

The McDuffie County Board of Commissioners held a regular Commission Meeting on Wednesday morning, May 3, 2006, 10:00 AM, Grand Jury Room, McDuffie County Courthouse.

**COMMISSIONERS PRESENT**

Charles G. Newton IV, Chairman  
Sammie Wilson Sr., Vice Chairman  
Rev. Fred Favors, Commissioner  
Darrell Wester, Commissioner  
J. Robt. "Bob" Farr

**COUNTY REPRESENTATION**

Don Norton, County Manager  
Annette Finley, County Clerk  
Jimmy Whitaker, County Finance Director  
Fred Guerrant, Director, Planning Commission  
Chris Pelly, Director of Public Works  
Bruce Tanner, County Fire Chief  
Stephen Sewell, Fire Services/EMA  
Kelly Evans, Director, IT Department  
Don Clauson, Director, Solid Waste  
Sandra Whitaker, Tax Commissioner

**MEDIA**

WTHO Radio Station  
McDuffie Progress  
McDuffie Mirror

**OTHERS**

Eighteen (18)

**ZONING HEARING**

1. Update: William "Bill" Corley – Zoning Change – Mesena Road:  
Fred reported that Mr. Corley was in attendance to answer questions from the Board of Commissioners.

Mr. Corley reiterated his request for a "conditional use" approval of the eight or nine (8 or 9) acre parcel to be designated on the eastern side of his 165+ acre property located at 2565 Mesena Road, to be used as a metal fabricating shop.

Mr. Corley responded to questions regarding current, future use of this fabricating business on the site in question and his corporate plans.

2. Beneficial Communities – Fox Haven Multi-Family Apartment Complex;  
Mr. Bob Colvard, Representative of Beneficial Development:

Fred summarized the application which he had received seeking a change from R-2 (Medium Density Residential) to R-3 (Multi-Family Residential) for a proposed 9-building, 65-unit apartment complex, to be located on the southern most 6 acres of a current 10-acre parcel located on the west side of Old Washington Road near its intersection with Dallas Drive. In addition, to the zoning change, the applicant requested variances for the following:

- 1) Increase in maximum density from 48 to 65 units.
- 2) A variance from reduction in front setback from 85' to approx. 60-65 for the front 2 apartment buildings.

At this time, the pro and con visitors were invited to speak at the invitation of the Chairman; because of the number in attendance, each were allowed 3 minutes per person. Note was made that the Cons were concerned mostly with traffic increases, fear of safety for their children, increased drug problems with continued law enforcement on site, the manner in which rent

was subsidized, low income housing and generally agreed in stating the development was not welcomed in the Old Washington Road area. .

Pro

Ms. Sandra Godwin, Realtor, Thomson  
Mr. James Pavliscsak, Property Owner  
Mr. Pavliscsak, Toccoa, GA  
Mr. Bob Colvard, Sarasota, Fl.

Con

Mr. Ernest Hobbs, Resident. Old Washington Rd.  
Ms. Hattie Harris, “ “  
Ms. Story, “ “  
Mr. Douglas Veer, Resident Huntly Circle  
Ms. Mary Belton, “ “  
Ms. J. Brown, Resident, Huntly Circle  
H. Tankersley, “ “  
Ms. Denise Kendrick, “ “

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Mr. Colvard addressed the Board and visitors quoting HUD requirements along with census information data indicating the need for this type of housing. Also, he explained the amenities, layout and number of the apartments associated with the complex such as computer rooms, after-school programs at the central clubhouse, then presented additional information with market surveys which he had just received reflecting the need for this affordable housing in McDuffie County.

On May 2, 2006 at their regular meeting, the Planning Commission recommended denial of the zoning change and variances in apartment density and front setback.

## COMMISSION MEETING

### CALLED TO ORDER

Chairman Newton called the meeting to order and welcomed everyone in attendance.

### INVOCATION

Reverend/Commissioner Fred Favors, Pastor, Springfield Baptist Church, Thomson led the invocation which was followed by the Pledge of Allegiance.

### APPROVALS

Minutes (Regular Mtg. 4-18-06)

A motion to approve the minutes as written was made by Wester, seconded by Wilson and passed unanimously.

