

MINUTES OF
TERRELL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

DATE: OCTOBER 3, 2017

TIME: 6 P.M.

PLACE: TERRELL COUNTY GOVERNMENT BUILDING

COMMISSIONERS AND STAFF PRESENT: CHAIRMAN WILBUR T. GAMBLE, III, VICE-CHAIRMAN ERNEST JOHNSON, COMMISSIONERS BRAD STAFFORD, LUCIUS HOLLOWAY, AND CRIS WEBB, COUNTY ATTORNEY JIMMY SKIPPER, AND ASSISTANT SANDRA O'STEAN

OTHERS PRESENT: EVELYN FILLINGAME, GREG WALSH, MAUREEN WALSH, BO HAMBY, EZEKIEL HOLLEY, LASHONDRA STEPHENS, MARY ELLEN HARNAGE, MELODY PIERCE, GARY MCNEELY, MELLEAN DAVIS, MARGARET HALBROOK, SANDRA WALKER, AND KEN ANDREW

CALL TO ORDER ---CHAIRMAN T. GAMBLE

PRAYER --- REVEREND JOSEPH MORELAND

APPROVAL OF AGENDA - OCTOBER 3, 2017 ---THE MOTION TO APPROVE THE OCTOBER 3, 2017 AGENDA WAS MADE BY ERNEST JOHNSON AND CRIS WEBB GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE ERNEST JOHNSON, CRIS WEBB, BRAD STAFFORD, AND LUCIUS HOLLOWAY. THE MOTION CARRIED.

APPROVAL OF MINUTES - SEPTEMBER 5, 2017 REGULAR MEETING, AND SEPTEMBER 14, 2017 SPECIAL MEETING TO LEVY TAX ---THE MOTION TO APPROVE THE MINUTES OF BOTH THE SEPTEMBER 5 AND THE SEPTEMBER 14, 2017 MEETINGS WAS MADE BY BRAD STAFFORD AND ERNEST JOHNSON GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, ERNEST JOHNSON, LUCIUS HOLLOWAY, AND CRIS WEBB. THE MOTION CARRIED.

CHAIRMAN'S REPORT ---CHAIRMAN GAMBLE REPORTED THAT A TAX ANTICIPATION NOTE (TAN) HAD BEEN APPROVED BY VOTE AT THE SEPTEMBER MEETING AND BIDS HAD BEEN SENT TO ALL OF THE LOCAL BANKS. THE BANK OF TERRELL GAVE THE LOWEST RATE FOR THE TAN AND SO NECESSARY LOAN DOCUMENTS WERE DRAWN UP AND READY FOR APPROVAL AND SIGNATURES. ALSO, A RESOLUTION AUTHORIZING THE NOTE WAS PREPARED AND PRESENTED FOR APPROVAL AND SIGNATURES OF ALL COMMISSIONERS. ATTORNEY JIMMY SKIPPER GAVE EXPLANATIONS OF ALL THE DOCUMENTS THAT WERE BEING PRESENTED. BRAD STAFFORD MADE THE MOTION TO APPROVE THE RESOLUTION FOR A TAX ANTICIPATION NOTE WITH THE BANK OF TERRELL AND ALL OF THE COMMISSIONERS TO SIGN THE RESOLUTION. ERNEST JOHNSON GAVE A SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, ERNEST JOHNSON, LUCIUS HOLLOWAY, AND CRIS WEBB. THE MOTION CARRIED.

TREASURER'S REPORT ---PHONSO DONALDSON READ THE FINANCIAL REPORT.

CLERK'S REPORT -- BANK BALANCES, VENDOR ACTIVITY, JAIL INMATE COUNT, AND ANNOUNCEMENT THAT THOMPSON GAS HAD JOINED WITH OTHER COMMUNITY PARTNERS TO OFFER AN EMPLOYEE DISCOUNT FOR PROPANE WAS MADE BY ASSISTANT SANDRA O'STEAN.

EMS / 911 REPORT ---BO HAMBYREAD THE REPORT FOR EMS AND 911.

EXTENSION SERVICE REPORT ---MARGARET HALBROOK GAVE REPORT FROM THE EXTENSION AND 4-H DEPARTMENTS.

WARDEN / ROAD SUPERVISOR REPORT ---WARDEN MCCLUNG SUBMITTED A WRITTEN REPORT.

