMENT AND AUTHORIZE CHAIRMAN TO SIGN RESOLUTION

A motion was made by Commissioner Whitlock, seconded by Commissioner London to approve budget amendments and authorize Chairman to sign resolution. **Motion carried unanimously.**

4. BOARD TO CONSIDER MOTION FOR A VARIANCE FOR CHERYL BERRY TO LIVE IN A CAMPER ON 634 YEARWOOD STREET

Ms. Berry stated she lived in an RV at 634 Yearwood Street and she keeps it very clean. She stated she has stage 3 lung cancer; she has no family left alive. She is trying to get on Social Security Disability and it will be hard to find a place and ask the board to reconsider allowing her to live there. Chairman Ivester asked Ms. Berry if she currently worked. Ms. Berry stated she works 21 to 22 hours a week, a few hours a day and is a shift Manager at Bojangles. She is currently under a doctor's care. Chairman Ivester asked Mr. Marvin Brown about a mobile home he had stated at the Town Hall meeting that he had he could put on the property. Mr. Brown stated he would have to buy one. Chairman Ivester asked Mr. Brown how soon that would be. Mr. Brown stated no, we have one RV moved out that they wanted moved it is gone. We are looking for some mobile homes.

A motion was made by Commissioner Whitlock, seconded by Commissioner London to approve variance for Ms. Berry to live in a camper. Commissioner Scarborough asked if the board wanted to make a special variance for illness instead of a blank variance. Commissioner London stated this variance would be just for Ms. Berry. **Motion carried unanimously.**

5. BOARD TO CONSIDER MOTION TO GRANT A VARIANCE TO AMERICAN WOODMARK FOR THE LOCATION OF A SIGN ON THE CORNER OF CLARY CONNECTOR AND WOLFPIT ROAD ACROSS FROM THE CEMETERY

A motion was made by Commissioner Scarborough, seconded by Commissioner Whitlock to grant the variance to American Woodmark for the location of a sign. **Motion carried unanimously.**

6. BOARD TO CONSIDER MOTION TO ALLOW AMERICAN WOODMARK TO TRENCH IN A LOW POWER 120 VAC CABLE INSIDE OF COUNTY RIGHT OF WAY ON WOODMARK DRIVE TO POWER LIGHTING IN A NEW SIGN

Ms. Ayers stated we sent Mr. Gruber out to look at the location and the information is in your packet. Mr. Joe Moore stated American Woodmark has a sign at the end of Woodmark Drive that is a little sign, it is a 3x5 unlit sign for we have had for 15 years; we have a lot of traffic and visitors and they have a hard time finding us. We would like to have a better looking sign. You have photographs that show the markings of how far away which is about 200 yards. Our position is not going to be detrimental to the church, our sign will be lit but it will be a low light; we have trucks coming in at night that has a hard time finding us.

Mr. Ranck stated he would suggest doing an agreement if they damage the County right of way or roadway they would have to cover the cost. Looking at the aerial will there have to be a boring under the road. Mr. Moore stated we have gone and trying to get Georgia Power to see if they would drop a line out there or not lighting the sign at all, we didn't want to give up on that unless we had to. They offered to put a transformer out there for \$6,000.00 to provide power, we would have to bore under it from our property go diagonally across County right of way. We would have to located services and yes we will be responsible for any damages. Mr. Ranck stated the board can add that to their motion to condition it based upon them giving a Hold Harmless responsibility for any damages.

A motion was made by Commissioner Scarborough, seconded by Commissioner Whitlock to allow American Woodmark to trench in the County right of way on Woodmark Drive. **Motion carried unanimously.**

7. BOARD TO CONSIDER MOTION TO APPROVE CONTRACT RENEWAL #2 WITH PARKER TRAFFIC MARKING SERVICES AND AUTHORIZE ADMINISTRATOR TO SIGN LETTER

A motion was made by Commissioner Bell, seconded by Commissioner London to approve contract renewal #2 with Parker Traffic Marking Services and authorize Administrator to sign. **Motion carried unanimously.**

8. BOARD TO CONSIDER MOTION TO APPROVE A SPEED ZONE ORDINANCE FOR ROADS LISTED ON RESOLUTION #257-02-2018 AND AUTHORIZE CHAIRMAN TO SIGN

