

**MINUTES**  
**CALLED MEETING OF THE**  
**COLQUITT COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JULY 21, 2015**  
**5:00 o'clock p.m.**

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

**PRESENT:** Those present were Commissioners Luke Strong, Winfred Giddens, Marc DeMott, Donna Herndon, Paul Nagy, Johnny Hardin, Chairman Terry R. Clark, County Administrator Chas Cannon, County Attorney Lester M. Castellow, and County Clerk Melissa Lawson.

**ALSO PRESENT:** Finance Director Wayne Putnal, Chief Compliance Officer Justin H. Cox, Moultrie Observer Reporter Alan Mauldin, Teramore Development President Steve Hufstetler, and Chris West, Attorney with Teramore Development.

**BUDGET UPDATE:** Mr. Cannon called upon Wayne Putnal, Finance Director, to present the board with a budget update.

Mr. Putnal began by stating that the General Fund was in good shape, with most departments ending the previous fiscal year under budget.

Mr. Putnal stated that, according to preliminary fiscal year-end figures, revenue exceeded expenditures by approximately \$1,400,000.00. However, Mr. Putnal stressed that he fully expected this amount to decrease as invoices belonging in the previous fiscal year continue to be sent in for processing and payment.

Mr. Putnal stated that he anticipated a budget amendment to be presented at the August board meeting in order to fund legal fees and meals at the County Prison.

Mr. Putnal briefly reviewed the remaining major funds, citing no major issues or concerns.

**COURT REPORTER COMPENSATION:** At this time, Mr. Putnal discussed the issue of court reporter compensation within the Southern Judicial Circuit.

Mr. Putnal stated that a request was received from surrounding Superior Court Judges to increase the salaries of court reporters within the circuit to \$75,000.00. He further stated that an amount of \$70,000.00 was agreed upon, in addition to the county paying an additional \$3,500.00 in order to compensate for the salaries of other reporters in the circuit.

Mr. Putnal explained that the percentage of salary contribution for each county in the Southern Judicial Circuit was calculated based upon population. He further explained that counties must also provide benefits to these individuals. Mr. Putnal stated that this new formula would basically result in an annual "true-up" with surrounding counties in the circuit.

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**FISCAL AUDIT UPDATES:** Mr. Putnal stated that the FY 13 audit was now complete, with Mauldin & Jenkins, the county's external auditing firm, beginning work on the FY 14 audit.

Mr. Cannon stated that the objective was to be back on schedule with all fiscal audits by December 2015 – January 2016.

Commissioner DeMott questioned if existing, external legal fees were included in the upcoming budget amendments. Mr. Putnal explained that these fees would be derived from Contingency Funds.

(Alan Mauldin entered the meeting at 5:08 p.m.)

Discussion ensued regarding current and pending legal fees.

**MILLAGE RATE:** Mr. Cannon informed the board that an extension had been formally requested from the Georgia Department of Revenue regarding the submission of the tax digest and subsequent establishment of the millage rate.

**OVERVIEW OF AUGUST AGENDA:** Mr. Cannon gave a brief overview of agenda items for the August board meeting.

- Invocation and Pledge of Allegiance – Mr. Cannon stated that Commissioner Marc DeMott would give the invocation and lead the Pledge of Allegiance.
- Citizens Having Business with the County – Mr. Cannon informed the board that Mr. Tim Barber of Ashburn Hill Plantation planned to address them concerning the sale of distilled spirits at Ashburn Hill Plantation. Mr. Cannon stated that he and Lester Castellow, County Attorney, had previously met with Mr. Barber to explain that the sale of distilled spirits must be authorized by voter referendum, with the referendum itself being necessitated as the result of a petition signed by 35% of registered voters in the county.
- Contract Renewals – Mr. Cannon presented the following contract renewals to the board:
  - *Traylor Business Services* – Mr. Cannon explained that this contract was regarding the provision of a personal property verification program to be utilized by the Tax Assessor's Office. He further stated that although the program has not been utilized in several years, Tax Assessor staff recommended maintaining the contract should the need arise. Mr. Cannon stated that the term of renewal was July 1, 2015 – July 30, 2016, and also noted that payment for this service was only required upon utilization of the service.
  - *Georgia Department of Human Services – DFACS* – Mr. Cannon stated that this contract concerning lease renewal resulted in \$392,906.79 in annual rent

proceeds for the county, with these proceeds funding lease payments until 2018, at which point the county will own the building. He further stated that the term of renewal was July 1, 2015 – June 30, 2016.

- *Department of Human Services – Family Connection* – Mr. Cannon stated that the term of renewal for this contract was July 1, 2015 – June 30, 2016, with the county serving in the capacity of fiscal agent for designated Family Connection funding.