Minutes (Joint Water-Sewer Commission Mtg. 4-18-06)

A motion to approve the “Action Items” of the Joint Water-Sewer Commission Meeting held on 4-18-06 was made by Wilson, seconded by Wester and passed unanimously.

Agenda (Current)

An additional item was added to the current agenda under New Business, i.e. Item 1. Planning Board Recommendations. At this time, a motion to approve the current agenda with the amendment was made by Wester, seconded by Farr and passed unanimously.

#### **INFORMATION & ANNOUNCEMENTS**

1. **Announcement: CIA Students(14) (Citizens in Action) - Maxwell Elementary School; Will be at Courthouse Monday, May 8, 9:00 AM for the purpose of having picture made with Commissioners in Superior Court Room; Media was invited and asked to bring their cameras.**

#### **OLD BUSINESS**

1. **Final Review & Update of Surplus Auction Items: Chairman Newton asked Chris Pelly, Director of Public Works, to address this matter.**

Chris stated that all items declared as surplus to date will be given to “gov.deals” online. Additional items can be added in the future. As of 5/3/06, the “declared” list of items to be auctioned consists of the following:

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Kelly Evans stated that necessary contracts were being finalized and that a brief training period was being planned. The project will proceed as previously authorized by the Board.

#### **NEW BUSINESS**

1. **Planning Board Recommendations:**

- 1) **Mr. William “Bill” Corley – Zoning Change – Mesena Rd.**  
Chairman Newton reviewed the earlier request from Mr. William Corley, heard during the earlier Zoning Hearing, and recommended that a “conditional use” variance be approved for the 9 acres Mr. Corley had designated for the light industry of “sign fabrication and similar uses” for him and his corporate officials only as long as Mr. Corley lives at that address. A motion to approve the “conditional

use” variance for the stipulated purpose only was made by Wester, seconded by Farr and passed 3 to 1; Favors voted no stating that the request was outside the Zoning Ordinance.

County Manager, Don Norton, stated for the record it was his thoughts that the approval of this “conditional use” variance set a bad precedent for the future as it undercuts and nullifies a certain section of our Zoning Ordinance already in place.

2) **Bob Colvard(Applicant – Representing Beneficial Development)**

A motion was made by Commissioner Favors to uphold the recommendation of the Planning Commission and deny the zoning change along with the variances in apartment density and front setback of development proposed by Beneficial Communities on Old Washington Road; motion was seconded by Wilson. After a lengthy discussion, the motion passed 3 to 2. Commissioner Wilson asked for a “roll call” vote with the following results:

<u>Motion</u>	<u>Against the Motion</u>
<u>Uphold the Planning Board’s</u>	
<u>Recommendation</u>	
Favors	Wester
Wilson	Newton
Farr	

1. **E/R’s & ACO’s (Errors Releases & Assessors’s Change Order Report) Real Estate & Mobile Home Taxes – February, March & April 2006:** Chairman Newton asked Tax Commissioner Sandra Whitaker to present these reports:

Sandra presented reports for the following respective months:

February 2006  
Increase \$338.16 Property Taxes  
Decrease \$ \$428.31 Mobile Home Taxes

March 2006  
Increase \$624.71 Property Taxes  
Decrease \$1154.88 Mobile Home Taxes

April 2006  
Increase \$1344.08 Property Taxes  
Increase \$569.77 Mobile Home Taxes

After discussion, a motion was made by Wilson to accept the Tax Commissioner’s reports for the months of February, March & April 2006 presented; motion was seconded by Favors and passed unanimously.

2. **Proclamation – May 2006 National Community Action Month:** Chairman Newton presented a Proclamation received from the CSRA Economic Opportunity Authority, Inc. (EOA), in Augusta (our local agency) requesting that the Community Action Month in McDuffie County be declared for the month of May 2006 as had been done throughout the Country. The Proclamation is copied below and made a part of these minutes

After discussion, a motion was made by Wester to adopt the Proclamation as written; motion was seconded by Wilson and passed unanimously.

