

The Brooks County Board of Commissioners met for its Monthly Workshop and Regular Monthly Meeting on Monday, August 4, 2014 at 5:00 p.m. in the Commissioners Meeting Room located at the Brooks County Office Building. Commissioners present were: Mr. S. L. Jones, Chairman; Ms. Myra Exum, Vice Chairman; Mr. James Maxwell; Mr. Willie Cody, and Mr. Joe Wingate. Others present were: Mr. Justin DeVane, County Administrator; Ms. Patricia Williams, County Clerk; Mr. Vann Parrott, County Attorney; and various residents.

Public Hearing – None

WORK SESSION

Chairman called workshop to order.

Reports from Committees/Departments

A. Public Works – Glenn Walker, Road Superintendent, reported on work completed for month of June:

- 77 work orders received, 17 trees down.
- Side Arm is down; should be operational tomorrow.
- Looking at options of whether to rent or lease back hoe equipment until January 1, 2015.

B. Ben DeVane – County Surveyor/Engineer –

- CDBG Grant project on Few Lane and Hassell Road is complete; construction and grass is complete and looks good; Contractor did a good job; and completed early.
- SAP project has completed striping and signage; and pay request has been submitted.
- A plan has been prepared for maintenance and repair for Landfill; met with Geoscience reviewed plan; and Public Works and Administrator will do the maintenance and repair.
- Working on Giddens Road right-of-way and property map. Need to get triangle to connect roads; get rid of drop-off.
- Voting Precinct survey at Pavo District should be done in next few days.

C. Tom Fields – Brooks County Fire Department

- Request for Bids is being run in the Quitman Free Press; and will be ready for the September regular monthly meeting.
- Brooks County Fire Department is responding to calls.
- FEMA coming to look at equipment purchased with the grant.
- Working everyday with ISO; and continuing to move forward.

Monthly Workshop & Regular Monthly Meeting (August 4, 2014)

Page 1 of 5

E. Benjamin Wingate – Appeared to request the Courthouse grounds to be used for the 2014 Skillet Festival on October 18, 2014.

Chairman closed work session to go into the Regular Meeting at 5:28 p.m.

1. Call to Order -

A. Prayer & Pledge – Mr. Wingate led all in attendance in prayer and pledge of allegiance.

2. Approval of Agenda

A. August 4, 2014 Regular Monthly Meeting – Mr. Maxwell made the motion to amend the agenda moving item 4D (Okapilco Farms) to 4A under appearances; Mr. Cody seconded. Vote was unanimous.

3. Approval of Minutes

On a motion by Mr. Maxwell, seconded by Mr. Wingate; the Board unanimously approved the following minutes as presented:

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| A. Monthly Workshop & Regular Monthly Meeting | July 7, 2014 |
| B. Special Called Meeting | July 10, 2014 |

4. Appearances

A. Okapilco Farms – Road Closure Request – Bethel Church Road- Administrator received a request from Aaron Coch, representing the Okapilco Farms, regarding the County abandonment of Bethel Church Road. The Plantation has spoken to the church deacons about maintaining access to the church and the cemetery, and it seems that both sides would be able to make arrangements. On a motion made by Mr. Wingate, seconded by Mr. Maxwell, Board unanimously approved to proceed with abandonment process of Bethel Church Road. A public hearing will be held prior to the next regular meeting.

B. Cherry Wilson & J.W. Wilson, Jr. – Refund of Trash Fees - Administrator received a request from Mr. and Mrs. Wilson concerning the repayment of trash fees for previous years. The Wilson's claim that although their bill included 3 charges for solid waste, they have only had two trash cans, and there were three homes located at the property going back several years. At one point, one of the homes was moved off the property, and their son brought a third mobile home back on the property to use as a storage building. The owners have agreed and submitted letters stating that the third structure would only be used as storage and would not be used as a residence. Administration recommends repayment of one solid waste fee for 2013, 2012, and 2011. The Wilson's should only have to pay for two fees for 2014, and be reimbursed for the three other years in the amount of \$542.00 (2013 - \$184.00, 2012 & 2011 -\$179.00). Ms. Exum made the motion to approve reimbursement of \$542.00 to Mr. and Mrs. Wilson for trash fees for previous years, 2011, 2012, and 2013, Mr. Cody seconded. Vote was unanimous.

Monthly Workshop & Regular Monthly Meeting (August 4, 2014)

Page 2 of 5

C. Neal Cruce – Diesel Spill and Damage to Road – the Board was previously advised of a situation that occurred on Ochlawilla Road, involving a 18-wheeler hauling timber. The tractor was marked as "Anger Timber" and came back to an individual out of Florida. On April 29th, Brooks County 911 received a call concerning an 18 wheeler partly overturned in the ditch on Ochlawilla Road that was leaking diesel into the ditch and possibly flowing into a nearby creek. 911 dispatched law enforcement and fire/rescue to the scene. A letter was sent to the registered owner, who then advised

that they worked for Agner Timber and provided the company's contact information. Administration sent the information to Agner Timber and was contacted by Mr. Cruce concerning the issue. Mr. Cruce has spoken to the Administration, and was encouraged to come before the Board to work out a suitable arrangement. Until this issue is resolved, Agner Timber is not to be permitted any new permits for timber in Brooks County. Due to the fact that the truck and driver were not direct employees of Agner Timber, but acting as a contracted owner/operator, Mr. Cruce is hopeful that something can be worked out. The original bill sent to Agner Timber was only for the immediate response by fire and rescue and the Road Department, in the amount of \$2,698.16. After discussion, the Board unanimously approved settlement regarding violation of Timber Harvesting Policy of Brooks County in the amount of \$1,000.00 on a motion made by Mr. Wingate; and seconded by Mr. Cody.