SHERIFF'S REPORT ---A WRITTEN REPORT WAS PRESENTED BY THE SHERIFF. IN HIS REPORT, THE SHERIFF SUBMITTED A REQUEST FOR CAMERAS FOR RECENTLY PURCHASED TAHOE VEHICLES. DISCUSSION FOLLOWED REGARDING THE FUNDS TO BE USED AND IF FUNDS WERE AVAILABLE. BRAD STAFFORD MADE A MOTION PENDING THE CLERK CHECKING THE BUDGET AND FUNDS AVAILABLE TO PURCHASE THE REQUESTED CAMERAS AT THE COST OF \$14,200.00. LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, LUCIUS HOLLOWAY, CRIS WEBB, AND ERNEST JOHNSON. THE MOTION CARRIED. THE SHERIFF REPORTED THAT DEPUTIES WERE BEING PAID COMP TIME PAY AND NOT OVERTIME PAY. THE COMMISSIONERS REPLIED THAT ACCORDING TO PAST COMMISSIONERS' VOTE THE DEPUTIES WERE TO BE PAID OVERTIME.

DELINQUENT TAX REPORT -FORGIVENESS OF INTEREST/PENALTY----LINDA ANN SPILMAN STATED THE REQUEST TO FORGIVE PENALTY AND INTEREST ON PROPERTY ALAN AND TOM INGRAM PURCHASED FROM RUSSELL FERGUSON ON DECEMBER 11, 2015. THE MAP AND PARCEL IS 020-034E. INTEREST IS \$16.80 AND PENALTY IS \$29.98. THE NEW OWNER AGREES TO PAY THE BASE AMOUNT OF \$299.84. CRIS WEBB MADE THE MOTION TO FORGIVE INTEREST AND PENALTY ON THE PROPERTY. ERNEST JOHNSON GAVE A SECOND. THOSE IN FAVOR OF THE MOTION WERE CRIS WEBB, ERNEST JOHNSON, BRAD STAFFORD, AND LUCIUS HOLLOWAY. THE MOTION CARRIED. MS. SPILMAN STATED THAT TO DATE \$360,257.44 HAD BEEN COLLECTED IN DELINQUENT TAXES.

RECREATION DEPARTMENT REPORT -- A FINANCIAL REPORT WAS SUBMITTED. RYAN CANNON GAVE UPDATES ON THE FACILITY.

GARBAGE ASSESSMENT REPORT ---SANDRA O'STEAN READ THE CURRENT YEAR ASSESSMENT REPORT. TWENTY-EIGHT DELINQUENT ACCOUNTS HAVE BEEN TURNED OVER TO DELINQUENT TAX SERVICES TO PROCESS TOWARD LEVYING ON THE PROPERTY AND SALE OF PROPERTY.

OLD BUSINESS:

INMATE MEDICAL SERVICES CHANGE FOR CONTRACT--SANDRA WALKER WAS NOT PRESENT AT THIS TIME AND SANDRA O'STEAN GAVE A REPORT THAT MS. WALKER'S INTENT TO STAY WITH THE CURRENT MEDICAL SERVICE PROVIDER SOUTHEAST CORRECTIONAL MEDICAL GROUP (SECMG). THE SECMG HAD AGREED TO REDUCE THE PREMIUM BY \$5,000. THIS ITEM WAS TABLED UNTIL MS. WALKER COULD BE PRESENT TO DISCUSS THE MATTER.

LMIG FY2016 & 2017 - D.E. SHORT ROAD - REPORTED ERROR ON RECENT IMPROVEMENTS --BRAD STAFFORD STATED AFTER CHECKING LOCAL MAINTENANCE IMPROVEMENT GRANT RECORDS IT WAS REALIZED THAT AN ERROR WAS MADE IN IMPROVEMENTS TO D. E. SHORT ROAD. ONE MILE WAS PAVED INSTEAD OF THE APPROVED .5 MILE PAVING. TO OFFSET THE COSTS OF THE ERROR, .5 OF A MILE WAS REMOVED FROM IMPROVEMENTS TO JONES MILL RD THIS YEAR.

