MINUTES

DECATUR COUNTY BOARD OF COMMISSIONERS

COMMISSIONERS' BOARD ROOM

TUESDAY, OCTOBER 28, 2014

PRESENT: CHAIRMAN FRANK LOEFFLER, VICE CHAIRMAN DENNIS BRINSON, COMMISSIONERS DR. BUTCH MOSELY (BY PHONE), OLIVER SELLERS, JAN GODWIN AND RUSSELL SMITH, COUNTY ADMINISTRATOR GARY BREEDLOVE, COUNTY CLERK BEVERLY KING, COUNTY ATTORNEY BROWN MOSELEY AND NEWS REPORTER POWELL COBB.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Loeffler called the meeting to order at 7:00 p.m. After the call to order, Vice Chairman Brinson gave the invocation and all those assembled pledged allegiance to the flag of the United States of America.

AMENDMENTS / APPROVAL OF AGENDA

County Administrator Breedlove asked the board to approve the following amendments: Add Under Old Business: 3A SIPS Update; Add 3B Solar Project Update; and Add Real Estate to Executive Session. Commissioner Smith made a motion to approve the agenda with these amendments. Commissioner Godwin seconded the motion. A vote was taken and unanimously approved.

SPECIAL PRESENTATIONS

Chairman Loeffler recognized EMS Director Randy Williams. Mr. Williams gave an overall summary of events that have taken place since Grady has taken over the EMS department September 1, 2014. Mr. Williams stated they have a total of 28 employees. Mr. Williams stated they have hired an administrative assistant that is scheduled to start work soon. Mr. Williams gave an update on their fleet of ambulances, stating Decatur County has 3 ambulances available 24 hours a day seven days a week. Mr. Williams gave a report on the volume of calls received and the response time. Mr. Williams discussed mutual aide with surrounding counties. Mr. Williams stated on behalf of Grady, he wanted to thank the Board of Commissioners for the renovations that were made to the EMS building prior to their taking over.

County Administrator Breedlove gave a brief review of where the County came from with the EMS department compared to where it is today, stating the County took the right direction.

PUBLIC PARTICIPATION

There was no Public Participation.

APPROVE MINUTES

Commissioner Smith made a motion to approve the minutes of the Commissioners Meeting held October 14, 2014. Vice Chairman Brinson seconded the motion. A vote was taken and unanimously approved.

OLD BUSINESS

Landfill Cell 4 Status. County Administrator Breedlove gave a brief update on cell 4 status, stating cell 4 is now completed. Col. Breedlove stated there were a few issues with the monitor wells that needed to be complete and certified before cell 4 can be utilized.

Financials. County Administrator Breedlove gave a brief update on the TAN history/status. Col. Breedlove stated he expects to enter 2015 with $1,350,000 less tax revenue due to TAN, but the improvement over 2014 should be approximately $900,000. This does not account for

potential legal fees and the SPLOST VI transfers to municipalities of $125,000 per year.

Application for Defense Council. County Attorney Moseley stated this issue was presented at the last commissioners' meeting, a request for defense counsel for Rachel Trolinger. Mr. Moseley stated there was additional information provided to the Board in their agenda books. Mr. Moseley stated looking at the facts in this case, they cannot be distinguished from the other case which the county has elected to pay attorney fees, but it is at the Board's discretion. Trolinger's attorney, Jami Lewis stated there would be no additional requests other than the $5,000 flat fee made from her client. Commissioner Sellers made a motion to pay for Rachel Trolinger's attorney fees with a cap of $5,000.00. Commissioner Mosely seconded the motion. A vote was taken and unanimously approved.

Commissioner Smith stated that he thought the resolution was good at the time the Board voted on it but it has opened a Pandora's Box. If we keep this resolution we are going to break the County even more so. Commissioner Smith said he thought the Board should rescind the resolution or at least make some amendments to it.

County Attorney Moseley said at the time the resolution was approved, the Board was confronted with a unique situation. What the Board did was the proper way to authorize payment for attorney fees for the deputies that were indicted. Mr. Moseley stated that he would look at revising it and putting some restrictions in it.

County Administrator Breedlove stated this is an unpredictable expense, an open-end resolution and he didn't know how the County could afford it. This is an expense that can't be budgeted.

Vice Chairman Brinson said "I think we have gotten ourselves in a situation where we've set a precedent we can't really hold up."

Commissioner Godwin said she felt if the County was going to pay attorney fees for County employees it should be work related and the employee should come to the Board of Commissioners with their request first before hiring an attorney to represent them.