3. **Lightning Strikes:** Chairman Newton asked Kelly Evans, Director, IT Department, to address these issues:

a) **Law Enforcement Center**

Kelly presented a list of IT related hardware that was affected by the 4/22/06 lightning strike at the Law Enforcement Center and noted that the list did not include communications or jail hardware such as jail door cards, or radio equipment. A separate list from Dispatch and other areas in the Law Enforcement Center has been filed with the new insurance claim. Note was made that an ongoing list with a changing total amount on a daily basis is being maintained by the Director of 911 Dispatch and Major Ronnie Williamson of the Law Enforcement Center. On April 22, 2006 it was determined that IT related equipment damaged at that time amounted to \$15,240.00 and likely increased to approximately \$33,000 as of this date, May 3. Kelly advised that an insurance claim had been filed and an adjuster had been assigned to the claim who “in good faith” recommended that the server be replaced because of so much damage with this particular lightning strike in addition to the one previously experienced last year. The new equipment will cost approximately \$25,000. Kelly was advised by the Board that funds in the amount of approximately \$8000 would have to come from contingency for needed expenses other than those covered by insurance. A motion to approve these funds from contingency was made by Wilson, seconded by Farr and passed unanimously.

b) **Tax Assessor’s Office**

Kelly also presented a list of equipment that has failed at the Tax Assessor's Office when the lights went out Monday, April 24. This may have been a primary cause or it may have been secondary to the electrical storm on Saturday, 4/22 noting there is no way to know and other items may fail over time. A separate insurance claim has been filed on this location, however a claim number nor an adjuster has been assigned at this date. The total amount for this damage as of this date is \$6,400. One computer in the amount of \$750 can come from the IT budget, the HP 2524 switch is included with the "upgrade" and the balance of \$1350 can come from contingency until the insurance claim is settled. A motion to approve these expenditures was made by Wester, seconded by Farr and passed unanimously.

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4. **Bell South Contract Renewals:** Chairman Newton asked Kelly Evans to address these matters also.

- a) Kelly presented a Bellsouth Contract up for renewal for T-1 access to the internet which was implemented in 2003 by a former IT Director. This contract is due for renewal this month, May 2006, at a savings of \$75.00/month. The contract currently meets our needs and if more bandwidth is required, the contract can be upgrade without penalty.
- b) A second Bellsouth Contract for Long Distance services is also up for renewal. Kelly stated that as of this date, the county had a contract and was locked in @ 4.9 cents/minute for all long distance charges for the last two years in accordance with the contract in force at this time. However, the contract is up for renewal and she recommends that it be continued. The county will continue to pay 4.9 cents/minute for all long distance charges as opposed to 24 cents/minute without a contract.

After a lengthy discussion, a motion to approve these two contracts was made by Farr, seconded by Favors and passed unanimously.

5. **Probate Court – GCIC Services Fee, Budget Amendment:** Chairman Newton asked Jimmy Whitaker to address this issue.

Jimmy presented a summary explaining the Probate Court had previously been connected to the GCIC network through the Elections Office. Since this service had been discontinued, the Sheriff's Office provided the same services for a fee however, Probate Court has learned of a direct hook-up a for lesser fee. Since this matter came up after the budget for 2006 was processed and approved, a budget amendment for Probate Court to provide these necessary services is being recommended.

After discussion, a motion to approve a budget amendment in the amount of \$4,563.00 with funds coming from contingency was made by Wester, seconded by Farr and passed unanimously.

6. **Superior Court – Electronic Recording Device – Superior/Juvenile Courts:**  
Chairman Newton asked Don Norton, County Manager, to address this issue.

Don presented a letter/request from Judge Dunaway in Superior Court requesting an electronic recording device which could be used for some court reporting involving juvenile court cases as opposed to an individual court reporter. The cost of this system is in the total amount of \$1502.88 including shipping. McDuffie County's share, based on population, would be \$612.70 or 41.5%. After discussion, a motion to approve this request was made by Favors, seconded by Wilson and passed unanimously with funds coming from contingency.

At this time, an Executive Session was asked to be held with the topic of discussion being personnel. A motion to enter into an Executive Session was made by Farr, seconded by Wilson and passed unanimously.

**EXECUTIVE SESSION**

Topic of discussion: Personnel

A motion to resume the regular commission meeting was made by Wilson, seconded by Farr and passed unanimously.

No action was required or taken as a result of the Executive Session.

Chairman Newton reported that after having talked with the County Attorney, he wished to announce that there is no law, rule or regulation specifying 2 employees in the Election Office.

**ADJOURNMENT**

There being no further business to come before the Board of Commissioners at this time, a motion to adjourn was made by Wester, seconded by Farr and passed unanimously.

