

# MINUTES

CALLED MEETING OF THE  
COLQUITT COUNTY BOARD OF COMMISSIONERS  
Tuesday, March 17, 2015  
5:00 p.m.

**CALL TO ORDER:** The meeting was called to order at 5:00 p.m. by Chairman Terry R. Clark. The purpose of the meeting was to discuss various county issues and any other county business deemed necessary. The meeting was duly called and advertised.

**PRESENT:** Those present were Commissioners Winfred Giddens, Marc DeMott, Donna Herndon, Paul Nagy, Johnny Hardin, and Chairman Terry R. Clark. Also present were County Administrator Chas Cannon, County Attorney Lester Castellow, Solid Waste Manager Stacy Griffin, Finance Director Wayne Putnal, Chief Compliance Officer Justin Cox, Shop Superintendent Mac Lawson, and County Clerk Melissa Lawson.

**ALSO PRESENT:** ABM Representative Jason Anderson.

**ABSENT:** Commissioner Luke Strong, Jr.

County Administrator Chas Cannon called upon Finance Director Wayne Putnal to present a monthly budget report to the board.

**BUDGET UPDATE:** Mr. Putnal presented an overview of the General Fund, stating that to date, 99% of property tax revenue had been collected.

Mr. Putnal informed the board that revenues exceeded expenditures by approximately \$4,500,000.00, and emphasized that this figure did not include reserve funds.

The remaining major county financial funds were discussed in length, including the E-911 Fund, Health Insurance Fund, and Solid Waste Fund. Mr. Putnal noted that the Solid Waste Fund also had an excess of revenues over expenditures.

**SPLOST REVIEW:** At this time, Mr. Putnal reviewed the following SPLOST accounts with the board:

- **1999 SPLOST** – Mr. Putnal explained that this SPLOST referendum was utilized to renovate the Courthouse, and stated that the current balance was less than \$1,000.00. He further explained that this account had been utilized to construct the Annex Courtroom, and fund HVAC repairs in the Annex.
- **2002 SPLOST** – Upon reviewing this account, Mr. Putnal explained that the balance consisted mainly of funds designated for the Development Authority. In addition, he stated that \$250,000.00 in this account was intended for the purchase or possible construction of a records repository to be utilized by the county.
- **2007 SPLOST** – Mr. Putnal noted that approximately \$5,000,000.00 was remaining in this account, with a significant amount of these funds intended for road projects. He further noted that this account could be utilized to fund any necessary

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renovations that might be necessary upon the implementation of an energy savings program.

- **2013 SPLOST** – Mr. Putnal stated that the balance in this account was approximately \$6,000,000.00, but stressed that shortfalls in proceeds were currently being realized. Mr. Putnal projected that over the life of this particular referendum, only \$31,000,000.00 would be collected. Mr. Putnal also predicted that 62% of revenue shortfalls would be in the form of the county's portion of the referendum.

Mr. Cannon reminded the board that the shortfall in 2013 SPLOST collections would directly impact road projects in the various districts.

Discussion ensued regarding SPLOST proceeds and collections.

Chairman Clark stated that he had recently received inquiries regarding the balance of SPLOST funds intended for the Economic Development Authority.

Commissioner DeMott asked if the revenue collected on cell phone lines also included pre-paid cellular phones. Mr. Putnal stated that it did, with this revenue being remitted annually from the state of Georgia.

Commissioner DeMott also questioned the original intent of the records repository included on the 2002 SPLOST referendum. Mr. Putnal explained that the original intent was to purchase the old Department of Labor building. He further explained that the Old Prison was also considered as a potential location, but upon further research, was not proven to be cost effective.

Mr. Cannon informed the board that budget updates would be presented on a monthly basis, with emphasis to be placed upon the Solid Waste Fund, due to future expansion and endeavors.

Commissioner Hardin questioned if the recent side-loading garbage truck purchase had been derived from the Solid Waste Fund. Mr. Putnal replied that it was budgeted in this fund, under capital outlay.

In closing, Mr. Putnal urged the board to contact him with any questions or concerns.

Mr. Cannon declared that Mauldin & Jenkins would present audit results at the next mid-month review meeting.