A motion was made by Commissioner Bell, seconded by Commissioner Scarborough to approve a speed zone ordinance for roads and authorize Chairman to sign resolution. **Motion carried unanimously.**

V. INVOICES OVER \$5,000

1. **ACREE OIL - \$11,571.28**
2. **ACREE OIL - \$5,990.70**
3. **AFFORDABLE ROOFING - \$8,437.88**
4. **B & C MECHANICAL - \$7,902.00**
5. **YANCEY - \$9,900.95**

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

VI. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR/FINANCE REPORT

Finance Report - Ms. Ayers stated this is a summary of the financial report; we have closed the books formally for the first half fiscal year. Revenues are coming in where we budgeted, your Tax Commissioner has already topped out at the collection rate budgeted figure. Between 97 and 99 is what we usually not budget all the way to 99 so anything from there on out will help offset any losses. We only have two revenue items one is significantly under and one is significantly under that are offsetting each other, the other revenue items are just little here and there. General Fund Revenue is not any real significant issues. Your expenditures are running 2.94 favorable for the first half of the year which means if we were to continue on this route for the next six months your fund balance will grow. Most of that is due to we budget a full open all of our positions and benefits and there are departments that had someone leave or hasn't filled or rotated out and that ends up being a savings to the budget. Your Local Option Sales Tax is so close to the same time period last year it is .25% compared to July through December 2016.

Administrator report – Ms Ayers stated we have the ball rolling with engineers for Dick's Hill and therapeutic pool; both are working to give us a timeline. They are working on the bid documents to go out. The naming of the Old Highway 17, the deed is still in DOT hands that will be coming before you and they are going to do more patchwork on Old 17 than what they got done last year. Ms. Ayers stated we are not at a place and she has a letter that states it will revert back to the County.

2. DEPARTMENT REPORT

3. COMMISSIONERS REPORT

Commissioner London stated he had a Board of Health meeting and they wanted to thank Randall and Phyllis for all the help they have had on the generator, they really appreciate it. Commissioner Scarborough asked if there was any reimbursement on that. Ms. Ayers stated the State paid for the generator portion, the County paid for our portion of the install and the City paid for the gas hook up. We have received our check from the State.

Chairman Ivester stated Tim Martin, Mayor Austin and Elizabeth went to seven different industry visits last week. Due to the Trump Tax incentive CMC was able to give every full time employee a \$1,000 bonus. Just wanted to let everyone know that is something positive going on right now.

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

Mr. Kicak stated at last month's meeting we brought to the attention of the board the variance you allowed for a camper type trailer to be put within our subdivision we felt was not applicable to put in there. We didn't have our paperwork at the time; we did go out and get it. From December meeting to the January meeting, at the January meeting we ask you to reverse that decision, that variance that you allowed. That is based on our restrictive covenants that have been in place since February 24, 1973. It strictly forbids permanent structures to be put on that sight, strictly camping sites. You were misrepresented by the people in South Carolina that own that lot and Mr. Henderson that specifically told you that lot was going to have a portable office stored on it and this is what they brought (shared pictures with board). That was not what they represented when they were here in December, that is a shipping container with one door in and one door out. Mr. Kicak stated he did not believe it meets