TAMMY LANE ROAD-OPTIONS FOR POSSIBLE PROJECT TO MOVE POWER LINES ON TAMMY LANE ---RYAN CANNON PRESENTED A DRAFT FOR PROPOSED RIGHT OF WAY AND THE MOVING OF THREE POWER LINE POLES ON TAMMY LANE. BRAD STAFFORD MADE A MOTION FOR RYAN CANNON TO TAKE THIS LAST DRAFT TO SUMTER ELECTRIC AND OBTAIN COST ESTIMATES AND RETURN INFORMATION TO THE BOARD. LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, LUCIUS HOLLOWAY, ERNEST JOHNSON, AND CRIS WEBB. THE MOTION CARRIED.

AT THIS TIME, SANDRA WALKER ENTERED THE MEETING. CHAIRMAN GAMBLE ASKED HER TO PRESENT INFORMATION SHE HAD IN REGARDS TO INMATE MEDICAL SERVICES TO THE COUNTY. EACH COMMISSIONER AND STAFF MEMBER WAS GIVEN A COPY OF THE AGREEMENT SHE WAS NEGOTIATING WITH SOUTHEAST CORRECTIONAL MEDICAL GROUP (SECMG). DISCUSSION FOLLOWED REGARDING SOME ITEMS. THE PROPOSAL DATE OF THE CONTRACT WAS CORRECTED. THE COSTS SHOWN ON THE CONTRACT WAS FOR BOTH THE

CORRECTION FACILITY AND THE JAIL. THE ORIGINAL COST OF SERVICES WAS REDUCED BY \$5,000.00. THE AVERAGE NUMBER OF INMATES AT THE JAIL WAS DISCUSSED AND MS. WALKER STATED THIS WAS NOT A NEGOTIABLE ITEM IN THE CONTRACT. MENTAL HEALTH CARE AND DENTAL CARE WERE ITEMS CONSIDERED FOR RENEGOTIATING. ERNEST JOHNSON MADE A MOTION TO TABLE THE MATTER UNTIL SANDRA WALKER CAN CHECK ON THE POSSIBILITY OF STIKING MENTAL HEALTH CARE FROM THE CONTRACT AND THE POSSIBILITY OF BASING COST ON A LOWER NUMBER OF INMATES. LUCIUS HOLLOWAY GAVE A SECOND. THOSE IN FAVOR OF THE MOTION WERE ERNEST JOHNSON, LUCIUS HOLLOWAY, BRAD STAFFORD, AND CRIS WEBB. THE MOTION CARRIED.

ADOPT RESOLUTION TO AUTHORIZE TAX ANTICIPATION NOTE AND SIGN TAX NOTE AND ALL RELATED DOCUMENTS FOR LOAN ---THIS ITEM WAS HANDLED ABOVE UNDER THE CHAIRMAN'S REPORT SECTION.

NEW BUSINESS:

WORKSOURCE SOUTHWEST GEORGIA PROGRAM UPDATES---MELODY PIERCE EXECUTIVE DIRECTOR PRESENTED INFORMATION ON SERVICES AVAILABLE TO THE COUNTY FROM HER ORGANIZATION.

PROCLAMATION OF RETIRED TEACHERS DAY --EVELYN FILLINGAME WAS PRESENT ON BEHALF OF RETIRED EDUCATORS OF GEORGIA REQUESTING THAT TERRELL COUNTY RECOGNIZE AND PROCLAIM NOVEMBER 5, 2017 AS RETIRED EDUCATORS DAY. CHAIRMAN GAMBLE APPROVED THE REQUEST AND STATED A PHOTO OF THE DOCUMENT BEING SIGNED WOULD BE MADE AFTER THE MEETING.

