Board of Commissioners

Official Minutes

Historic Courthouse, Commission Chambers
225 North Broad Street
July 23, 2013 6:00 p.m.

The Thomas County Board of Commissioners met on the above date in regular session at 6:00 p.m. at the Historic Courthouse, Commission Chambers, with the following board members present:

J. Elaine Mays, Chairman, Dist. 8
Merrill E. Baker, Jr., Dist. 1
Mark NeSmith, Dist. 4
Wiley E. Grady, Dist. 6
Moses L. Gross, Vice-Chairman, Dist. 2
Kenneth E. Hickey, Dist. 3
Hershel P. Ansley, Dist. 5
Phillip V. Brown, Dist. 7

Staff present was Michael J. Stephenson, County Manager, Bruce Warren, County Attorney, Twink Monahan, County Clerk, and Toyna Allen-Brooks, Secretary. Chris Hurst, WPAX Radio, and Patti Dozier were also present.

Chairman Mays recognized Michael Stephenson who gave the invocation and led the Pledge of Allegiance.

Chairman Mays recognized Commissioner NeSmith who made a motion to approve the minutes from the July 9, 2013 board meeting. The motion was seconded by Commissioner Hickey. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

Chairman Mays declared a public hearing to receive public comments concerning the Short Term Work Program.

Chairman Mays called upon Johnny Reichert, Planning Director, to explain the three (3) criteria of the program. After Mr. Reichert's explanation Chairman Mays called for public comments. There was none.

Chairman Mays closed the public hearing.

Chairman Mays recognized Commissioner Hickey who made a motion to approve the update as presented to the Short Term Work Program and submit to the Southwest Georgia Regional Commission. The motion was seconded by Commissioner Baker. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

THOMAS COUNTY
RESOLUTION

TO SUBMIT AN UPDATED SHORT TERM WORK PROGRAM FOR REVIEW TO THE SOUTHWEST GEORGIA REGIONAL COMMISSION AND THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS PRIOR TO ADOPTION

WHEREAS, the Board of County Commissioners of Thomas County, Georgia, has found it necessary to update the Short Term Work Program portion of their comprehensive plan to meet the requirements of the state's Minimum Planning Standards for local comprehensive plans; and,

WHEREAS, the update and the adoption of this new Short Term Work Program will insure that Thomas County maintains its Qualified Local Government Status; and,

WHEREAS, Thomas County will use the new Short Term Work Program to guide public expenditures and public programs;

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Thomas County, Georgia, that the updated Short Term Work Program shall be submitted for review and recommendation to the Southwest Georgia Regional Commission and the Georgia Department of Community Affairs. We do hereby certify that adequate citizen participation requirements have been met.

Adopted on the 23th day of July, 2013

Chairman Mays recognized Commissioner Grady who made a motion to approve the resolution to submit the Disaster Mitigation Plan to FEMA. The motion was seconded by Commissioner Brown. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

A RESOLUTION OF THE
THOMAS COUNTY BOARD OF COMMISSIONERS
PURSUANT TO THE DISASTER MITIGATION ACT OF 2000
AUTHORIZING ADOPTION OF THE
THOMAS COUNTY HAZARD MITIGATION PLAN

WHEREAS, Thomas County and its municipal governments are required to complete a Hazard Mitigation Plan by the Disaster Mitigation Act of 2000; and

WHEREAS, under the provisions of the Disaster Mitigation Act of 2000, local governments that complete Hazard Mitigation Plans will remain eligible for Federal mitigation funding; and

WHEREAS, Thomas County and its municipal governments have completed a Hazard Mitigation Plan that fulfills the Federal requirements of the Disaster Mitigation Act of 2000.

NOW THEREFORE LET IT BE RESOLVED THAT THE THOMAS COUNTY BOARD OF COMMISSIONERS FORMALLY ADOPTS THIS HAZARD MITIGATION PLAN.

RESOLVED THIS 23RD DAY OF JULY, 2013

Chairman Mays recognized Commissioner NeSmith who made a motion to ratify the diesel fuel purchase from Petroleum Products for $3.0490 per gallon on July 9, 2013. The motion was seconded by Commissioner Hickey. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

Chairman Mays recognized Commissioner Baker who made a motion to approve the resolution authorizing the Michael Stephenson, County Manager, to execute the lease-purchase documents with BancorpSouth for the John Deere motor grader, Unit 13-227, received on 7/11/2013, for a total 5-year lease of $ 20,903.74, $5,191.00 annual 12/1/2013 payment. The motion was seconded by Commissioner Hickey. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION
OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH
BANCORPSOUTH EQUIPMENT FINANCE, A DIVISION OF BANCORPSOUTH BANK
FOR THE PURPOSE OF LEASE-PURCHASING CERTAIN EQUIPMENT**

WHEREAS, the Board of Commissioners, the Governing Body (the "Governing Body") of Thomas County, Georgia (the "Lessee"), acting for and on the behalf of the Lessee hereby finds, determines and adjudicates as follows:

