

MINUTES
REGULAR MEETING OF THE
COLQUITT COUNTY BOARD OF COMMISSIONERS

Tuesday, August 4, 2015

7:00 o'clock p.m.

CALL TO ORDER: The meeting was called to order at 7:00 o'clock p.m. by Chairman Terry R. Clark.

INVOCATION AND PLEDGE OF ALLEGIANCE: The invocation was given and the pledge of allegiance led by Commissioner Marc DeMott.

PRESENT: Those present were Commissioners Luke P. Strong, Jr., 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 and County Clerk Melissa Lawson.

ALSO PRESENT: Alan Mauldin, Reporter with the Moultrie Observer.

APPROVAL OF MINUTES OF MEETINGS HELD ON JUNE 25, JULY 1, 7, 9: Commissioner Giddens made the motion to approve the minutes, as presented, for meetings held on June 25, and July 1, 7, and 9. Commissioner Strong made a second. The motion carried unanimously.

CITIZENS HAVING BUSINESS WITH THE COUNTY: Tim Barber, Representative of Ashburn Hill Plantation, addressed the board. Mr. Barber stated that currently, the county did not have an ordinance permitting the on-site consumption of beer and wine, but possessed an ordinance allowing off-site consumption. Mr. Barber requested that the board consider on-site consumption in an effort to provide beer and wine to private clients at Ashburn Hill Plantation. Mr. Barber stated that this would result in a tremendous amount of revenue and would encourage growth.

Commissioner Giddens questioned what revenue, if any, would be generated for the county.

Mr. Barber stated that the county would receive revenue in the form of license fees and excise taxes.

Commissioner Nagy questioned the amount of the estimated increase in revenue.

Mr. Barber stated that it was hard to predict, but projected approximately \$7.50 in revenue per person, per hour. Based on internal records to date, Mr. Barber stated that an additional \$96,000.00 would have been generated had on-site consumption been allowed at Ashburn Hill Plantation. Mr. Barber stated that Ashburn hill would provide security and exercise control in order to ensure the safety of clients and county citizens.

Commissioner Herndon stated that currently, on-site consumption of beer and wine was not permitted in the county. Commissioner Herndon stated that, to date, when approached regarding a certain matter, an existing ordinance was referenced to ascertain whether that individual met a certain criteria. However, Commissioner Herndon stated to draft a new ordinance would take careful consideration, for her personally. Commissioner Herndon

stated that she voted based on her own, personal convictions, and stated her desire for Mr. Barber to understand that, no matter how she voted, it would be nothing personal.

Mr. Barber stated that he understood, but stated his desire for the commission to consider the possibility. He further stated his wish for the commission to understand that he was not interested in operating a bar, and stressed that only private customers would be served.

Commissioner Giddens questioned if Ashburn Hill Plantation would assume any liability if a client were to partake of alcohol on the premises, depart, and then be involved in an automobile accident. Mr. Barber vowed that staff would do all in their power to prevent such a circumstance.

Chairman Clark stated that the commission would have Lester Castellow, County Attorney, research the matter further. Commissioner Hardin agreed, stating that the matter warranted further research and study.

Mr. Barber thanked the board for their time and consideration.

APPROVAL OF LIST OF UNPAID INVOICES: Commissioner Strong made the motion to approve payment of the list of unpaid invoices. Commissioner Nagy made a second. The motion carried unanimously.

County Administrator Chas Cannon presented the following agenda items:

APPROVAL OF RENEWAL OF CONTRACT WITH DEPARTMENT OF HUMAN SERVICES – FAMILY CONNECTION COLLABORATIVE: Commissioner Herndon made the motion to renew the contract with the Department of Human Services – Family Connection Collaborative, for the term July 1, 2015 – June 30, 2016. Commissioner DeMott made a second. The motion carried unanimously.

APPROVAL OF RENEWAL OF LEASE AGREEMENT WITH DEPARTMENT OF HUMAN SERVICES – DIVISION OF FAMILY AND CHILDREN SERVICES: Commissioner Nagy made the motion to approve renewal of the lease agreement with the Department of Human Services – Division of Family and Children Services, for the term July 1, 2015 – June 30, 2016. Commissioner Strong made a second. The motion carried unanimously.

