

**Minutes of Public Hearing
Elbert County Board of Commissioners
December 12, 2022**

- 1) Discussion and approval of a request by Roy and Jessie Fisher to rezone property located at 2184 Luther Burton Road from Mixed Use to GB (General Business) to allow for a campground. Map: 050, Parcel: 040. Recommended approval by Planning and Zoning. There were no public comments.
- 2) Discussion and approval of a request by Bob Thomas to rezone property located on Old Middleton Road from A (Agricultural) to I (Industrial). Map: 042, Parcel: 013. Recommended approval by Planning and Zoning. Mr. Thomas stated he is representing Rusty Adams and Randy Smith who would like to develop the property into light commercial. Properties surrounding the area are zoned for Industrial. There were no other public comments.
- 3) Discussion and approval of a request by Sierra Cody to rezone 1.51 acres located on Hoot Owl Road from A (Agricultural) to R1 (Single Family Residential) to allow for an additional home to be placed on the property. Recommended approval by Planning and Zoning. There were no public comments.

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Chairman Lee Vaughn called the meeting to order, Present were Chairman Vaughn, Commissioner David Hunt, Commissioner Casey Freeman, Commissioner Chris Alexander, Commissioner Kenneth Ashworth, Commissioner Freddie Jones, County Administrator Phil Pitts, County Attorney Bill Daughtry, CFO Macie Witcher, County Clerk Tamara Butler.

After the Pledge to the United States flag the invocation was given by Mr. Daughtry.

Adoption of the Agenda. Chairman Vaughn asked for a motion to amend the agenda to add 18a) Discussion and approval of the purchase of two (2) patrol cars for the Sheriff's Department; and 20a) Executive Session. Commissioner Alexander made a motion to approve the agenda as amended. Commissioner Freeman seconded the motion. The motion passed 5-0.

Adoption of the minutes of November 14, 2022 and the called meeting on November 23, 2022. Commissioner Freeman made a motion to adopt the minutes. Commissioner Hunt seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Roy and Jessie Fisher to rezone property located at 2184 Luther Burton Road from Mixed Use to GB (General Business) to allow for a campground.

Map: 050, Parcel: 040. Recommended approval by Planning and Zoning. Allen Hulme, Code Enforcement officer stated that Planning and Zoning did approve this application with the condition to limit the site rentals to 21 days; but the applicants have asked to have the same regulations as other campgrounds and to NOT place a 21- day limit. Commissioner Alexander made a motion to approve the application WITHOUT the 21-day limitation. Commissioner Freeman seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Bob Thomas to rezone property located on Old Middleton Road from A (Agricultural) to I (Industrial). Map: 042, Parcel: 013. Recommended approval by Planning and Zoning. Commissioner Freeman made a motion to approve this application. Commissioner Jones seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Sierra Cody to rezone 1.51 acres located on Hoot Owl Road from A (Agricultural) to R1 (Single Family Residential) to allow for an additional home to be placed on the property. Recommended approval by Planning and Zoning. Commissioner Ashworth made a motion to approve this application. Commissioner Hunt seconded the motion. The motion passed 5-0.

Mrs. Mary Clark to address the Board regarding the Martin Luther King, Jr. festivities and parade to be held in January 2023. Mrs. Clark stated she appreciates the support that has been given over the years and she is back to request financial support for the MLK weekend of January 14,15,16, 2023. She is requesting \$2,000 from the Hotel/Motel tax fund. Commissioner Freeman made a motion to approve this request. Commissioner Hunt seconded the motion. The motion passed 5-0. Commissioner Ashworth commented that there was discussion at the work session, that anyone requesting financial supports needs to turn in receipts and be held accountable for the money they are receiving. Chairman Vaughn stated after this request, and going forward he would like to see Mr. Pitts and Ms. Witcher work on a change to the policy and put some guidelines in place on how the funds are spent.