1. The Lessee desires to enter into an equipment Lease-Purchase Agreement with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Agreement") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank (the "Lessor") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment") and to purchase such other equipment from time to time in the future upon appropriate approval;
2. The Lessee is authorized pursuant to Section 36-60-13 of the Official Code of Georgia Annotated, as amended, to acquire equipment and furniture by Lease-Purchase agreement and pay interest thereon by contract for a term of one (1) year, with renewable one (1) year terms;
3. It is in the best interest of the residents served by Lessee that the Lessee acquire the Equipment pursuant to and in accordance with the terms of the Agreement; and
4. It is necessary for the Lessee to approve and authorize the Agreement and enter same on the minutes of the Governing Body pursuant to Section 36-10-1 of the Official Code of Georgia Annotated.
5. The lessee desires to designate the Agreement as a qualified tax-exempt obligation of Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE BE IT RESOLVED by this governing Body for and on behalf of the Lessee as follows:

Section 1. The Agreement and Exhibits attached thereto in substantially the same forms as attached hereto as Exhibit "A" by and between the Lessor and the lessee is hereby approved and Michael J. Stephenson (the "Authorized Officer") is hereby authorized and directed to execute said Agreement on behalf of the Lessee.

Section 2. The Agreement is being issued in calendar year 2013 and shall be entered on the minutes of the Governing Body.

Section 3. Neither any portion of the gross proceeds of the Agreement nor the Equipment identified to the Agreement shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Agreement (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Lessee) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Agreement are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. The principle portion of the Agreement, when added to the amount of debts incurred by Lessee pursuant to Article IX, Section IV, Paragraph I of the Constitution of Georgia,, does not exceed 10% of the assessed value of all taxable property of the Lessee.

Section 7. The Agreement and the equipment contemplated to be financed has not been the subject of a referendum which failed to receive the approval of the voters of Lessee jurisdiction within the immediately preceding four years.

Section 8. Lessee hereby designates the Agreement as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 9. In the calendar year 2013, Lessee has designated $ 5,191.00 of tax-exempt obligations (including the Agreement) as qualified tax-exempt obligations. Including the Agreement herein so designated, Lessee will not designate more than $10,000,000 of obligations issued during calendar year 2013 as qualified tax-exempt obligations.

Section 10. Lessee reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Lessee during calendar year 2013 not exceed $10,000,000.

Section 11. For purposes of this resolution, the amount of Tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations includes tax-exempt obligations issued by all entities deriving their issuing authority from Lessee or by an entity subject to substantial control by Lessee, as provided in Section 265(b)(3)€ of the Code.

Section 12. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Lessee to do all things necessary in furtherance of obligations of the Lessee pursuant to the Agreement, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the ready of the forgoing resolution Commissioner Merrill Baker moved that the forgoing resolution be adopted, Commissioner Kenneth Hickey seconded the motion for its adoptions. The Chairman put the question to a roll call vote and the result was as follows:

Chairman J. Elaine Mays	Voted: aye	Vice-Chairman Moses Gross	Voted: aye
Commissioner Merrill Baker	Voted: aye	Commissioner Kenneth Hickey	Voted: aye
Commissioner Mark NeSmith	Voted: aye	Commissioner Hershel Ansley	Voted: aye
Commissioner Wiley Grady	Voted: aye	Commissioner Phillip Brown	Voted: aye

The motion having received the affirmative vote of all members present, the Chairman declared the motion carried and the resolution adopted this the 23rd day of July 2013.

Chairman Mays read the following 2012 Millage Rates as adopted and the tentative 2013 Millage rates.

2012 Millage Rates - Adopted

	Digest by District	Millage Rate	Net Taxes
Incorporated	685,420,179	6.884	4,718,433
	Less insurance premium rollback	*1.189*	
Unincorporated	780,532,542	5.695	4,445,133
Emer. Services	1,490,500,561	1.581	2,356,481
Fire District 1	150,662,442	3.000	451,987
Fire District 2	189,772,853	3.000	569,318
Fire District 3	505,333,408	2.000	1,010,667

2013 Millage Rates - Rollback

	Digest by District	Millage Rate	Net Taxes
Incorporated	705,416,384	6.862	4,840,567
Unincorporated	804,381,887	5.689	4,576,129
Emer. Services	1,534,073,536	1.578	2,420,768
Fire District 1	154,315,940	2.991	461,559
Fire District 2	192,483,222	2.996	576,680
Fire District 3	465,875,026	1.999	931,284

2013 Millage Rates – Tentative

	Digest by District	Millage Rate	Net Taxes
Incorporated	705,416,384	9.350	6,595,643
	Less insurance premium rollback *1.232*		
Unincorporated	804,381,887	8.118	6,529,972
Emer. Services	1,534,073,536	1.800	2,761,332
Fire District 1	154,315,940	3.300	509,243
Fire District 2	192,483,222	3.300	635,195
Fire District 3	465,875,026	2.400	1,118,100

Chairman Mays recognized Commissioner Grady who made a motion to approve the tentative 2013 millage rates as presented. The motion was seconded by Commissioner Baker.