APPROVAL OF RENEWAL OF CONTRACT WITH TRAYLOR BUSINESS SERVICES, INC.: Commissioner Giddens made the motion to renew the contract with Traylor Business Services, Inc., for the provision of a personal property verification program, for the term July 1, 2015 – June 30, 2016. Commissioner Herndon made a second. The motion carried unanimously.

APPROVAL OF CONTRACT WITH STURGIS – SOLID WASTE DEPARTMENT: Commissioner DeMott made the motion to approve the contract with Sturgis Web services concerning the provision of online payment and search capabilities

regarding solid waste disposal tax bills/accounts. Commissioner Herndon made a second. The motion carried unanimously.

APPROVAL OF PAYMENT OF INVOICE – JAMES, BATES, BRANNAN & GROOVER, LLP: Commissioner Giddens made the motion to approve payment of the invoice, in the amount of \$28,932.72, submitted by the law office of James, Bates, Brannan & Groover, LLP, for the provision of legal services rendered regarding litigation filed against the county by W. Lynn Lasseter/Northlake, LLC. Commissioner Strong made a second. The motion carried unanimously.

APPROVAL OF BID FOR 3 CREW CAB TRUCKS AND 1 REGULAR CAB TRUCK: – Commissioner Nagy made the motion to accept the low bid from Langdale Chevrolet, in the amount of \$26,059.00 each for three 2016 Crew Cab trucks and \$24,270.00 for one 2016 Regular Cab truck. Commissioner Herndon made a second. The motion carried unanimously.

APPROVAL OF RESOLUTION AUTHORIZING ADOPTION OF AMENDED AND RESTATED ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA (ACCG) DEFINED BENEFIT PLAN: Commissioner DeMott made the motion to adopt Resolution 2015-R-8, authorizing adoption of the Amended and Restated ACCG Defined Benefit Plan. Commissioner Strong made a second. The motion carried unanimously. (Resolution 2015-R-8 is hereby made a portion of the minutes by reference thereto.)

APPROVAL OF BUDGET AMENDMENTS: Commissioner Strong made the motion to approve budget amendments BA2015-27, BA2015-28, BA2016-1, and BA2016-2, as presented in the meeting by Finance Director Wayne Putnal. Commissioner Giddens made a second. The motion carried unanimously.

OTHER COUNTY BUSINESS FROM COUNTY ADMINISTRATOR: At this time, Mr. Cannon addressed items received after the agenda deadline.

APPROVAL OF PAYMENT OF INVOICE – COUNTY ATTORNEY: Commissioner DeMott made the motion to approve payment of the invoice, in the amount of \$11,595.00, submitted by County Attorney Lester M. Castellow for legal services rendered for the months of June and July 2015. Commissioner Strong made a second. The motion carried unanimously.

Public Hearings

The following public hearing was duly called and advertised for the purpose of a request for variance and a request for rezoning. Lester M. Castellow, County Attorney, called the first public hearing to order and called upon Justin H. Cox, Chief Compliance Officer, to present the application.

Request for Variance – Mr. Cox stated that the request was submitted by Scott Wilson, 3755 Sumner Road, requesting that an additional mobile home be placed upon the property in

order to care for his elderly in-laws. Mr. Cox stated that the Moultrie – Colquitt County Planning Commission recommended approval of the application.

Mr. Castellow asked for any comments in support of the application.

Sherry Wilson addressed the board, stating that she and her husband were requesting the variance so that she could care for her parents that were suffering from health issues. Ms. Wilson stated that she wanted to care for her parents as they did for her, and thanked the board for their time and consideration.

Mr. Castellow asked for any comments in opposition to the application. There being none, this public hearing was closed.

Mr. Castellow called the next public hearing to order, for the purpose of a request for rezoning. Again, Mr. Castellow called upon Mr. Cox to present the application.

Request for Rezoning – Mr. Cox stated that Gary Milam, was requesting to rezone property located near the 1900 Block of Georgia Highway 37 East, commonly referred to as the “Turtle Pond,” from AG to M2 in order to operate a metal fabrication business. Mr. Cox noted that Mr. Milam’s purchase of the property was contingent upon approval of the rezoning request. Mr. Cox noted that the Moultrie – Colquitt County Planning Commission recommended approval of the application.