Tina Scoggins to address the Board regarding the accumulated annual leave policy. Chairman Vaughn asked that before Mrs. Scoggins addresses the board; he would like for Mr. Daughtry to go over the policy. Mr. Daughtry stated that we had a civil service system as part of the personnel policy that started in 1993 and amended in 2008 which put a cap of 96 hours of unused leave that would be paid to an employee upon termination of employment. Since Mrs. Scoggins has more than 96 hours of unused leave; Mr. Daughtry stated the board has the authority to make an exception to the Personnel Policy since Mrs. Scoggins position was eliminated and was not a planned resignation or termination of cause. He also stated that he does not like to make exceptions to any policies; but this is a situation where due to no fault of Mrs. Scoggins, her position was eliminated and it is up to the Board to make the exception in the case and paying the remaining balance of her unused leave of 157.5 hours. Commissioner Hunt made a motion to approve making an exception to the policy and paying Mrs. Scoggins the 157.5 hours of unused leave. Commissioner Jones seconded the motion. The motion passed 5-0.

Discussion and approval of the reappointment of Mr. Ed Shive to the Tax Assessors Board for another three (3) year term ending December 31, 2025. His current term will expire December 31, 2022. Commissioner Freeman made a motion to approve the reappointment of Mr. Shive. Commissioner Ashworth seconded the motion. The motion passed 5-0.

Discussion of Animal Control to be moved from under the supervision of the Sheriff's Department. Mr. Pitts stated that he and Sheriff Andrews, Darren Scarborough and a representative with the Department

of Agriculture did a walk thru to look at the improvements that were made and it was recommended that the facility be opened back up. Commissioner Ashworth made a motion to move the animal control facility under the supervision of the County Administration office. The motion died for the lack of a second to the motion.

Discussion and approval of the 2023 LMIG/TSPLOST paving projects. The following is the 2023 Road List at an estimated cost of \$2,661,874.84:

Allen Logan Road, Coldwater Road (new pavement to Hart Co), Victory Lane, Academy Drive, Nickville Road (new pavement to SR 72), county widening of Nickville Road, Double Bridges (Raymond Anderson to SR 77), Five Forks Road (Pleasant Grove to Corinth Church).

Commissioner Freeman made a motion to approve the 2023 LMIG/TSPLOST road paving. Commissioner Ashworth seconded the motion. The motion passed 5-0.

Discussion and approval of the Beer and Wine applications as follows:

- 1) 72 Marine Sales
- 2) Sahai and Saral, LLC- DBA One Stop Shop
- 3) Ingles Market
- 4) Leon Farmer & Company
- 5) Shree Sai Sai, LLC, DBA Quick Mart & Café
- 6) Pyramid Petro
- 7) Scenic View County Club
- 8) JTG & Pawar LLC
- 9) New Junction LLC
- 10) Asani Elberton Management LLC
- 11) Arrowhead Point Golf
- 12) Ain't it Guud
- 13) Blue Cielo Farms
- 14) Beaverdam Marina LLC

Commissioner Ashworth made a motion to approve the beer and wine applications. Commissioner Hunt seconded the motion. The motion passed 5-0.

Discussion and approval of bids for concrete finishing at the new county fire building. Mr. Bobby Howell stated two (2) bids were received. One from KWG Construction in Comer and the other from Performance Concrete in Bowersville. Mr. Howell stated after looking at the bids, he noticed a discrepancy in the bid from KWG, who only bid on 4,000 sq ft, while Performance Concrete bid on 5,000 sq ft. He contacted KWG and was informed they would stand by their bid of \$29,380 for 5,000 sq ft. Commissioner Jones made a motion to approve the low bid from KWG. Commissioner Ashworth seconded the motion. The motion passed 5-0.