D. Doris Phillips/George Allen – Paving Mt. Carmel Church Road - Administrator received a request from Doris Phillips to appear before the Board to discuss rock paving of Mt. Carmel Church Rd. The church group has also submitted a letter to the County requesting that the project, originally started in 2010 be considered again. In the minutes from the January 2011 Regular Called Meeting, it states that the property owners did not wish to give the County R/W to complete the project. The road needs drainage easement and more right-of-way, because if ditch is pulled it will narrow the road. Ms. Phillips and Mr. Allen were advised that the Road Department should be notified of issues concerning road, County currently does not have funds for new road paving projects. Board asked County Engineer to go out and take a look at the area.

E. Michael Simmons – Guard Rail Projects - Administrator received a request from Michael Simmons, to appear before the Board to inquire about the guard rail project that the County has worked on in the past; and encourage the Board to continue to make those projects happen.

5. New Business

A. Tommy Marchant – Permission for Special Event – Noise Variance – Administrator received a request from Mr. Tommy Marchant requesting permission for a noise variance to hold an event in November around Veterans Day. The main attraction would be a hog dog baying competition. Mr. Wingate made the motion to approve the waiver for noise for the one day event to be held November 8, 2014 for Veteran's Day, seconded by Ms. Exum. Vote was unanimous.

Monthly Workshop & Regular Monthly Meeting (August 4, 2014)

Page 3 of 5

B. 2014 Millage Rate and Budget Amendment - Administration and the County Auditor have prepared the needed millage calculations FY2015 Budgets that were approved on June 30th. Administration is proposing an unincorporated rate of 11.499 (a slight decrease from 11.525) and an incorporated rate of 12.887 (a slight increase from 12.883). These numbers include adjustments for a decreased motor vehicle digest due to the title ad valorem tax exemption. By using these rates, the deficit fund needed from prior year surplus (the reserves) would be reduced from \$107,000 to \$38,256. On the motion made by Mr. Cody; seconded by Ms. Exum; the Board unanimously accepted and approved the 2014 Millage Rates; unincorporated rate of 11.499 (a slight decrease from 11.525) and an incorporated rate of 12.887 (a slight increase from 12.883). Mr. Wingate made the motion to approve the Budget amendments for the

FY2015 General Fund revenues which will reduce the deficit needed for prior year surplus from \$107,000.00 to \$38,256.00, Mr. Cody seconded, and vote was unanimous.

C. Sheriff Dewey – Inmate Health Services - Sheriff Dewey submitted a request regarding the new Inmate Healthcare provider; stating they are not delivering on the promises that were made. Sheriff Dewey would like to recommend termination of the current provider and select a new firm. He has collected three new bids for this service. Administration has spoken with Brooks County Hospital Administrator and sent him a copy of current provider's contract to review to see if he can provide the service. Board advised Sheriff to wait until Administrator get information back from Hospital before looking at bids.

6. Unfinished Business

A. Lemuel Asbell – Rhym Lane Right-of-Way – UPDATE: July 7th Meeting – County Attorney provided a memo to the County Administrator regarding the legal issues surrounding the prescriptive right-of-way on Rhym Lane. In Mr. Parrott's opinion, he believes that the County would have a difficult time claiming that a prescriptive R/W is still in effect since the property has not served a public interest in many years.

UPDATE: August 4th – County Engineer met with Mr. Asbell and offered a couple of items to solve the problem. Mr. Asbell did not agree to any of the mentioned ideas, unless the adjoining property owner would agree to give up a portion of their land. Administration suggests that the County try and get a utility easement from the property owner to maintain a storm water drainage ditch, and have the owner provide access to the easement when needed. Mr. Asbell agreed to Road Department putting in a bigger pipe; and Mr. Bentley agreed to purchase materials to help solve the problem.

7. County Administrator Notes/Comments

A. Safe Carry Protection Act - Administration received a request to look at the new gun laws concerning concealed weapons. According to the law, Government Buildings are exempt from the law if a guard performs a security check at the door. If the person attempts to enter a building with a concealed weapon, after they have been advised by a certified law enforcement agent, they can be issued a misdemeanor. Sheriff Dewey was present to discuss further. No action was taken.

Monthly Workshop & Regular Monthly Meeting (August 4, 2014)

Page 4 of 5

B. September Regular Monthly Meeting – Due to the first Monday of September being Labor Day Holiday, Administration recommends changing meeting date to the following Monday. On a motion by Mr. Wingate, seconded by Mr. Cody, Board unanimously approved changing the regular monthly meeting for September to Monday, September 8, 2014.

8. Commissioners Notes/Comments

A. Joe Wingate - District 1 – Commented he appreciates the job Road Superintendent, Mr. Glenn Walker is doing. He thanked Administrator for providing information on Family Cemeteries.

B. S. L. Jones, District 2 – Will discuss Lee Road closure at next monthly meeting.

C. Willie Cody, District 3 – Commented on the need for equipment, especially a back hoe for Road Department.

D. Myra Exum, District 4 – Stated appreciation to Glenn Walker; and asked to be informed when pipe is put in on Asbell property. Informed Board of a proposal received regarding Recreation.

E. James Maxwell, District 5 – Informed Mr. Clifford Ivory of the procedure of an Ante Litem to seek damages from County regarding Minnow Farm Road. Emphasized the need to County Engineer to get back on the guard rail projects

9. **Executive Session** - None

10. **Adjournment**

Mr. Maxwell made a motion to adjourn regular meeting at 7:11 p.m.; Mr. Cody seconded.

Mr. Sanford L. Jones, Jr., Chairman

Mr. Justin DeVane, Administrator

Ms. Patricia A. Williams, Clerk