County Attorney Moseley stated that all the cases that the Board has approved to pay their attorney fees have stated in their request letter that in the event they are found guilty or enter a guilty plea of any criminal defense, they agreed to reimburse the County for any legal expenses incurred under those circumstances.

Commissioner Smith made a motion to rescind the resolution. The motion died for lack of a second.

County Attorney Mosely stated he would draft another resolution providing more restrictions and limits before the next commissioners' meeting for the Board to review.

County Administrator Breedlove asked the Board if they voted to approve the County to pay the attorney fees for the indicted deputies before they approved the resolution. The Board stated they did.

County Attorney Moseley stated there was another request to pay for the legal fees of an employee of the Decatur County Sheriff's Office. The employee has been accused of sexual assault against an inmate. This employee has not been officially charged or arrested. Mr. Moseley said "given the dollars we have been talking about tonight and dealing with, I suggested to Sheriff Griffin that if he had no objection, and with the permission of the commission, rather than hiring another attorney, I think I could properly represent this defendant as far as his presentation before a grand jury." If this case is true billed, the County could consider going a different route at that time. Chairman Loeffler made a motion to allow County Attorney Moseley to represent this employee before the grand jury. Commissioner Sellers seconded the motion. A vote was taken and unanimously approved.

SIPS Update. County Administrator Breedlove gave a brief update on the removal of the debris at SIPS. Col. Breedlove stated 35 loads have been taken to the landfill and billed to the Industrial Development Authority for payment.

Solar Project. County Administrator Breedlove stated that several meetings have taken place to resolve issues with the property that the solar project is going on. Col. Breedlove stated there were constraints that were making it impossible for the County to put the gas line in. Col. Breedlove stated the plan was for the County to lay out the gas line and Trade Winds would adjust to that. Rick McCaskill assured the Board that Trade Winds would work with the County and do whatever is necessary.

NEW BUSINESS

Poitevint Cemetery. Commissioner Godwin stated she received a letter from Mrs. Curtis Ward requesting the Board authorize county employees to clear the access road to Poitevint Cemetery to allow family members to maintain the cemetery.

County Attorney Moseley stated the County adopted a written protocol to be followed whenever a request is made involving private property. A request is to be filled out and directed to the County Administrator.

Commissioner Godwin made a motion to allow the Public Works department to clear the access road to Poitevint Cemetery. Commissioner Sellers seconded the motion. A vote was taken and the motion failed with a 3 to 3 vote. Commissioner Godwin, Commissioner Sellers and Commissioner Mosely voted in favor. Chairman Loeffler, Vice Chairman Brinson and Commissioner Smith opposed.

County Administrator Breedlove stated there has to be a little discipline in what the County does. A better way to achieve this issue would be to have the community get together and take on this project.

Public Works Superintendent Dennis Medley said the State would have to give the County approval to allow State inmates to go on private property and that probably wouldn't happen.

Commissioner Godwin made a motion to revise the resolution pertaining to private property to include allowing the County to clear access roads to cemeteries within the County. Commissioner Sellers seconded the motion. A vote was taken and failed with a 3 to 3 vote. Commissioner Godwin, Commissioner Sellers and Commissioner Mosely voted in favor. Chairman Loeffler, Vice Chairman Brinson and Commissioner Smith opposed.

Alcoholic Beverage License for Bishop's Travel Center. Commissioner Godwin made a motion to approve the alcoholic beverage license for Vishal Patel at Bishop's Travel Center. Commissioner Smith seconded the motion. A vote was taken and unanimously approved.

COMMISSIONERS / ADMINISTRATOR'S REMARKS

County Administrator Breedlove announced that Wednesday, October 29th at 4:00 p.m. the County will be presenting the Bridges' family their "Miss Georgia" sign at Bridges Equipment Inc. on Dothan Road pending no conflict with the family's schedule. Everyone is encouraged to attend.

Col. Breedlove announced the County Fair starts tonight, Tuesday, October 28th through Saturday, November 1st.

Vice Chairman Brinson made a motion to go into executive session to discuss Personnel and Real Estate. Commissioner Godwin seconded the motion. A vote was taken and unanimously approved.

After the executive session the Commissioners assembled back in the board room. Commissioner Godwin made a motion to go into regular session. Commissioner Smith seconded the motion. A vote was taken and unanimously approved.

Chairman Loeffler stated during executive session the Board discussed some Board appointments and a Real Estate matter. No action is to be taken at this time.

There being no further business, the meeting, on motion by Vice Chairman Brinson, was duly

adjourned. Commissioner Smith seconded the motion. A vote was taken and unanimously approved.

Approved: _____
Chairman

Attest: _____
County Clerk