

**MADISON COUNTY BOARD OF COMMISSIONERS
MINUTES
REGULAR BUSINESS MEETING
APRIL 6, 2009
6:30 P.M.**

MEMBERS PRESENT:

Commission Chairman Anthony Dove
District 1 Commissioner Stanley Thomas
District 2 Commissioner John Pethel, Sr.
District 3 Commissioner Mike Youngblood
District 4 Commissioner Dewitt Bond
District 5 Commissioner Bruce Scogin

MEMBERS ABSENT: None

MEDIA PRESENT:

Zach Mitchem, The Madison County Journal

STAFF PRESENT

Linda Cox, Acting County Clerk
Gary Venable, IT Director
Mike Pruett, County Attorney

Chairman Dove called the meeting to order at 6:30 p.m. and led in the pledge of allegiance to the American Flag. Chairman Dove asked Commissioner Scogin to give the invocation.

Item No. 1. Approval of Minutes:

Chairman Dove announced the agenda item and asked for a motion to approve the minutes of the March 9, 2009, of the Special Called Meeting. Commissioner Bond made a motion to approve and Commissioner Thomas seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES; Commissioner Thomas, YES; Commissioner Bond, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Chairman Dove asked for motion to approve the minutes of March 11, 2009, of the Special Called Meeting. Commissioner Youngblood made a motion to approve.

Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Pethel, YES; Commissioner Thomas, YES; Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Youngblood, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Chairman Dove asked for a motion to approve the minutes of March 18, 2009, of the Special Called Meeting. Commissioner Pethel made a motion to approve. Commissioner Thomas seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Youngblood, YES; Commissioner Pethel, YES; Commissioner Thomas, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 2. Chairman's Report to the Board. (Chairman Dove)

Chairman Dove gave a report from various departments end of month reports and correspondence received via mail. Chairman Dove read a statement thanking Josh Hix, son of Ricky Hix of E-911 who is serving in the Air Force, stationed at Shaw AFB in South Carolina. Chairman Dove thanked Josh for his service to our country.

Item No. 3. Business Involving Guests, Groups or Multiple Visitors. (Chairman Dove)

Chairman Dove read a Proclamation for Madison County Recreation and Parks Association "B" State Basketball Champions. Chairman Dove asked for motion to approve. Commissioner Bond made a motion to approve. Commissioner Pethel seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES; Commissioner Pethel, YES; Commissioner Bond, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Chairman Dove presented Dick Perpall, Director of the Recreation Dept. a Proclamation along with a plaque for thirty (30) years service with Madison County Recreation Dept.

Chairman Dove asked for motion to approve the two (2) proclamations. Commissioner Bond made a motion to approve. Commissioner Pethel seconded the motion. All in favor say aye. All ayes. Motion approved.

Item No. 4. Chairman P&Z Board, Wayne Douglas, changes to the Zoning Ordinance.

Chairman Dove announced the agenda item and recognized Wayne Douglas. Mr. Douglas explained Item (a) Section 10: Sign Ordinance. The P&Z voted 6 to 0 to approve. Chairman Dove asked if anyone would like to speak on this section. Chip Chandler gave his opinion. Chairman Dove recognized County Attorney Mike Pruett. Mr. Pruett discussed, explained technical issues and that this could be a dangerous ordinance.

Chairman Dove asked for a motion. Commissioner Scogin made a motion to table this item until the next meeting. Commissioner Thomas seconded the motion. A roll call vote was recorded as follows: Commissioner Youngblood, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Thomas, YES; Commissioner Scogin, YES, The motion to table until the next meeting was approved five (5) YES votes to zero (0) NO votes.

Item (b) Section 6.6.3: Occupying a RV or camper. Mr. Douglas explained this item. Chairman Dove asked for a motion. Commissioner Pethel made a motion to table in order to study this section in further detail. Commissioner Thomas seconded this motion. Chairman Dove asked if there was any discussion. There was none. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Youngblood, YES; Commissioner Pethel, YES; Commissioner Thomas, YES. The motion to table was approved five (5) YES votes to zero (0) NO votes.