**UPCOMING VEHICLE PURCHASES:** Mr. Cannon discussed an issue involving a State of Georgia contract supplier of Ford Vehicles. He stated that several vehicles were approved for purchase in the current budget and subsequently sent out for bid. Mr. Cannon stated that Ford would no longer accept orders for 2015 F150 regular cab trucks after August 1<sup>st</sup>, and further stated that the bid opening concerning the provision of these vehicles was not scheduled until Thursday, July 23. As a result of the next board meeting not being held until August 4<sup>th</sup>, Mr. Cannon voiced the need to phone poll commissioners for bid approval in order to submit the order for 2015 models before the August 1<sup>st</sup> deadline. Mr. Cannon stated that the approval would be ratified at the August board meeting.

**PAYMENT APPROVAL:** Mr. Cannon informed the board that the first bill from the legal defense team representing the county in the lawsuit filed by Lynn Lasseter/Northlake, LLC was received. Mr. Cannon stated that the invoice, in the amount of \$28,932.72, represented legal services rendered from June 17 – June 30, and would require the board's approval.

**OTHER PROJECTED AGENDA ITEMS:** Mr. Cannon stated that he anticipated the submission of the following items for the August board meeting agenda:

- Quotes for Primary Rate Interface (PRI) Lines – Mr. Cannon stated that these lines were necessary to facilitate the upcoming VoIP telephone infrastructure. Mr. Cannon informed the board that this would be the final step before the purchase of hardware.
- Additional Website for Solid Waste Tax Liens – Mr. Cannon stated that the purpose of this website was to facilitate the online research of solid waste tax liens for local attorneys in the county. Mr. Cannon stated that he had been in contact with Sturgis to provide this capability, and noted that Sturgis currently provided online search and payment capabilities for the Tax Commissioner's Office.

Commissioner Nagy questioned the timeline for completion of the upcoming VoIP phone system. Mr. Cannon stated that he anticipated completion of the project within 30 days.

Discussed ensued regarding hardware for the upcoming VoIP system.

**PUBLIC HEARINGS:** Mr. Cannon stated that two public hearings would be necessary at the upcoming board meeting for the purpose of a Zoning Request and a Request for Variance. Mr. Cannon called upon Justin H. Cox, Chief Compliance Officer, to elaborate.

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- Request for Rezoning – Mr. Cox stated that the purpose of the Request for Rezoning was to rezone property known as the “Turtle Pond” from AG to M-2 in order to facilitate a proposed metal building and fabrication business. Mr. Cox stated that the request was submitted by Gary Milam, whose contract purchase regarding the property was contingent upon approval of the rezoning request. Mr. Cox noted that the Moultrie – Colquitt County Planning Commission recommended approval of the request.
- Request for Variance – Mr. Cox stated that a request for variance was received from Scott Wilson, 3755 Sumner Road, in order to allow placement of an additional mobile home on his property in order to care for his elderly in-laws. Mr. Cox noted that there is one existing dwelling on the tract, and further noted that the tract only has 20 foot of road frontage. Again, Mr. Cox stated that the Moultrie – Colquitt County Planning Commission recommended approval of the request.

Commissioner Nagy questioned the exact location of the property.

Mr. Cox stressed that the individual was informed that the variance, if approved, would not be permanent and once the need no longer substantiated the variance, every effort would have to be made to ensure compliance with the zoning ordinance.

Commissioner Nagy questioned the timeline for this action. Mr. Cox stated that there was no specific timeline, just an understood agreement.

Commissioner Nagy suggested amending the zoning ordinance to specifically state a timeline.

**GENERAL UPDATES:** At this time, Mr. Cannon reviewed several key, upcoming issues with the board.

- Drug Enforcement Team Contract – Mr. Cannon stated that the contract was currently in the revision stage, with the county communicating suggested revisions to the city regarding the contract. He further stated that there would be a final meeting to finalize the contract. Upon completion of these revisions, Mr. Cannon stated that the contract would be submitted to the board for their consideration.
- Auction Updates – Mr. Cannon informed the board that a recent auction of surplus county equipment exceeded anticipated revenue projections.
- Landfill Update – Mr. Cannon stated that the anticipated price for the landfill acceptability study came in at \$49,873.00, significantly less than the originally anticipated price of \$60,000.00. Mr. Cannon noted that the study began the permitting process, and stated that he anticipated the process to take approximately 18 months. Mr. Cannon stated that revenue over expenditures within the Solid Waste Fund totaled \$217,541.55 for FY 15.

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- ABM Project Update – Mr. Cannon noted that, due to time sensitivity resulting from awarded grant funds, the Library would be the first priority in the upcoming energy project. Mr. Cannon stated that, in addition to the \$100,000.00 in state grant funds, the Library agreed to pay 50% of the remaining energy project from internal reserve funds. Mr. Cannon informed the commission of his request that ABM officials present them with monthly updates regarding progress of the project.

