

**HEARD COUNTY BOARD OF COMMISSIONERS MEETING
JUNE 14, 2011 – 6:30 P.M.**

The Heard County Board of Commissioners held a Commissioners Meeting on June 14, 2011 at 6:30 p.m. in the courtroom of the Heard County Courthouse. In attendance at the meeting were District 1 Commissioner Karen Isenhower, District 2 Commissioner Jacob Cammon, District 3 Commissioner Gwen Caldwell, District 4 Commissioner Frank Crook, District 5 Commissioner Sandi Allen, and County Attorney Jerry Ann Conner. Commission Chair Jackson was absent. Commissioner Allen, serving as Vice-Chair, called the meeting to order and welcomed everyone present. Mr. Johnny Kistler gave the invocation. County Attorney, Jerry Ann Conner reminded the Board that Commissioner Allen can still vote in this meeting as District 5 Commissioner even though she is serving as Vice-Chair of the meeting.

Agenda Item # 3 – Public Hearing – a. Public Hearing on 2011-2012 Budget –

Commissioner Allen opened the public hearing on the 2011-2012 budget. There were no public comments and no comments from the Board. On motion (Crook) and second (Caldwell), the Board unanimously voted to close the public hearing.

Agenda Item # 4 – Approval of Minutes – On motion (Crook) and second (Cammon), the Board unanimously voted to approve the minutes from May 24, 2011 with corrections to page 3.

Agenda Item # 5 – Public Comments – None.

Agenda Item # 6 – Amend Agenda – Commissioner Isenhower requested adding an item to the agenda for the June 28, 2011 meeting; to discuss the Heard County Arena. On motion (Isenhower) and second (Caldwell), the Board unanimously approved this

request. Commissioner Allen requested amending Old Business to add item “e – Approve Pay Request for Dugout Roof Additions and item “f - Approve Pay Request for Glover Road Gymnasium Renovations. On motion (Isenhower) and second (Caldwell), the Board unanimously approved this request. County Attorney, Jerry Ann Conner asked the Board to amend New Business to add item “c – Discuss Ephesus Annexation. On motion (Caldwell) and second (Crook), the Board unanimously approved this request.

Agenda Item # 7 – Old Business – a. Discuss SPLOST Intergovernmental

Agreements – Mr. Kevin Hamby – Mr. Kevin Hamby presented the SPLOST intergovernmental agreement between Heard County and the Town of Centralhatchee, the City of Ephesus, and the City of Franklin for the use and distribution of proceeds from the 2013 Special Purpose Local Option Sales Tax for capital outlay projects. He asked the Board to approve this agreement and to give Commission Chair Jackson the authorization to sign the resolution approving this SPLOST agreement. On motion (Crook) and second (Cammon), the Board unanimously approved this request.

b. Discuss Request from EMA – Chief Scott Blue – Chief Scott Blue stated that he recently requested a bid from four vendors for a new ambulance and only received one bid. The bidder, Medix Specialty Vehicles, Inc. submitted a bid for a 2011 Freightliner Sprinter 3500 ambulance in the amount of \$121,950.00. He explained that this is the only manufacturer that can build this ambulance on the specific chassis that meets industry standards for ambulances. On motion (Crook) and second (Caldwell), the Board unanimously approved this bid.

c. Discuss Request from Sheriff’s Office – Captain Jane Olinger presented a bid from Brannen Motor Company for the purchase of three 2011 Ford Crown Victoria Police

Interceptors at the cost of \$21,660.00 per vehicle. She explained that Ford is no longer manufacturing the Crown Victoria and the vehicle they plan to replace it with is estimated to cost \$28,000.00 per vehicle. She asked the Board to approve this purchase. On motion (Caldwell) and second (Cammon), the Board unanimously approved this request.

d. Discuss Yates Lane – Public Works Director, Darold Wiggins stated that County Attorney, Jerry Ann Conner has reviewed the memorandum of understanding (MOU) between Carroll County and Heard County regarding the paving of Yates Lane. He stated he recently was told by Carroll County that Carroll County may not be able to pave Yates Lane until next spring and therefore he would like to recommend that Heard County not approve any MOU regarding the paving but however he would like to recommend that Heard County go ahead and approve the MOU regarding the clearing and grading for this project now. Carroll County stated that they should be able to begin the clearing and grading and this will allow ample time for the utilities to be moved off of the County right of way. He stated the total for this is \$80,160.00. Mr. Wiggins stated that Carroll County is not going to pay for any utilities to be moved. He stated that there are power poles to be moved by Carroll EMC, phone lines to be moved by A T & T and waterlines to be moved by the City of Ephesus. He stated once the clearing and grading is done, he would begin contacting the utility companies. On motion (Caldwell) and second (Isenhower), the Board unanimously approved to enter into an agreement with Carroll County to begin the clearing and grading on Yates Lane at the cost of \$80,160.00 and for Commission Chair Jackson to sign this agreement.

