

The McDuffie County Board of Commissioners held a regular Commission Meeting Tuesday evening, November 16, 2010, 6:30 PM, Grand Jury Room, McDuffie County Courthouse.

**COMMISSIONERS PRESENT**

Charles G. Newton IV, Chairman  
Sammie Wilson, Vice Chairman  
(Wilson was present for New Business Only)  
Paul McCorkle, Commissioner  
Wm. "Bill" M. Jopling, Commissioner

**COUNTY REPRESENTATION**

Sammy Fowler, County Attorney  
Don Norton, County Manager  
Penny Salley, County Clerk  
Pam Workman, Assistant Finance Director  
Bruce Tanner, Fire Chief  
Gail Newsome, Planning Commission  
Fred Guerrant, Director, Planning Board  
Don Clauson, Solid Waste Director  
Eric Reisinger, Public Works Director

**MEDIA**

WTHO Radio Station  
McDuffie Progress Newspaper  
McDuffie Mirror Newspaper

**OTHERS**

Eight (18) citizens attended

**ZONING ISSUES**

1. Kellie Gilmore/Charles G. "Wormy" Newton – Variance Request at 3813 Deer Trail Rd. – Continuation from 10/19/10 Commission Meeting

Guerrant again summarized for the Board an application which he received from Kellie Gilmore requesting that a variance be granted from the list of Permitted Uses allowed in the R-2 zoning district for her residential parcel located at 3813 Deer Trail Rd. in the Belle Meade Subdivision. Guerrant explained that chickens, or any domesticated farm animals are permitted in the R-1 (Agriculture and Low Density Residential), however, Belle Meade Subdivision was located in the R-2 (Medium Density Residential) district which is designated for residential uses only and that farm animals were not a permitted use.

At this time Ms. Gilmore addressed the Board in favor of granting the variance request. She explained that the chickens were pets and her neighbors had no objection to them being there. She further explained that there had never been an issue with noise, sanitation, or the chickens straying onto the golf course.

Mr. Bill Coleman spoke on behalf of Belle Meade residents in favor of denying the variance request.

The Planning Commission recommended denial of the variance.

Adjournment: 6:45 PM

**PUBLIC INPUT**

- Speakers: 1. Mrs. Janice Evans: Expressed concerns about the speed limit on Adams Chapel Road. Mrs. Evans has requested that the speed limit be changed from 55 mph to 25 mph and additional speed limit signs be placed along the road.

Adjournment: 7:05 PM

**COMMISSION MEETING**

**CALL TO ORDER**

Chairman Newton acknowledged a quorum of commissioners present and welcomed everyone in attendance.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Bill Coleman offered the invocation and was followed by the Pledge of Allegiance.

**APPROVAL**

**Agenda (Current)**

A motion to approve the current Agenda with the following change was made by McCorkle, seconded by Jopling and passed unanimously.

Remove New Business Item 8:        Discuss Need to Lift Hiring Freeze for Temporary Part-Time Employee at Transfer Station

**Minutes (Regular Mtg. 11-3-10)**

A motion to approve the minutes of the regular Commission Meeting held 11-3-10 was made by McCorkle, seconded by Jopling and passed unanimously.

**INFORMATION & ANNOUNCEMENTS**

1. ACCG 2010 7<sup>th</sup> District Meeting, Tuesday, November 30, 2010, 10:00 a.m., Columbia County Library

**OLD BUSINESS**

1. Further Consideration of Variance for Allowing Chickens ("Wormy" Newton/Kellie C. Gilmore, Applicants)

After discussion and hearing public comment regarding the variance application a motion was made by McCorkle to deny the variance request and to allow 30 days for removal of the chickens, seconded by Jopling and passed unanimously with Chairman Newton abstaining due to a conflict of interest.

**EXECUTIVE SESSION**

A motion to enter into an Executive Session was made by Jopling, seconded by McCorkle and passed unanimously.

Topic of Discussion:                      Pending or Potential Litigation

A motion to resume the regular Commission Meeting was made by McCorkle, seconded by Jopling and passed unanimously.

No action was taken

**OLD BUSINESS (CONTINUED)**

2. Further Discussion of 2011 CDBG

Chairman Newton has asked the other Commissioners to begin thinking about projects for the 2011 CDBG application. He has also made the recommendation that the County allow Gilbert & Associates to handle the application process as they have done in the past.