**COMPLIANCE FEE SCHEDULES:** At this time, Mr. Cannon called upon Justin Cox, Chief Compliance Officer, to present fee schedule changes for the board's consideration. To the board, with the changes consisting of an additional pivot system electrical permit of \$100.00, stressing that this was currently being charged but not indicated as a separate fee.

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In addition, Mr. Cox proposed the addition of a demolition permit fee, stating that if a property owner were to perform the demolition, there would be no charge. However, if a contractor were to perform the work, the \$100.00 permit fee would be applicable.

Mr. Cox explained that these changes were being implemented in an earnest effort to streamline operations in the Compliance Department, and stated that no changes were being proposed to the zoning fee schedule.

Commissioner Herndon questioned what leverage the county may have, if any, when a contractor commenced a project but did not complete it. Mr. Cox explained that the county did possess leverage, and further explained that the leverage existed through enforcement of the property maintenance code.

Commissioner Herndon voiced concerns regarding an area within her district that was often used to facilitate yard sales. Mr. Cox stated that he would research the matter.

Discussion ensued regarding the property maintenance code.

Mr. Cannon stated that he instructed Mr. Cox to focus on nuisance abatement and the enforcement of existing ordinances.

Commissioner Nagy voiced concerns regarding a burnt home site within his district that, to date, had not been cleared or cleaned. Mr. Cox stated that if necessary, this could also be addressed through enforcement of the property maintenance code.

Mr. Cannon proposed that the board consider the implementation of the fee schedule changes for the Compliance Office during the April board meeting.

**SOLID WASTE:** At this time, Mr. Cannon requested that the board consider replacing two International garbage trucks with habitual maintenance issues. Mr. Cannon stated that as a result of the significant down time of the units, he proposed that the board consider trade-in or auction to pay off the remaining loans on the units. In addition, Mr. Cannon requested that the board consider purchasing two new refuse trucks in the upcoming budget.

Mac Lawson, Shop Superintendent, reviewed the serious maintenance issues of the trucks in question. He explained that due to the serious engine problems, the units were constantly at the manufacturer for warranty repair work, which in no way benefited the solid waste operation.

Stacy Griffin, Solid Waste Manager, agreed with Mr. Lawson, stating he often had to re-arrange his fleet due to problems with the units in question.

Mr. Cannon stated that he anticipated \$90,000.00 in trade in value for each garbage truck, and suggested the implementation of a replacement rotation on all trucks within the fleet. Mr. Cannon stated that any future purchases would include buy backs and the provision of loaner trucks to avoid additional costs.

Mr. Cannon presented statistical information regarding the entire garbage truck fleet.

Discussion ensued regarding upcoming purchases and replacements.

Mr. Cannon suggested the possibility of expanding the county's solid waste operation to include commercial pick-up.

Engine performance of existing trucks within the fleet was discussed at length.

Commissioner Hardin questioned the amount currently owed on the garbage truck lease. Mr. Putnal replied that approximately \$180,000.00 remained on the lease, but projected that auction proceeds would more than compensate for the remaining lease amount.

Mr. Cannon proposed that the two trucks in question be declared as surplus at the April board meeting.

**SOLID WASTE CHURCH EXEMPTION:** Mr. Cannon reviewed the current exemption regarding solid waste pickup for churches in the unincorporated areas of the county. He reminded the board that the exemption was granted in 2004, and proposed that while churches are not considered residential units, they be treated as such, specifically in terms of charges for service. Mr. Cannon requested that the board consider rescinding the exemption.

Mr. Castellow agreed, stating that this was considered establishment of religion, and was unconstitutional. He also reminded the board that churches are not required to have county pickup, but could elect to do so at their own discretion.

Commissioner Herndon stated that she preferred curbside pickup, and was thankful for it.

Commissioner DeMott questioned the cost of a 95 gallon curbside container. Mr. Cannon replied that it was approximately \$54.00.

Collection efforts within the Solid Waste department were briefly discussed.