HIRING OF DELINQUENT TAX SERVICES FOR DELINQUENT TAX COLLECTION SALE---CHAIRMAN GAMBLE STATED DELINQUENT TAX SERVICES COULD NOT BE HIRED BY COUNTY COMMISSIONERS TO LEVY A PROPERTY TAX SALE. THE COUNTY COULD TAKE OTHER CERTAIN LEGAL ACTION TO LEVY FOR TAX SALE. ATTORNEY JIMMY SKIPPER WAS ASKED TO PRESENT LEGAL OPTIONS THE COUNTY COULD TAKE IN REGARDS TO COLLECTING DELINQUENT TAXES. HE EXPLAINED THE PROCESS OF JUDICIAL IN REM TAX FORECLOSURE. THE COUNTY ATTORNEY COULD FILE CIVIL ACTIONS IN SUPERIOR COURT AGAINST ACCOUNTS OVER ONE YEAR IN DELINQUENCY AND THE MATTER WOULD BE TAKEN BEFORE THE SUPERIOR COURT JUDGE. THE BENEFIT OF THIS WOULD BE THE MATTER COULD BE RESOLVED WITHIN FORTY-FIVE (45) DAYS AND THE REDEMPTION PERIOD IS SIXTY (60) DAYS RATHER THAN A YEAR. A RESOLUTION WOULD HAVE TO BE APPROVED BEFORE THIS OPTION COULD BE USED. DISCUSSION FOLLOWED AS TO WHICH ACCOUNTS WOULD BE TURNED OVER FOR SALE. ERNEST JOHNSON MADE THE MOTION TO TABLE THIS ITEM UNTIL THE BOARD COULD REVIEW ALL OF THIS NEW INFORMATION. LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE ERNEST JOHNSON, LUCIUS HOLLOWAY, BRAD STAFFORD, AND CRIS WEBB.

PROPOSED RESOLUTION TO MOVE TAX COLLECTION FROM SHERIFF OFFICE TO TAX COMMISSIONER OFFICE ---CHAIRMAN GAMBLE PRESENTED A RESOLUTION WHICH WAS DRAWN UP BY COUNTY ATTORNEY SKIPPER REQUESTING INTRODUCTION OF LOCAL LEGISLATION TO THE 2018 SESSION OF THE GEORGIA GENERAL ASSEMBLY. THE RESOLUTION ASKS FOR LOCAL LEGISLATION THAT WOULD AUTHORIZE TERRELL COUNTY TAX COMMISSIONER TO ACT AS EX OFFICIO SHERIFF IN ORDER TO COLLECT DELINQUENT TAXES AND FORECLOSE ON PROPERTY AND CONDUCT TAX SALES. CURRENTLY THE SHERIFF IS THE ONLY ONE THAT HAS THE POWER BY LAW TO LEVY AND CONDUCT TAX SALE. ATTORNEY SKIPPER STATED THAT IF LEGISLATION IS PASSED IT WOULD BECOME EFFECTIVE JULY 1, 2018 OR THE DATE WHEN THE GOVERNOR SIGNS THE DOCUMENT. MUCH DISCUSSION WAS HELD ON THE DELINQUENT ACCOUNTS, THE ABILITY OF OWNERS TO PAY IN FULL, TAKING PARTIAL PAYMENTS, AND USING DELINQUENT TAX SERVICES (DTS) FOR MOVING FORWARD TO A TAX SALE. CRIS WEBB MADE THE MOTION TO APPROVE THE RESOLUTION TO BE INTRODUCED TO THE STATE LEGISLATURE ASKING THAT THE TAX COMMISSIONER BE AUTHORIZED TO ACT AS EX OFFICIO SHERIFF FOR COLLECTING TAXES.

BRAD STAFFORD GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE CRIS WEBB AND BRAD STAFFORD. THOSE OPPOSED TO THE MOTION WERE LUCIUS HOLLOWAY AND ERNEST JOHNSON. DUE TO A TIE, CHAIRMAN GAMBLE VOTED IN FAVOR OF THE MOTION. THE MOTION CARRIED.

AGENDA WAS AMENDED TO ALLOW COUNTY EMPLOYEE TO ADDRESS THE BOARD IN OPEN PUBLIC MEETING RATHER THAN IN PRIVATE EXECUTIVE SESSION – CHAIRMAN GAMBLE EXPLAINED THAT HE WAS INFORMED BY ATTORNEY SKIPPER PRIOR TO THIS MEETING AND BY READING STATUTORY LANGUAGE HIMSELF THAT THE OPEN MEETING ACT STATES PERSONAL COMPLAINTS COMING BEFORE THE BOARD HAVE TO BE PRESENTED IN AN OPEN MEETING RATHER THAN IN AN EXECUTIVE SESSION. EXECUTIVE SESSIONS ARE HELD TO MAKE DECISIONS ON MATTERS OF HIRING AND FIRING. LUCIUS HOLLOWAY MADE THE MOTION TO AMEND THE AGENDA TO REMOVE THE EXECUTIVE SESSION AND TO ALLOW DYWAINA HARNAGE TO ADDRESS THE BOARD IN A PUBLIC MEETING. ERNEST JOHNSON GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE LUCIUS HOLLOWAY, ERNEST JOHNSON, BRAD STAFFORD, AND CRIS WEBB. THE MOTION CARRIED. DYWAINA HARNAGE PRESENTED HER REQUEST TO HAVE A LETTER OF REPRIMAND DATED SEPTEMBER 15, 2017 REMOVED FROM HER PERSONNEL FILE. SHE STATED SHE WAS UNJUSTLY REPRIMANDED. ATTORNEY SKIPPER EXPLAINED THE PROCEDURES FOR OPEN MEETINGS AND FOR ADJOURNING MEETINGS TO EXECUTIVE SESSION. MS. HARNAGE AND HER SUPERVISOR BILLY MCCLUNG WERE ASKED TO GIVE INFORMATION REGARDING THE SITUATION. DISCUSSION FOLLOWED AFTER HEARING FROM BOTH PARTIES. CHAIRMAN GAMBLE ASKED IF DELIBERATION WAS NECESSARY.