Item (c) Section 6.6.4: Occupying a RV or camper. Mr. Douglas explained this item. Chairman Dove recognized County Attorney Mike Pruett. Mr. Pruett discussed concerns with this item and suggested that it be set aside and studied in detail. Chairman Dove asked for a motion. Commissioner Pethel made a motion to table for further study. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES; Commissioner Bond, YES; Commissioner Pethel, YES. The motion to table was approved five (5) YES votes to zero (0) NO votes.

Item (d) Section 9.5.1 and 9.5.1.4 and 9.5.2.5: Change Planning and Zoning Commission to Zoning Administrator. Mr. Douglas explained the change in this item and stated the Planning and Zoning voted to approve by six (6) to zero (0). Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve. Commissioner Thomas seconded the motion. A roll call vote was recorded as follows: Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Scogin, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES. The motion to approve was five (5) YES votes to zero (0) NO votes.

Item (e) Section 9.5.1.10: Add Music lessons, swimming lessons, and personal care homes as permitted uses. Mr. Douglas explained the section and stated that Planning and Zoning had approved the section by six (6) to zero (0) votes. Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve. Commissioner Thomas seconded the motion. A roll call votes was recorded as follows: Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Pethel, YES; Commissioner Thomas, YES; Commissioner Youngblood, ABSTAIN. The motion to approve was four (4) YES votes to zero (0) NO votes and one (1) abstain.

Item No. 5. Zoning Administrator Linda Fortson, “Re-adoption of the following amendments:

a) Section 4.17.4 Designation of the Open Space:

To include, All land included in the 50% open space set aside shall be protected by means of a conservation easement.

b) Section 4.7.11 Permitted Uses of the Open Space, To exclude pipelines.

c) Section 7.1.2.10 Inert Landfill.

To include concrete, cured asphalt, rock, and brick.

Chairman Dove recognized Wayne Douglas for Linda Fortson. Mr. Douglas stated that Items (b) and (c) had been postponed by the Planning and Zoning. Item (c) was approved the Planning and Zoning by a vote of six (6) to zero (0). Chairman Dove asked for a motion. Commissioner Mike Youngblood made a motion to approve Item (c) Section 7.1.2.10 Inert Landfill. Commissioner Pethel seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Youngblood, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 6. Bobby Gunnells request to rezone 1.5 ac with an existing house from his 55.01 ac parcel. He requests to rezone it from A1 to R1. The property is located on Poss Rd. on Map 68 Parcel 54 in District 4.

Chairman Dove announced the agenda item and recognized Wayne Douglas. Mr. Douglas stated this request is for conservation. Planning and Zoning approved by a vote of six (6) to zero (0). Chairman Dove asked for a motion. Commissioner Pethel made a motion to approve. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES; Commissioner Bond, YES; Commissioner Pethel, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 7. James and Connie Arnold request a Conditional Use Permit on approx. 4 to 5 ac of their 25.02 ac property. This is for a inert landfill for recycling concrete. The property is located on Nowhere and Planter Gunnell Rd. in District 1.

Chairman Dove announced the agenda item and recognized Wayne Douglas. Mr. Douglas stated that this item had been withdrawn.

Item No. 8. Jennifer Howard for owner Joneal Griffeth request to rezone her 1.15 ac parcel from R1 to B2 for a Vet Clinic for small animals. The property is located on Hwy 98 E. on Map D-1 Parcel 138 in District 4.

Chairman Dove announced the agenda item and recognized Wayne Douglas. Mr. Douglas explained the item and stated the Planning and Zoning approved by a vote of six (6) to zero (0). Chairman Dove asked for a motion. Commissioner Bond made a motion to approve. Commissioner Scogin seconded the motion. A roll call vote was recorded as follows: Commissioner Pethel, YES; Commissioner Youngblood, YES; Commissioner Thomas, YES; Commissioner Scogin, YES; Commissioner Bond, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 9. Daryl Molliere request to subdivide the 2 existing homes that are located on their property. Their request is to rezone 5.19 ac from A1 to RR to subdivide into a 2 ac parcel and a 3 ac parcel. The property is located on Map 102 Parcel 83 on Bells Ferry Rd. in District 2.