**LANDFILL RATE CHANGES:** Mr. Cannon presented a schedule of landfill rate changes to the board, stating that haulers were unable to meet the volume threshold of 1,000 tons per month to qualify for a discounted rate of \$34.00 per ton. As a result, Mr. Cannon proposed the following landfill rate schedule based on monthly tonnage:

- 0-499 tons                      \$40.00 per ton
- 500-99 tons                      \$37.00 per ton
- 1000+ tons                      \$34.00 per ton

Mr. Cannon stated that the proposed rate schedule would incentivize private haulers to utilize the county transfer station rather than transporting out of county.

Discussion ensued regarding private hauling operations within the county.

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Commissioner DeMott requested clarification regarding the amount charged to the county by Advanced Disposal Services for transfer. Mr. Cannon responded that the county's current cost per ton was \$32.37, but according to contact terms, would increase annually in the amount of \$.25 per ton.

Expanding solid waste operations within the county was discussed. Mr. Cannon requested that the board consider installing an automated gate at the county transfer station in order to accommodate the City of Moultrie's various residential and commercial routes.

**INMATE LABOR ON REFUSE TRUCKS:** Mr. Cannon stated that currently only county employees were utilized on county garbage trucks. With personnel being the single largest expense to the county budget, Mr. Cannon recommended utilizing inmate labor as an effective way to decrease costs.

Mr. Cannon informed the board that per his request, Stacy Griffin, Solid Waste Manager, was currently identifying one existing refuse truck driver to obtain his correctional officer certification.

Mr. Cannon also informed the board that if the county were to utilize jail inmates, certification would not be required.

**AMENDMENT TO SOLID WASTE ORDINANCE:** At this point in the meeting, Mr. Cannon addressed the ongoing issue regarding farming operations that house migrant labor workers in the county. Mr. Cannon explained that these operations argued that the units housing these workers were commercial in nature, not residential, thereby claiming that they were not subject to compliance with the solid waste ordinance.

As a result, Mr. Cannon proposed that if operations such as these could provide H-2A program records from the Georgia Department of Labor substantiating commercial status, the county would consider them as such. However, Mr. Cannon stated that any such documentation must be provided to the Compliance Office. In addition, Mr. Cannon explained that a \$5.00 monthly administration fee would be applied to each unit and all solid waste generated by these units must be taken to the county landfill.

Commissioner Nagy questioned the number of such operations in existence within the county. Mr. Cannon replied that there were two, and that these operations had already begun to transport solid waste to the county landfill, rather than transporting it out of county.

Mr. Castellow discussed the importance of the county wide regulation of solid waste, stating that it was wise as well as prudent, in order to be in compliance with state imposed obligations under the Georgia Comprehensive Solid Waste plan.

Mr. Cannon informed the board that the next phase of levy upon delinquent solid waste bills began on March 10, and consisted of approximately 184 parcels.

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Discussion ensued regarding collection of delinquent solid waste accounts and the levy process itself.

**DISCUSSION OF OLD CORRECTIONAL INSTITUTE:** Mr. Cannon explained that it was not cost effective to renovate the old Correctional Institute (CI) and recommended the implementation of a plan to salvage whatever material could be sold for revenue.

**OTHER UPDATES:** Mr. Cannon informed the board of a scheduled meeting between himself, Sheriff Al Whittington, and School Superintendent Dr. Samuel DePaul to discuss School Resource Officers. Mr. Cannon explained that the purpose of this collaborative meeting was to determine the number of officers needed and to discuss funding of these positions, with the Board of Education currently funding only 38% of the actual costs.

Mr. Cannon discussed a similar situation with the City of Moultrie concerning the Intergovernmental Jail Housing of inmates. Mr. Cannon stated the current contract was entered into in 1999 and needed to be reviewed and updated.

Mr. Cannon also informed the board of a meeting with Tom Rogers on Friday, March 20, 2015 to discuss and provide records pursuant to a recently filed Open Records Request.

Mr. Castellow reviewed procedures that must be followed under the Open Records Act, stating that although the county must provide documentation, it must also redact privileged information.

A proposed meeting with the Recreation Advisory Committee was discussed.

At this time, Mr. Cannon presented a resolution to be considered for adoption in order for the Southwest Georgia Regional Commission to apply for public transit funding from the Georgia Department of Transportation, on behalf of the county. Mr. Cannon explained that this resolution was adopted annually and was necessary in order to fund public transit within the county.