3. Further Discussion of Land Bank Authority Appointments

The City has made two appointments to the Land Bank Authority, George Battle will serve a two year term and Dot Knox will serve a four year term. Chairman Newton has recommended Riley Stamey and George Lokey as the County's appointments for the Land Bank Authority.

A motion to postpone this matter was made by McCorkle, seconded by Jopling and passed unanimously.

Chairman Newton has requested that a decision for appointments be made at the December 1, 2010 Commission Meeting.

**NEW BUSINESS**

**1. 30 Rounds Sports Bar (aka Hilltop Tavern) – Alcohol Violations**

Chairman Newton asked Gail Newsome, Code Enforcement Officer, to address this matter.

Gail stated that the Board of Commissioners approved the issuance of an Alcoholic Beverage License, with a six (6) month probation period, to Ronald Smalley for 30 Rounds Sports Bar at the April 7, 2010 Commission Meeting. She stated that since the issuance of the Alcoholic Beverage License the Sheriff's Department has responded on several different occasions for noise violations. There have also been advertisements that are in violation of the County Alcoholic Beverage Ordinance as well as State Law. She made Mr. Smalley aware that due to the license being issued on a probationary period there could be no violations of any kind.

Gail has made the recommendation that the Alcoholic Beverage License for 30 Rounds Sports Bar be revoked and the application for renewal be denied due to the violations. She also made the recommendation that the building no longer be allowed to be used for public assembly. Chairman Newton stated that the building should no longer be used for a night club establishment.

After discussion and a recommendation from Gail and Chairman Newton, a motion was made by Jopling to revoke the Alcoholic Beverage License for 30 Rounds Sports Bar and deny the application for renewal, seconded by McCorkle and passed unanimously.

**2. Consideration of Renewal of Intergovernmental Agreement for Clarks Hill Partnership of Georgia, Inc.**

Chairman Newton asked Don Norton, County Manager, to address this matter.

Don has recommended the renewal of the Intergovernmental Agreement for Clarks Hill Partnership of Georgia, Inc. The renewal is for an additional five (5) year term. Don also mentioned that upon renewal of the agreement the Board of Commissioners would need to appoint or reappoint committee members to replace those whose terms had expired

A motion was made by Jopling to renew the Intergovernmental Agreement for Clarks Hill Partnership, seconded by Wilson and passed unanimously.

**3. Consideration of Proposed New Tourism Board Appointments**

A motion to postpone this matter until the December 1, 2010 meeting was made by McCorkle, seconded by Wilson and passed unanimously.

**4. Consideration of an Ordinance for Outdoor Watering of Landscape**

Chairman Newton asked Fred Guerrant, Planning Director, to address this matter.

Guerrant presented a State mandated ordinance for outdoor watering of landscapes. This ordinance does not affect the current odd/even watering schedule. Restriction on Outdoor Watering of Landscape are as follows:

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the unincorporated areas of the County may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (A) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. §1-3-3;
- (B) Capture and reuse of cooling system condensate or storm water in compliance with applicable County ordinances and state guidelines;

- (C) Reuse of gray water in compliance with O.C.G.A. §31-3-5.2 and applicable local Board of Health regulations;
- (D) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water:
- (E) Watering personal food gardens;
- (F) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (G) Drip irrigation or irrigation using soaker hoses;
- (H) Hand watering with a hose with an automatic cutoff or handheld container;
- (I) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (J) Watering horticultural crops held for sale, resale, or installation;
- (K) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (L) Installation, maintenance, or calibration of irrigation systems; or,
- (M) Hydroseeding.

A motion was made by Wilson to approve the Ordinance for Outdoor Watering of Landscape, seconded by Jopling and passed unanimously.

#### 5. Request for Exception for Elias Station

Arthur Grimaud has requested that he be permitted to build a pre-sale house of 2,100 sq. ft. (heated) on lot 6 of Elias Station subdivision with only the front façade consisting of brick instead of the approved 1,700 sq. ft. (heated) all brick house.

The proposed square footage of 2,100 exceeds the minimum requirement of 1,700 square feet; however the next two houses are required to have all four sides be either brick or stone.

After discussion, a motion was made by McCorkle to approve the exception under the condition that it is a pre-sale, seconded by Jopling and passed with a two to one vote with Commissioner Wilson voting no.