Chairman Dove announced the agenda item and recognized Wayne Douglas. Mr. Douglas explained the item and the Planning and Zoning voted six (6) to zero (0) to approve. Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Youngblood, YES. The motion to was approved five (5) YES votes to zero (0) NO votes.

Item No. 10. Statements and remarks form Citizens on agenda items.

Chairman Dove announced the agenda item and asked if anyone would like to speak on any agenda item.

Chip Chandler spoke on the Occupation Tax, Volunteer Fire Department and Board of Assessors. Bennie Tuggle spoke on the Board of Assessors; Doug Epps spoke on the Board of Assessors and Occupation Tax; Julie Andrews; Samantha Willard; Sally Bowen and Robert Fanning spoke on Animal Control. Danny Andrews spoke on Animal Control and the Board of Assessors. Bill Grubb and Carter Cagle spoke on the Board of Assessors.

Chairman Dove asked if there were any other comments on any agenda item. There were none. Chairman Dove closed the public comment.

Item No. 11. Bids for paving Spratlin Mill Drive (CR# 520). (Chairman Dove)

Chairman Dove announced the agenda item. Chairman Dove stated that we received two (2) bids. One from All About Asphalt in the amount of \$13,031 and the other bid from Allied Paving Contractors for a total bid of \$34,710. Chairman Dove stated that he recommends All About Asphalt. Chairman Dove asked for motion. Commissioner Youngblood made a motion to accept All About Asphalt. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Youngblood, YES. The motion to approve All About Asphalt was approved five (5) YES votes to zero (0) NO votes.

Item No. 12. Change in wording of the Madison County Policy regarding benefits. (Donna Sisk)

Chairman Dove announced the agenda item and recognized Donna Sisk of Human Resource. Ms. Sisk explained the change in wording regarding benefits. County Attorney was recognized by Chairman Dove. Mr. Pruett explained in detail the change

in wording. Chairman Dove asked if there were any questions. There were none. Chairman Dove asked for a motion. Commissioner Thomas made a motion to change the wording. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Youngblood, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Thomas, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 13. Madison County Board of Education – Migrate from their current 800 MHz radio system to a frequency in the UHF band. (David Camp – E911 Director)

Chairman Dove announced the agenda item and recognized David Camp. Mr. Camp stated that he received a call from Tom West and they are not ready to move forward. Mr. Camp withdrew this item.

Item No. 14. Request for Proposals for anew Computer Aided Dispatch System. (David Camp – E911 Director).

Chairman Dove announced the agenda item and recognized David Camp. Mr. Camp stated that bids were due by May 22, 2009, and he is requesting to be allowed to open the bids on May 26, 2009, in the presence of Cheryl Jensrud, Purchasing Agent and any vendor or public that may want to attend. County Attorney Mike Pruett stated that the Acting County Clerk, Linda Cox, should also attend the opening. Mr. Camp stated that these proposals would be technical, lengthy and take up a lot of time. Chairman Dove asked if there were any questions. There were none. Chairman Dove asked for a motion. Commissioner Scogin made a motion to allow the bids be opened on May 26, 2009. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Youngblood, YES; Commissioner Bond, YES; Commissioner Scogin, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Mr. Camp stated that he would like to present an item not on the agenda which is a request to open proposals for updating the county map. Chairman Dove asked for a motion. Commissioner Scogin made a motion to suspend the rules on this item. Commissioner Youngblood seconded the motion. Chairman Dove asked if there was any discussion. There was none. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Bond, YES; Commissioner Scogin, YES. The motion to suspend the rules was approved five (5) YES votes to zero (0) NO votes.