**APPROVAL OF RESOLUTION TO SUBMIT APPLICATION FOR PUBLIC TRANSPORTATION ASSISTANCE:** Commissioner DeMott made a motion to adopt the resolution necessary for the Southwest Georgia Regional Commission to apply for public transportation assistance on behalf of the county. Commissioner Nagy made a second. The motion carried unanimously. (Resolution 2015-R-3 is hereby made a portion of the minutes by reference thereto.)

At this time, the board recessed for a five minute break.

**EXECUTIVE SESSION:** Commissioner DeMott made a motion at 6:24 p.m. to go into Executive Session to discuss the disposition of real estate. Commissioner Nagy made a second. The motion carried unanimously. (An affidavit, as required by Georgia Law, was

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executed by all Board members present stating under oath that the subject matter of the closed meeting was devoted to the matters within the exception provided by law and identified the specific relevant exception as provided by law. The affidavit is hereby made a part of the minutes by reference thereto.)

**REGULAR SESSION:** Commissioner Hardin made a motion at 6:52 p.m. to reconvene into regular session. Commissioner DeMott made a second. The motion carried unanimously.

**APPROVAL OF RATIFICATION OF VOTE TO EXTEND INSPECTION PERIOD – TERAMORE DEVELOPMENT:** Commissioner Nagy made the motion to ratify the vote to extend the inspection period, pursuant to Paragraph 4 of the Purchase and Sale Agreement entered into on August 15, 2014, with Teramore Development, LLC. Commissioner Hardin made a second. The motion carried unanimously.

**ENERGY AUDIT PROPOSALS:** Mr. Cannon discussed the possible implementation of an energy program in the county, stating that it had been a multi-year issue, consisting of constant communication with Johnson Controls and ABM Building Solutions.

Mr. Cannon presented an overview of the process thus far, and stated that in the last 3 years, the county had spent approximately \$684,671.00 on HVAC repairs and upgrades. Mr. Cannon stressed the importance of addressing aging equipment, stating that this was the exact reason why energy organizations such as Johnson Controls and ABM exist.

Mr. Cannon stated that he, as well as Mr. Putnal, felt comfortable with the financial aspects of the potential project, and requested that the board vote on whether or not to move forward with the project.

Commissioner Nagy declared his support of the project, stating that he had seen the benefits within the school system. Additionally, Commissioner Nagy stated that he had spoken with Dr. Brad Gregory, Assistant School Superintendent, and had received confirmation that a recently implemented energy program had already decreased energy operating costs at the school system.

Chairman Clark agreed, stating that Dr. Gregory had informed him of significantly decreased utility bills at C. A. Gray Junior High School.

Mr. Cannon stated that if the board chose to move forward with the project, the program would commence with an investment grade audit. If the board was not receptive to the proposals and contents within the audit, the county could pay for the audit and choose not to progress any further with the project.

Commissioner Nagy stated that the energy project at C. A. Gray Junior High School was only 85% complete, but declared that the school has already realized a \$6,000.00 reduction in utility bills in comparison to last year.

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Commissioner Nagy declared that he has seen the program work, and stated that the implementation was seamless.

Commissioner Herndon questioned the possibility of implementing the project in phases, and declared her desire to be conservative with taxpayer funds.

Mr. Cannon stated that the county was in a good financial position to implement the program.

Mr. Putnal agreed, stating that a decision regarding the final scope of the project could be made after receiving the investment grade audit.

Mr. Cannon reminded the board that either company, upon not meeting annual guaranteed savings, vowed to write a check to cover the difference.

Commissioner Herndon stated that she was in favor of forward progress.

Commissioner Nagy questioned the county's eligibility for receiving grant funds.

Commissioner DeMott stated that he was in favor of the project, but also stated that he understood the initial fear with progressing forward. However, Commissioner DeMott stated his fear was significantly decreased due to the existence of the guaranteed savings clause.

Commissioner Hardin stated that he understood Commissioner Herndon's concerns, and further voiced his concerns regarding the fact that audit results had not yet been presented to the board. In light of this, in addition to the commencement of upcoming budget deliberations, Commissioner Hardin stated that he feared the timing might not be right to begin such a project.