e. Approve Pay Request for Dugout Roof Additions - Mr. Kevin Hamby presented final pay request # 6 from Earley Construction on the dugout roof additions at the Heard County Sports Complex in the amount of \$5,000.00. He stated that he and David Julien inspected the roofs today and they both recommend paying this final request of \$5,000.00. On motion (Crook) and second (Cammon), the Board voted 4 to 1 to approve this request. Commissioner Allen, Commissioner Crook, Commissioner Cammon and Commissioner Caldwell voted for the motion. Commissioner Isenhower voted against the motion.

f. Approve Pay Request for Glover Road Gymnasium Renovations – Mr. Kevin Hamby – Mr. Kevin Hamby presented the final pay request from Earley Construction on the Glover Road Gymnasium Renovations in the amount of \$7,536.70. Mr. Hamby stated that all the work is complete with the exception of a carpet seam that needs to be repaired. Mr. Hamby recommended holding \$1,500.00 until this is done. He asked the Board to approve this request in the amount of \$6,036.70. On motion (Crook) and second (Cammon), the Board unanimously approved this request.

Agenda Item # 8 – New Business – a. Discuss Program Management Contract – Commissioner Allen stated that it is time to approve the Program Management Contract for Mr. Kevin Hamby for the next six months. She explained that Mr. Hamby will be assisting with preparing the referendum for the new SPLOST election and continuing to help through the election itself. She asked the Board to approve this contract in the amount of \$20,000.00 for the period of July 1, 2011 through December 31, 2011. On motion (Crook) and second (Caldwell), the Board voted 4 to 1 to approve this request. Commissioner Allen, Commissioner Crook, Commissioner Cammon and Commissioner

Caldwell voted for the motion. Commissioner Isenhower voted against the motion stating “don’t look like he has County’s best interest at heart.”

b. Discuss Appointments to Heard County Library Board – Commissioner Allen stated that the Board has been asked to appoint a member to the Heard County Library Board to replace Mr. Wayne Ennis who has served his limit of three terms. There being no recommendations on this appointment, this item was postponed until the next meeting.

c. Discuss Ephesus Annexation – County Attorney, Jerry Ann Conner stated that she recently received a request from the City of Ephesus attorney regarding several parcels of property that the City of Ephesus wish to annex into their city. She stated that she was unable to speak with Mayor Denney Rogers regarding this and there was no action to be taken at this time. She stated that the Board may have to meet again in a called meeting to discuss this since this is a time sensitive matter. Commissioner Caldwell stated he was not aware of this and would like to get more information regarding this matter.

Agenda Item # 9 – Executive Session – Commissioner Allen asked for an Executive Session to discuss litigation. On motion (Cammon) and second (Caldwell), the Board unanimously voted to go into Executive Session to discuss litigation. On motion (Cammon) and second (Isenhower), the Board unanimously voted to return to Open Session. Commissioner Allen stated that litigation was discussed in Executive Session. She asked for a motion to settle litigation that was discussed. On motion (Caldwell) and second (Crook), the Board voted 4 to 1 to settle the litigation discussed with a payment to Sports Turf in the amount of \$15,514.70 plus retainage of \$4,485.30 for a total settlement of \$20,000.00. Commissioner Allen, Commissioner Crook, Commissioner Cammon and Commissioner Caldwell voted for the motion. Commissioner Isenhower voted against the

motion. The following statements were made by each Commissioner regarding this settlement:

Commissioner Caldwell – “Only reason we settling this....well any commissioner can say what they want to....but the reason we settling this at this amount...I don’t agree with it but the man has sued us for forty something thousand and our attorney has told us that we be better off to settle this then to pay attorney fees. Not happy having to pay it but trying to save the county some money. So we paying him \$15,514.70 and retainage \$4,485.30 which is \$20,000.00. Settle it...paying to Sports Turf cause he is suing us...Aaron McWhorter.”

Commissioner Allen- “I would like to say I agree with Mr. Caldwell.....I’m not for paying this because of some problems we had that were never settled but due to our attorney advising us that we would pay more of the taxpayers money in fighting this and litigation fees....that we are taking the lessor of the two evils.”

Commissioner Crook – “Mr. Aaron McWhorter is the gentleman who is doing all this and I think he did us wrong all the way and if he was standing here I would tell him the same thing.”

Commissioner Isenhower – “I agree with the same thing....I don’t agree with paying him. I thought he did a really bad job for the county for as much money was involved on the entire project. I don’t think he lived up to what he was supposed to do; he didn’t fulfill his contract. I understand where we are....they’re going to sue us and this is the lessor of the two evils. I do understand that, I still do not agree with it....bad position the county is in.”

There being no further business, on motion (Caldwell) and second (Crook), the Board unanimously voted to adjourn.