**TRAFFIC FLOW AT NEW HIGH SCHOOL:** Mr. Cannon stated that he requested the Board of Education and the City of Moultrie to participate in a meeting with Sheriff Whittington and all School Resource Officers in order to discuss traffic flow at the new high school. Mr. Cannon declared that it was imperative to have an effective plan established on the first day of the new school year, and noted that the plan would continue to be refined, based on recurring traffic patterns.

Commissioner Nagy questioned if there was any response to Mr. Cannon's request for the meeting. Mr. Cannon replied in the affirmative, stating that the meeting was scheduled for Monday, July 27, 2015.

**DARBYSHIRE ROAD EXTENSION:** Mr. Cannon stated that work was currently ongoing with Mr. Glen Darbyshire regarding a solution relating to water run-off on Darbyshire Road Extension. Mr. Cannon stated that a meeting was being scheduled with engineers to develop a solution to the issue.

Discussion ensued regarding possible solutions to the issue.

**OTHER UPDATES:** Mr. Cannon updated the board on the following issues:

- 2% Cost of Living Adjustment (COLA) – Mr. Cannon informed the board that the approved 2% COLA was reflected during the last generation of employee paychecks.
- Department Requests for Merit Pay – Mr. Cannon stated that recommendations for merit pay increases were currently being received by department heads. He further stated that he hoped that the process would be finalized by mid-August.
- Joint Parks and Recreation Agreement – Mr. Cannon stated that work would soon commence on revising and updating the joint agreement with the City of Moultrie regarding Parks and Recreation.
- Health Care Proposal – Colquitt Regional Medical Center (CRMC) – Mr. Cannon stated that it was essential to finalize a way ahead regarding the health care proposal presented by CRMC. Mr. Cannon stated that he was in the process of obtaining feedback from the City of Moultrie, and upon completion, would approach Mr. Matney with a final proposal. Mr. Cannon noted that upon the final formulation of the proposal, it would be submitted to the board for consideration and approval.
- Personnel Committee – Mr. Cannon informed the board that the personnel committee would meet soon to discuss proposed changes to the county's personnel

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policy. Mr. Cannon conveyed his desire to present any proposed changes to the policy to the commission for approval during October.

Mr. Cannon also noted that he and John C. Peters, Human Resources Director, would soon commence work on an employee pay matrix system.

Commissioner Herndon commended Mr. Cannon on his efforts to keep the commission informed regarding important topics and issues.

The joint Parks and Recreation program with the City of Moultrie was briefly discussed.

Commissioner Nagy mentioned recent changes to accounting standards, specifically pertaining to retirement plans.

The importance of ensuring the safety of students and faculty regarding proper traffic flow at the new high school was briefly discussed.

The board recessed for a short break at 5:43 p.m.

(County Attorney Lester M. Castellow entered the meeting at 5:45 p.m.)

**EXECUTIVE SESSION:** Commissioner DeMott made the motion at 5:52 p.m. to go into Executive Session to discuss the disposition of real estate and pending litigation. Commissioner Nagy made a second. The motion carried unanimously. (An affidavit, as required by Georgia Law, was executed by all Board members present stating under oath that the subject matter of the closed meeting was devoted to matters within the exception provided by law and identified the specific relevant exception as provided by law. The affidavit is hereby made a portion of the minutes by reference thereto.)

**REGULAR SESSION:** Commissioner DeMott made the motion at 6:37 p.m. to reconvene into regular session. Commissioner Hardin made a second. The motion carried unanimously.

**APPROVAL OF MOTION TO EXTEND DUE DILIGENCE PERIOD – TERAMORE DEVELOPMENT, LLC:** Commissioner Hardin made the motion to amend the Purchase and Sale Agreement with Teramore Development, LLC, dated August 15, 2014, to extend the due diligence period for an amount of time equal to the disposition of currently pending litigation plus forty-five days after the finalization of litigation. Commissioner Giddens made a second. Those in favor were Commissioners Hardin, Giddens, Nagy, and Strong. Commissioner Herndon abstained due to a conflict of interest. Commissioner DeMott also abstained due to a conflict of interest.

Mr. Cannon presented a list of key, upcoming dates to the board.

A meeting of the recreation advisory committee was briefly discussed. Commissioner Strong requested a copy of a contract between the City of Moultrie and Moss Farms.

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There being no further business to come before the board, the meeting was adjourned at 6:50 p.m.

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Terry R. Clark  
Chairman

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Melissa Lawson  
County Clerk

Approved:

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# AFFIDAVIT

This is to certify that the Colquitt County Board of Commissioners held an Executive Session Meeting (closed meeting) on July 21, 2015, at 5:52 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>acquisition</sup> 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 21<sup>st</sup> day of July, 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 21<sup>st</sup> day of July, 2015.

Melissa Lawson  
County Clerk or Notary Public  
My Commission Expires: \_\_\_\_\_