#### 6. Request for Establishment of Special Street Lighting Tax District – Elias Station Subdivision

Chairman Newton asked Don Norton, County Manager, to address this matter.

A request for the establishment of this special street lighting district has been received from Mr. Arthur Grimaud, the developer of this subdivision. This will be McDuffie County's fifth special lighting district.

A lighting cost proposal was requested from Jefferson Energy, the supplier of the facilities and the electricity in that area.

Cost per lot (19 lots in Phase I, numbered 1-8, 38-40 and 64-71) is suggested to be \$125.00 per lot per year, which is sufficient for the County to in turn pay the cost of the electricity. The street light poles have been provided by Mr. Grimaud and Jefferson Energy (lights).

All costs will be offset by individual lot owners (or the developer for unsold lots) with a lien created for non-payment, while adding an amenity to the subdivision, as well as the County in general.

A motion was made by Jopling to approve the special street lighting tax district ordinance for Elias Station subdivision, seconded by McCorkle and passed unanimously.

**7. Discuss Need for Scales Replacement at Solid Waste Transfer Station**

Chairman Newton asked Don Clauson, Solid Waste Director, to address this matter.

Don reported that the last two months there have been issues with the scales "drifting" (not zeroing out and showing weight on the scale indicator). Georgia Scales attempted to calibrate the scales, but could not. Upon further inspection it was noticed that the platform deck was breaking loose and the joints underneath the scale were rusting. Don has stated that the only way to correct the problem is to replace the scales.

Don has received a price of \$54,168 from Georgia Scales for the replacement of the scales, to include the demolition of the old scales, concrete piers for new load cell supports, crane rental and axle scales for use while the permanent scales are being replaced. The scales will be paid for from the Landfill Surcharge account.

Don has requested to forego the bid process in order to have the scales replaced as quickly as possible to prevent any further loss of funds due to incorrect weights. McCorkle would like to get a second opinion on the repair of the scales. He would also like sealed bids to be accepted, due to the amount of money that is involved with replacing the scales. Chairman Newton has recommended that Don call several different scale companies and ask them for a repair price as well as a bid to replace the scales. He has also suggested that the sealed bids be sent overnight to be opened Monday, November 22, 2010 at 4:00 p.m. After the bids are opened a telephone poll will be done with the Commissioners for approval.

After discussion, a motion was made by Wilson to suspend the advertising requirements for accepting sealed bids for the purchase of scales, seconded by Jopling and passed unanimously.

**8. Consideration of CSRA RC Area Agency on Aging Grant**

Chairman Newton asked Don Norton, County Manager, to address this matter.

This \$22,000 grant will continue to buy the supplies and pay for three part time employees working with the County's craft class, jewelry class and ceramic class.

A motion was made by Jopling to accept the CSRA RC FY 2012 Area Agency on Aging Grant in the amount of \$22,000, seconded by Wilson and passed unanimously.

**9. Monthly Budget Report**

Chairman Newton asked Don Norton, County Manager, to address this matter.

As of October 31, 2010, with 83.3% of the year lapsed, the County had collected \$ 10,713,454.60 or 87.3% of the projected YTD revenue for the General Fund. With 83.3% of the year lapsed, the YTD General Fund Expenditures were \$10,166,266.09 or 83.1%.

**10. Monthly Financial Report**

Chairman Newton asked Pam Workman, Assistant Finance Director, to address this matter.

All bank accounts showing a grand total of \$15,570,428 as of October 31, 2010; Hotel/Motel revenue reflects a YTD \$148,049.00 or a total of -3.88% less than on the same date in 2009; Local Option Sales Tax Collections are YTD \$2,148,801.00 or a total of 8.84% increase from the same date in 2009; SPLOST IV Revenue/Expenditures report a cumulative revenue total of \$17,818,007 with a balance of \$108,117 plus \$489,876.00 interest earnings; SPLOST V revenues reflect \$6,023,184.00 as of October 31, 2010; expenditures are \$2,275,717.00. Of the \$17,655,000.00 in Bond Construction Funds for the new Government Center Project, \$11,242,862.53 had been spent as of October 31, 2010.

**ADJOURNMENT**

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

**McDUFFIE COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Charles G. Newton IV, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Penny Salley, County Clerk**