the housing codes. They have it there permanently and it exceeds our restrictive covenants number eight which reads camping longer than 35 feet that is in excess of 45 feet. Our restrictive covenants are very clear as to what can be placed in a specific area within our subdivision. This is filed at the state and gives us the right to operate. We have not heard anything since the January meeting and that is why we are here today to find out what is going to be done with this structure. Three years ago we had another one next door on lot 10 that we had to get removed because they put their camper on blocks and that is considered a permanent structure. He is going to come out and see this and want to know why he can't keep his there. There is no way in the county any of you would have that in your neighborhood. That is a shipping container, which is not a house or place to live in. Mr. Kicak stated it is not even safe to just have one door in the house, how will he get out if there is a fire. We are requesting this be reversed and the people that put it there have to remove it because the variance was given under false pretenses. Mr. Kicak told Mr. Ranck that he had dropped off a copy of the covenants at his office. Mr. Kicak stated he was not sure how they got a septic tank, he stated he has the documents registered with the County there was never a septic system authorized for that area and don't know where the pipe is going. We need to get a final decision, it is in violation of our covenants and we are trying to work with the County to keep it clean and straightened out. This is the position we have been put into to get it resolved. Mr. Ranck suggested it would be relevant to know what the board approved is what is installed, if certain representation was made to the board that this was what it was going to be placed out there and if it is different; that is something that should come to your attention. We should send Phil Gruber out to do an inspection, he did the first time and had an opinion on it and then compare what he saw with the opinion of what is on the ground and report back. Mr. Ranck stated he understood they were approved for septic and may have misunderstood that; we need to go to the Health Department and make sure they have actual septic approval and not some home installed system out there. Mr. Ranck stated he thought that was part of the representation by applicant that they have septic approval. Chairman Ivester stated she thought they had septic approval as well. Mr. Kicak stated the document he has shows no lot for Section K was to ever be approved by the Health Department to have a septic system installed, it is too hilly and it is only strictly for campers and tents. He stated he would share the documents after the meeting. Mr. Ranck stated he would have Beth contact the Health Department for the specific lot. Commissioner Scarborough stated he had a question, that was a December meeting and he was representing the County at a Strategic Planning Session for the Region; he remembered a little of the discussion prior to that and were they not making a commitment to fix that up to a livable status like windows and doors. Chairman Ivester stated no, that was something that she recommended. Mr. Kicak stated that is what they said at December meeting they were going to make it habitable that the church was going to donate time, labor and materials to have that done. There were three commissioners present at the meeting and they said they were bringing it up to code and one of the questions and main concern of one of the commissioners if this could be taxed and you resolved that if it was a structure on there if permanent it could be taxed. Mr. Kicak stated it is not allowed to be a permanent structure and we are stuck between a rock and a hard place. Chairman Ivester asked Ms. Julie Paysen if she found out an answer about the septic. Ms. Paysen stated they were approved for septic. Commissioner Scarborough asked if the variance as permanent or temporary. Ms. Ayers stated it was a permanent variance. Mr. Ranck stated he would have Beth pulled the minutes of that meeting there were no specific aesthetics that were added. We will check to see what is out there in comparison to what was presented and verify the septic application and look at the conditions and make sure they are met. Commissioner London stated Mr. Gruber had a pre-inspection and made recommendations and requirements of egress windows. Commissioner London asked Mr. Kicak if the pictures he presented after it was completely done. Mr. Kicak stated those were what he took this week. Commissioner London asked if the gentleman was living there. Mr. Kicak stated he had not seen him the last couple of days; he is also violating other rules where he cannot have a business on that site, he is selling firewood and has also pitched a couple of tents. Those are issues we are dealing with but have not been able to get in touch with him. Those are issues we are dealing with

but have not been able to get in touch with him. Commissioner London stated we need to find out if Mr. Gruber issued a CO. Commissioner Scarborough stated just like Ms. Berry it is something to offer a variance for special needs and this gentleman understandably has special needs and think we should always specify a time frame and special needs reason for putting that variance to a vote and passing it. Mr. Kicak stated at the December meeting they specified this man was homeless, the man was not homeless; they were not totally honest with you. He receives SSI of almost \$1,000 a month and \$300 in food stamps; he is homeless because he wants to be, he didn't pay his bills and was evicted. He chose to go buy a tent and move into Shorewood because land was available and didn't have permission to be where he was. The Marshal has told him he had to move several times and he would just go to another lot; through the church is how he got here. He has been misrepresented as far as the board is concerned from the time we came in December; we do have compassion for people we help people all the time and do not charge them. If due diligence had been done you would have put it on hold and done an investigation and we might not be here today. (Ms. Paysen was making a comment but it was not clear). The Board thanked Mr. Kicak.

VIII. EXECUTIVE SESSION – Personnel and Real Estate

A motion was made by Commissioner Whitlock, seconded by Commissioner Scarborough to enter into executive session for personnel and real estate. **Motion carried unanimously.**

A motion was made by Commissioner Scarborough, seconded by Commissioner London to reconvene regular meeting at 10:07 a.m.

IX. ADJOURNMENT

A motion was made by Commissioner Scarborough, seconded by Commissioner Bell to adjourn the regular meeting at 10:07 a.m. **Motion carried unanimously.**

Approved this _____ day of _____, 2018

Michelle Ivester, Chairman

Attest:

Beth Rider, County Clerk