Mr. Castellow asked for any comments in support of the application for rezoning.

Gary Milam, applicant, addressed the board, stating that he was born and raised in Moultrie. Mr. Milam voiced his excitement at the prospect of operating a metal fabrication business, and stated his intent to not only fabricate metal buildings, but to sell them as well. Mr. Milam thanked the board for their consideration of his request.

Mr. Castellow asked for any comments in opposition to the application for rezoning. There being none, this public hearing was closed.

APPROVAL OF REQUEST FOR VARIANCE: Commissioner Nagy made the motion to approve the request for variance submitted by Scott Wilson, as presented in the public hearing. Commissioner Giddens made a second. The motion carried unanimously.

APPROVAL OF REQUEST FOR REZONING: Commissioner Giddens made the motion to approve the request for rezoning submitted by Gary Milam, as presented in the public hearing. Commissioner Herndon made a second. The motion carried unanimously.

PUBLIC COMMENTS: Brian Glass, J R Suber Road, addressed the board regarding a 100 yard portion of Nugent Road. Mr. Glass stated that Nugent Road was a dead end spur off of J R Suber Road, and further stated that trash was often found in ditches along the road. In an effort to curb littering and loitering, Mr. Glass requested that the board consider closure of this portion of Nugent Road.

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**APPROVAL OF COMMENCEMENT OF ROAD CLOSURE PROCEDURES –
PORTION OF NUGENT ROAD:** Commissioner Giddens made the motion to
commence road closure procedures for a portion of Nugent Road. Commissioner Nagy
made a second. The motion carried unanimously.

Respectfully submitted,

Terry R. Clark
Chairman

Melissa Lawson
County Clerk

Approved: _____

RESOLUTION
AUTHORIZING ADOPTION OF
THE 2014 AMENDED AND RESTATED DEFINED BENEFIT PLAN

WHEREAS, the Association of County Commissioners of Georgia (ACCG) sponsors a Defined Benefit Retirement Plan program for its members;

WHEREAS, the Colquitt County Board of Commissioners (the "County") previously adopted the Association of County Commissioners of Georgia Defined Benefit Plan for Colquitt County Employees (the "Plan") through an Adoption Agreement and subsequent amendments thereto;

WHEREAS, the Internal Revenue Service requires qualified retirement plans to be restated at least once every five (5) years;

WHEREAS, the ACCG Board of Managers has approved an amended, restated and updated Model Plan document (the "2014 Model Plan") to reflect changes in federal and state laws and regulations, which can be adopted by its members and filed with the Internal Revenue Service for a determination letter between February 1, 2015 and January 31, 2016;

WHEREAS, the County desires to adopt the amended and restated "2014 Model Plan" document through a new Adoption Agreement;

WHEREAS, at a meeting held on this day, the 4th of August, 2015, the Colquitt County Board of Commissioners hereby resolves as follows:

NOW, THEREFORE BE IT RESOLVED that the Colquitt County Board of Commissioners approves the adoption of the amended and restated 2014 Model Plan document through a new Adoption Agreement, which maintains the Plan's current benefit structure.

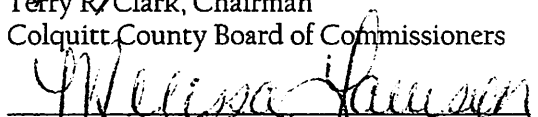
NOW, THEREFORE BE IT FURTHER RESOLVED that the Chairman of the Colquitt County Board of Commissioners is hereby authorized, empowered, and directed to take all further actions and to execute all documents and IRS forms necessary to implement these resolutions, including a limited power of attorney to allow ACCG outside counsel to file the Plan with the Internal Revenue Service for a determination letter.

NOW, THEREFORE BE IT FURTHER RESOLVED that any resolution in conflict with this resolution is hereby repealed.

SO RESOLVED, this 4th day of August, 2015.



Terry R. Clark, Chairman
Colquitt County Board of Commissioners



Melissa Lawson, Clerk
Colquitt County Board of Commissioners