EXECUTIVE SESSION FOR COUNTY PERSONNEL ISSUES ---THE MOTION TO ADJOURN THE REGULAR MEETING AND TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUE AND DELIBERATE DECISION WAS MADE BY BRAD STAFFORD. LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, LUCIUS HOLLOWAY, ERNEST JOHNSON, AND CRIS WEBB. THE MOTION CARRIED. CHAIRMAN GAMBLE ADVISED THE AUDIENCE TO LEAVE AND SAID THEY WOULD BE ABLE TO COME BACK IN WHEN THE PRIVATE SESSION WAS OVER.

THE MOTION TO ADJOURN THE EXECUTIVE SESSION AND RETURN TO REGULAR MEETING WAS MADE BY CRIS WEBB. ERNEST JOHNSON GAVE THE SECOND. THOSE IN FAVOR OF THIS MOTION WERE CRIS WEBB, ERNEST JOHNSON, LUCIUS HOLLOWAY, AND BRAD STAFFORD. THE MOTION CARRIED.

RETURN TO REGULAR MEETING ---THE AUDIENCE RETURNED AND CHAIRMAN GAMBLE CALLED THE REGULAR MEETING BACK TO ORDER. BASED ON THE DELIBERATION IN THE EXECUTIVE SESSION, A MOTION TO HAVE THE LETTER OF REPRIMAND REMAIN IN THE EMPLOYEE’S FILE WAS MADE BY BRAD STAFFORD. ERNEST JOHNSON GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, ERNEST JOHNSON, LUCIUS HOLLOWAY, AND CRIS WEBB. THE MOTION CARRIED.

AN AFFIDAVIT OF CLOSED MEETING WAS PREPARED FOR SIGNATURE.

BRAD STAFFORD MADE A MOTION TO ADJOURN THE REGULAR MEETING AND LUCIUS HOLLOWAY GAVE THE SECOND. THOSE IN FAVOR OF THE MOTION WERE BRAD STAFFORD, LUCIUS HOLLOWAY, ERNEST JOHNSON, AND CRIS WEBB. THE MOTION CARRIED AND THE MEETING ADJOURNED.

RESPECTIVELY SUBMITTED: Sandra O'Stean
SANDRA O'STEAN ASSISTANT TO THE COMMISSIONERS

APPROVED BY: Wilbur T. Gamble III
WILBUR T. GAMBLE III CHAIRMAN

DATE APPROVED: 11-7-17

CLOSED MEETING AFFIDAVIT

STATE OF GEORGIA
COUNTY OF TERRELL

AFFIDAVIT OF CHAIRMAN

Wilbur T. Gamble, III, Chairman of the Terrell County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his knowledge and belief:

1.

The Terrell County Board of Commissioners met in a duly advertised meeting October 3, 2017.

2.

During such meeting, the Board voted to go into closed session.

3.

The Executive session was called to order at 7:30 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matters within the exceptions provided in the open meetings law:

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. 50-14-3(6)

This 3rd day of October 2017.

Wilbur T. Gamble III

Wilbur T. Gamble, III Chairman
Terrell County Board of Commissioners

Sworn to and subscribed
Before me this 3 day
Of October, 2017

Charlene Farmer
Notary Public, Terrell County, Georgia

My commission expires:
3/08/2018