Chairman Mays called for discussion. Commissioner Grady requested Michael Stephenson explain the reason for the increase. Mr. Stephenson stated that during a workshop the board requested the tentative millage be set at a rate that would keep the county from having to balance the budget with reserve funds. The largest increase in expenses is health care and the proposed employee raises. Also included was $800,000 for capital improvements. Mr. Stephenson noted that the county also has to overcome a drop in sales tax from $3.9 to $3.4 million.

Chairman Mays called for the vote. Motion carried with Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, Ansley, Grady and Brown voting aye. Commissioner NeSmith cast the sole nay vote.

Chairman Mays recognized Commissioner Hickey who made a motion to approve the Retail Sale Beer/Wine for consumption on Premises Application for Kimberly J. Sponaugle, South Eden Plantation, 301 Showboat Lane. The motion was seconded by Commissioner Brown. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

Chairman Mays recognized Vice-Chairman Gross who made a motion to approve Intergovernmental Agreement with the City of Thomasville for remove debris from the St. Thomas AME Church for $21,500 as approved by the City of Thomasville on 7/22/2013. The motion was seconded by Commissioner Baker. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement entered into this the 23 day of July, 2013, by and between Thomas County, Georgia (hereinafter referred to as "the County") and the City of Thomasville (hereinafter referred to as "the City").

WHEREAS a building occupied by the St. Thomas AME Church located at 700 North Broad Street, Thomasville, Thomas County, Georgia, imploded and the debris and rubble resulting from the implosion has not been removed from the site; and

WHEREAS the City of Thomasville, in the exercise of its police powers, has determined that the site constitutes a nuisance and is a danger to the citizens of Thomasville; and

WHEREAS the City of Thomasville has undertaken to clean the site and remove the debris and rubble; and

WHEREAS the City of Thomasville has requested that Thomas County participate in the clean up by providing dump trucks to haul the materials from the site to the landfill;

NOW THEREFORE, the parties agree as follows:

1. The City assumes all responsibility for the clean-up of the property at 700 North Broad Street, Thomasville, Georgia and agrees to hold the County harmless from any and all liability arising out of the County's participation.
2. The County agrees to provide sufficient number of dump trucks to remove the debris and rubble from the site to the Thomasville/Thomas County landfill.
3. The City agrees to pay the County the sum of $21,500.00 for the work performed by the County in hauling the debris and rubble from the site at 700 North Broad Street, Thomasville, Georgia to the Thomasville/Thomas County landfill.
4. The County shall not be responsible for any associated landfill costs or fees.

IN WITNESS WHEREOF the parties have set their hands and seals upon the date above first written.

The City of Thomasville, Georgia Thomas County Board of Commissioners

Mr. Stephenson reported that he is going to be going out for bids on a line of credit. He is also looking into solutions for the sound issue in the courthouse. With all the wood floors the county may need to consider some rugs to minimize the sound.

Chairman Mays recognize Commissioner Brown who made a motion to approve the personnel committee's recommendation to purchase Executime Software for time attendance record keeping for $35,500; and MCCI and Avante for software and hardware for digitizing county records for $44,270. The motion was seconded by Commissioner Ansley. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

Mr. Stephenson told the board that the method for the Executime software whether web based or in-house is still being researched.

Johnny Reichert told the board that he is still waiting on additional information concerning the Cassidy Road project from Mr. Randy Holton, the developer.

Scheduled meetings:

Purchasing Committee	August 6, 2013	8:00 a.m., Committee Room
Solid Waste Committee	July 25, 2013	8:00 a.m., Public Works
Public Hearings (Millage)	August 6, 2013	8:00 a.m., 6:00 p.m., Commission Chambers
Road Committee	August 12, 2013	8:00 a.m., Public Works

Chairman Mays recognized Commissioner Hickey who made a motion to approve repairs to Forrest Ridge Road off of Singletary Road; filing a sinkhole. The motion was seconded by Commissioner Ansley. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

Bruce Warren stated that he has researched the Florida legislation concerning gaming and will get with Johnny Reichert to discuss a local ordinance.

The board set Monday, August 5 at 8:00 for a meeting to review information requested from Taylor Benefit Resources. The meeting will be in the Committee Room in the Annex.

Chairman Mays recognized Commissioner Hickey who made a motion to adjourn. The motion was seconded by Commissioner Brown. Motion carried unanimously; Chairman Mays, Vice-Chairman Gross and Commissioners Baker, Hickey, NeSmith, Ansley, Grady and Brown voting aye.

J Elaine Mays

J Elaine Mays, Chairman

ATTEST:

M. Twink Monahan

M. Twink Monahan, County Clerk