Chairman Dove recognized Mr. Camp. Mr. Camp stated that he would like to open the proposals for updating the county map on April 20, 2009. These proposals will be technical, lengthy and time consuming. Chairman Dove asked for a motion. Commissioner Scogin made a motion to approve. Commissioner Youngblood seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Youngblood,

YES; Commissioner Scogin, YES. The motion to open the proposals on April 20, 2009, was approved five (5) YES votes to zero (0) NO votes.

Item No. 15. Application for permit for utility facility encroachment. (Chairman Dove)

Chairman Dove announced the agenda item and read the application. Chairman Dove asked if there were any questions. There were none. Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve the permit. Commissioner Thomas seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Pethel, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 16. Approval of Beer License for Pizza & Sub Express, Inc. (Chairman Dove)

Chairman Dove announced the agenda item. Eddie Pritchett, Building Inspections, spoke on this item and all requirements by the Fire Marshall, Health Dept. are met. The application and inspection by the Sheriff's Department have been met. Chairman Dove asked if there were any questions. Several BOC members had questions for the owner, Mr. Colquitt. Mr. Colquitt agrees to connect to the county sewer when it becomes available. Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve. Commissioner Scogin seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Scogin, YES; Commissioner Youngblood, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 17. Utility Encroachment – Ne wHaven Chruch Road. (Chairman Dove)

Chairman Dove stated that this item was the same as Item No. 15 and this item has been discussed.

Item No. 18. Purchase of additional vehicle for sheriff's department. (Sheriff Kip Thomas)

Chairman Dove announced the agenda item and recognized Sheriff Kip Thomas. Sheriff Thomas stated that had found a vehicle fully equipped for \$18,778, which would be used to transport inmates. The vehicle they use now does not have a cage, markings, etc. Funds from the jail commissioner would be used to purchase the vehicle. Chairman Dove asked if there were any questions. Several Commissioners asked questions and Sheriff Thomas answered accordingly. Chairman Dove asked if there were any other questions. There were none. Chairman Dove asked for a motion. Commissioner Bond made a motion to approve the purchase. Commissioner Youngblood seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES;

Commissioner Pethel, YES; Commissioner Scogin, YES; Commissioner Youngblood, YES; Commissioner Bond, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 19. Changes to Animal Control Ordinance. (Jack Huff)

Chairman Dove announced the agenda item and recognized Jack Huff. Mr. Huff explained the changes to the ordinance which was to reduce calls and that he was open to suggestions from the BOC. Chairman Dove asked if there was any discussion. After discussion between the BOC and Mr. Huff, Chairman Dove asked for a motion. Commissioner Pethel made a motion to table. Commissioner Youngblood seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Bond, YES; Commissioner Thomas, YES; Commissioner Youngblood, YES; Commissioner Pethel, YES. The motion to table was approved by five (5) YES votes to zero (0) NO votes.

Item No. 20. Proclamation for Madison County Recreation and Parks Association “B” State Basketball Champions. (Chairman Dove)

Chairman Dove stated we had moved this item in order to get the students home at a reasonable time during school night.

Item No. 21. Right of Way Deed between Madison County Industrial Development and Building Authority, Inc. and Madison County, Georgia. Business Drive and Millcreek Dr. (Chairman Dove)

Chairman Dove announced the agenda item and explained the Right of Way Deed. Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve. Commissioner Scogin seconded the motion. Chairman Dove asked if there was any discussion. There was none. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Bond, YES; Commissioner Scogin, YES; Commissioner Youngblood, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 22. Occupation Tax/Business License. (Eddie Pritchett)

Chairman Dove announced the agenda item and recognized Eddie Pritchett. Mr. Pritchett explained the three (3) changes to the license. Chairman Dove asked if there were any questions. BOC members asked questions and Mr. Pritchett answered each of the questions accordingly. Chairman Dove asked for a motion. Commissioner Scogin made a motion to charge a \$35.00 flat fee with a \$20.00 late fee. Chairman Dove asked if there was a second to the motion. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Youngblood, NO; Commissioner Pethel, NO; Commissioner Bond, YES; Commissioner Scogin, YES. The motion to charge a \$35.00 flat fee with a \$20.00 late fee was approved three (3) YES votes to two (2) NO votes.