Discussion and approval to declare property as surplus for the Parks and Recreation Department and the Road Department:

Parks and Rec:

- 1) Pull behind broadcast spreader
- 2) Pull behind grass catcher
- 3) John Deere 5' rotary cutter
- 4) John Deere grooming mower
- 5) 25-piece temporary fence panels

Road Dept:

1) 25 ft trailer

Mr. Howell stated Jack Bell at Bobby Brown Park requested the fence panels that can be used at the park and also the John Deere rotary cutter; which he will swap with an older one they have to surplus. All the remaining items will be placed on GovDeals. Commissioner Alexander made a motion to approve the surplus items. Commissioner Freeman seconded the motion. The motion passed 5-0.

Discussion and approval of adjustments to the 2017 SPLOST expenditures. Mr. Pitts stated this is not ready for discussion at this time and will be brought back up at a later date.

Mr. Darren Scarborough to address the Board regarding seized weapons; a proposal to sell them and use of the sale proceeds. Mr. Darren Scarborough stated they have a list of approximately 102 guns to sell and will be sold through Eddie Christian's Auction; one in March and one in September. He asked that the funds from both sales be put into the Sheriff's Department Drug Investigation account to help maintain their K-9's. Mr. Daughtry stated this would be acceptable. Commissioner Freeman made a motion to approve this request. Commissioner Ashworth seconded the motion. The motion passed 5-0.

Discussion and approval to purchase two (2) patrol cars for the Sheriff's Department. Mr. Darren Scarborough stated he understood there were ARPA funds remaining and he was asked to get price on some vehicles. The deadline to order Ford Explorers was in August; so that wasn't an option. He got a price on two (2) fully equipment 2023 Dodge Durango's for \$99,190. Chairman Vaughn stated there are no previous SPLOST funds available in the Sheriff's budget and the new SPLOST will start July 1st. Mr. Scarborough is asking for the funds to come from ARPA. Commissioner Freeman asked how much ARPA funds have the Sheriff's Department received which Mr. Scarborough replied about \$122,000 from the first round, but none from the second round. Commissioner Jones stated he thought the ARPA funds were set aside; and Commissioner Freeman stated he didn't think there was a vote to set it aside. Chairman Vaughn stated that he, Ms. Witcher and Mr. Pitts attended an ACCG meeting and they were informed there are several counties that have additional ARPA funds available that we can apply for. Ms. Witcher is working through that process to receive around \$109,000; plus, there is another round of ARPA funds of \$109,000 which will be a total of a little over \$200,000 that is coming. Chairman Vaughn stated he would like to go ahead and get the patrol cars for the Sheriff's Department. Commissioner Freeman stated he would like to make a motion to go ahead with purchasing the patrol cars using ARPA funds. Commissioner Ashworth seconded the motion. The motion passed 4-1; with Commissioner Jones opposing.

Finance Report. General Fund Expenditures are under budget thru November by \$366,098. Revenues thru November are \$1,131,556 more than last year at this time. SPLOST and TSPLOST are looking good thru November and Hotel/Motel taxes are still in good shape.

Public Comments. Commissioner Ashworth said that he would like to thank everyone in District 4 and Elbert County for their support over the last 12 years as Commissioner. He said that he has tried to do everything he could for the betterment of Elbert County. He also thanked the board for their support and working together. He asked that the new 4-H building be dedicated to former Commissioner Horace Harper because of what he did for Elbert County.

Mr. John Clark made the comment that he wanted to make sure that the ARPA funds were not be denied to anyone in the community organizations. He went on to say that the organizations have done a lot of good work in the community. He also stated that he hopes that with the other round of ARPA funds that is coming in, the organizations be dealt with fairly and justly.

Executive Session for litigation Commissioner Freeman made a motion to enter Executive Session. Commissioner Ashworth seconded the motion. The motion passed 5-0.

Upon returning, Commissioner Freeman made a motion to enter General Session. Commissioner Alexander seconded the motion. The motion passed 5-0.

There was no action taken.

Adjournment. Commissioner Ashworth made a motion to adjourn. Commissioner Alexander seconded the motion. The motion passed unanimously.