Commissioner Giddens voiced his concern that LED technology did not save money on utility bills.

Commissioner Nagy stated that he also understood the board's concerns, but further stated that he did not want to lose time and money by delaying the project.

Discussion ensued regarding the investment grade audit.

Commissioner DeMott stated that upon replacement of LED lighting, the life of the bulbs should be considered as well as the impact on utility bills.

Commissioner Nagy agreed, voicing his concern regarding the availability of older technology, when compared to the popularity of LED lighting technology.

The board discussed implementing the project in phases, instead of committing to a large project.



**MOTION TO PROCEED WITH ENERGY SAVINGS AUDIT – JOHNSON CONTROLS:** Commissioner Hardin made a motion to proceed with the energy savings audit, utilizing the services of Johnson Controls. Commissioner Giddens made a second. Those in favor were Commissioners Hardin and Giddens. Opposed were Commissioners Herndon, Demott, and Nagy. The motion failed due a lack of affirmative votes.

Chairman Clark suggested two separate votes regarding the matter.

Commissioner Nagy requested discussion regarding the merits of the two companies.

Commissioner Hardin stated he was in favor of Johnson Controls due to the fact that they manufactured their own equipment.

Commissioner DeMott stated that he was impressed by ABM's commitment to opening a local office in Moultrie.

Mr. Cannon briefly reviewed the credentials of both companies with the board.

**APPROVAL OF MOTION TO PROCEED WITH ENERGY SAVINGS AUDIT:** Commissioner Nagy made a motion to proceed with an energy savings audit. Commissioner DeMott made a second. The motion carried unanimously.

**APPROVAL OF MOTION TO PROCEED WITH ABM BUILDING SOLUTIONS:** Commissioner Nagy made a motion to proceed with the energy savings audit utilizing the services of ABM Building Solutions. Commissioner DeMott made a second. Those in favor were Commissioners Nagy, DeMott, Herndon, and Chairman Clark. Opposed were Commissioners Hardin and Giddens.

**KEY DATES:** Mr. Cannon reviewed several upcoming dates with the board:

- March 18                      ACCG Design Team Class              Boggy Pond Plantation, Moultrie, Georgia
- March 24                      EMS Banquet                                      Cancelled
- April 7                              5:30 p.m.                                      Pre-Board Work Session
- April 7                              7:00 p.m.                                      April Board Meeting
- April 17-20                      Savannah, Georgia                              ACCG Annual Meeting

There being no further business to come before the board, the meeting was adjourned 7:30 p.m.

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Respectfully submitted,

\_\_\_\_\_  
Terry R. Clark  
Chairman

\_\_\_\_\_  
Melissa Lawson  
County Clerk

Approved: \_\_\_\_\_

# AFFIDAVIT

This is to certify that the Colquitt County Board of Commissioners held an Executive Session Meeting (closed meeting) on March 17, 2015, at 6:24 o'clock a.m./p.m. The majority of the quorum present voted in the open meeting to go into Executive Session (closed meeting). The subject matter discussed was applicable under the following code section(s):

- O.C.G.A. 50-14-2(1) - Consultation with an attorney regarding pending or potential legal action.
- O.C.G.A. 50-14-3(4) - Discussion of future <sup>disposition</sup> acquisition of real estate. (Notice was given as required and minutes taken.)
- O.C.G.A. 50-14-3(6) - Discussion of personnel matters.

I further certify that the subject matter of the Executive Session (closed meeting) was devoted to matters within the exception provided by law and the above checked identifies the specific relevant exception.

This 17<sup>th</sup> day of March, 2015.

Terry Clark  
Terry Clark, Chairman

Winfred Giddens  
Winfred Giddens, Commissioner

Donna Herndon  
Donna Herndon, Commissioner

Johnny Hardin  
Johnny Hardin, Commissioner

Luke Strong  
Luke Strong, Commissioner

Marc DeMott  
Marc DeMott, Commissioner

Paul Nagy  
Paul Nagy, Commissioner

Sworn to and subscribed before me, this 17<sup>th</sup> day of March, 2015.

Melissa Lawson

County Clerk or Notary Public

My Commission Expires: \_\_\_\_\_