Item No. 23. Videos of meetings and the termination of American Law Enforcement Network's contract. (Gary Venable)

Chairman Dove announced the agenda item and recognized Gary Venable. Gary stated that the Sheriff's department no longer uses this service and only needs approval from the Board to send a letter of termination. Chairman Dove asked for a motion. Commissioner Pethel made a motion to send a letter to terminate the service. Commissioner Youngblood seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Bond, YES; Commissioner Scogin, YES; Commissioner Youngblood, YES; Commissioner Pethel, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Gary explained putting the videos online for public viewing of the BOC meetings. He only needs permission from the Board to do so. Chairman Dove asked if there were any questions. There were none. Chairman Dove asked for a motion. Commissioner Youngblood made a motion to approve. Commissioner Bond seconded the motion. A roll call vote was recorded as follows: Commissioner Scogin, YES; Commissioner Pethel, YES; Commissioner Thomas, YES; Commissioner Bond, YES; Commissioner Youngblood, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 24. Contract with the Volunteer Fire Departments of Madison County. (Mike Pruett)

Chairman Dove announced the agenda item and recognized County Attorney, Mike Pruett. Mr. Pruett stated that the contract Madison County has with the Fire Departments expired at the end of December 2008. Mr. Pruett explained the changes in the new contract. The Departments had requested the addition of a security bond for employees having access to funds. This was added to the agreement which states that any and all employees having access to funds shall be covered by a security bond in the amount of not less than \$50,000. Chairman Dove asked if there were any questions. There was none. Chairman Dove asked for a motion. Commissioner Scogin made a motion to approve the new contract. Commissioner Youngblood seconded the motion. A roll call vote was recorded as follows: Commissioner Bond, YES; Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Youngblood, YES; Commissioner Scogin, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 25. Approval of Notice of Intent to Remove members of the Madison County Board of Assessors. (Mike Pruett, County Attorney)

Chairman Dove read the agenda item and recognized County Attorney, Mike Pruett. Mr. Pruett went over the contents of the drafted letter of intent and stated that it would be appropriate to go into executive session. Chairman Dove asked for a motion. Commissioner Pethel made a motion to go into executive session to discuss this item and

this item only. Commissioner Bond seconded the motion. Chairman Dove stated all in favor say aye. Response was all ayes. The BOC went into executive session at 9:05 pm.

The BOC returned from executive session at 9:44 pm and Chairman Dove called the meeting back to order. Chairman Dove asked County Attorney Mike Pruett to read the Notice of Intent to Remove members of the Madison County Board of Assessors. Attorney Pruett did so. Chairman Dove asked for a motion. Commissioner Bond made a motion to approve the letter of intent. Commissioner Youngblood seconded the motion. A roll call vote was recorded as follows: Commissioner Thomas, YES; Commissioner Pethel, YES; Commissioner Scogin, YES; Commissioner Youngblood, YES; Commissioner Bond, YES. The motion was approved five (5) YES votes to zero (0) NO votes.

Item No. 26. Road Projects Update. (Chairman Dove)

Chairman Dove announced the agenda item and read a report from the Road Department for work done during March 9, 2009 to April 3, 2009.

Item No. 27. Statements and Remarks from Citizens.

Chairman Dove announced the agenda item and asked if there were any statements and remarks from the Citizens. There were none.

Item No. 28. Executive Session to discuss land acquisition, personnel matters and/or potential litigation (if needed).

Chairman Dove announced the agenda item and asked if there was any other reason to go into another Executive Session. There were none.

Item No. 29. Adjourn.

Chairman Dove announced the agenda item and asked for a motion to adjourn. Commissioner Pethel made a motion to adjourn. Commissioner Youngblood seconded the motion. All in favor say aye. All ayes, the motion was approved.

The meeting adjourned at 10:00 pm.