

BOARD OF COUNTY COMMISSIONERS  
MINUTE BOOK 23, PAGE \_\_\_\_\_

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR SESSION  
February 21, 2013

The Board met this date in regular session. Present were Chairman John Nelson, Commissioners Betsy Barfield, Benjamin “Benny” Bishop, Hines Boyd and Stephen Walker. Also present were County Coordinator Parrish Barwick, County Attorney Buck Bird and Clerk of Court Kirk Reams.

**ITEM 2: Public Announcements, Presentations & Awards**

1. Chairman Nelson presented a framed picture and expressed his appreciation for the Past Professional Educators and Staff of the old Howard Academy.
2. Economic Development Director Julie Conley announced the Barrel Racing event at the Horse Arena on March 23<sup>rd</sup>.

**ITEM 3: Consent Agenda**

3. Commissioner Boyd requested that items (g) and (h), Amended Redistricting Proposal and Recommendations and Requirements for Redistricting respectively, be removed from the agenda as they were placed after the deadline. Citizen Kate Calvin requested that the redistricting process be transparent. School Board member Shirley Washington expressed displeasure at the School Board not being consulted about re-districting. Citizen Charles Parrish stated that the county should be mindful of wasting money on the redistricting process. **On motion by Commissioner Boyd, seconded by Commissioner Barfield and unanimously carried, the Board approved the removal of these items. On motion by Commissioner Boyd, seconded by Commissioner Bishop and unanimously carried, the agenda as amended, was approved. On motion by Commissioner Barfield, seconded by Commissioner Walker and unanimously carried, the minutes of the December 20<sup>th</sup> Regular Session were approved.**

**ITEM 4: Citizens Request and Input on Non-Agenda Items**

4. Citizen Kate Calvin recommended that the county hire an expert mapper for redistricting and presented a work history of a mapper she recommended.

**ITEM 5(a): Tyson Road**

5. Citizen Jerry Sutphin stated that Tyson Road was one of the original roads to be paved under the road bond and that the road needed to be stabilized with pavement in order to access the landfill for debris disposal. Commissioner Walker stated that Tyson Road was a border road between districts 3 & 5 and that he was not sure if chip seal was adequate. Citizen Marvin Graham stated that in his experience chip seal roads did not last. This item was postponed until after the public hearing.

**ITEM 6: PUBLIC HEARING – Cell Tower Appeal**

6. Attorney Scott Shirley, representing county staff, explained that the cell tower decision of the planning commission related to the property located near Waukeelah was appealable to the Jefferson County Board of County Commissioners as a quasi-judicial public hearing. Mr. Shirley stated that the standard of review was substantial competent evidence showing a failure to comply with the land development code. Mr. Shirley asked the Board members if any of them had any ex parte communications. Commissioner

Walker stated that he had contact with the appellants discussing facts not necessarily spoken of at the Planning Commissioner level. Commissioner Barfield stated she had a conversation with one of the attendees at the Planning Commission meeting and email contact with the appellant Mr. Fred Williams. Commissioners Boyd, Bishop and Nelson stated they had no ex parte communications about this matter. Appellant Fred Williams stated he was opposed to where this tower was proposed to be placed in relation to his property. He also stated that the easement being utilized was not allowed for commercial purposes. Attorney David Theriaque, representing the applicant Stephen Monroe, asked Mr. Williams if he was a certified appraiser or engineer, to which answered in the negative. Citizen Janice Plain attempted to introduce some notes into evidence, to which most were denied on basis of hearsay by the Board's attorney. Mrs. Plain also spoke of the easement issue. The following people spoke against the cell tower: Bridget Eades, Lyman Walker, Philip Burgess, Jim Snyder and Roger Walker. The following people spoke in favor of the cell tower: Charles Hubbard, John Finlayson, Richard Bray, Pam Hubbard, Stephen Monroe and Darrell Liford. Attorney David Theriaque stated that the burden was on the appellant to show something that the Planning Commission or Planner failed to apply. He presented the tower necessity report by Beacon. Mr. Theriaque asked Planning Official Bill Tellefsen if he had reviewed Beacon's application and whether or not they complied. Mr. Tellefsen responded in the affirmative and stated that he had recommended approval to the Planning Commission because it met all of the requirements. Mr. Theriaque introduced appraiser David Talby as an expert witness, who stated there was no factual data to show a diminution in value of surrounding properties due to the tower. Appellant Fred Williams stated that the environmental impacts needed to be considered. Attorney Theriaque stated that the closest wetland was over 500 feet away and that the evidence before the Board tonight supports upholding the unanimous Planning Commission vote on the issue as well as staff's recommendation. Attorney Scott Shirley stated that there were no issues regarding code requirements raised tonight and that this was the most thorough application the Planning Office had ever reviewed. His recommendation was to sustain the Planning Commission's decision. **On motion by Commissioner Bishop, seconded by Commissioner Boyd and unanimously carried, the Board accepted and upheld the Planning Commission's decision regarding the cell tower.**

**ITEM 5(a): Tyson Road (continued)**

7. Commissioner Boyd presented slides on chip seal versus asphalt and contended that by using chip seal, the road bond money could be stretched out and everyone would benefit. Commissioner Barfield stated that the Tyson Road divided two districts and that both Commissioners needed to weigh in on the issue. Citizen C.P. Miller stated that the Board should allow the County Coordinator to come back and tell the Board which roads would work best with chip seal based on his experience. Attorney Bird stated that the average life expectancy on work performed needed to be around 11 years and that professional advice was needed on the life expectancy of chip seal application. Chairman Nelson recommended moving forward and bringing this item back on a future agenda.

**ITEM 5(b): Lloyd Sidewalk Project**

8. Citizen Charles Parrish stated that the sidewalk should start on the west end of Old Lloyd Road where most of the people reside and the right of way is larger. Clerk of Court Kirk Reams stated that the project was presented at a County Commission meeting as starting at SR-59 moving westward as funds allowed. Commissioner Barfield stated she had asked the Board to pitch in more money for the project. Engineer Alan Wise stated that once the need has been identified by FDOT, it will be easier to obtain future funding.

Commissioner Barfield stated there would be a public meeting on this issue in Lloyd on March 12<sup>th</sup> and that future funding would be pursued.

**ITEM 5(c): Sidewalk Prioritization Within Bicycle/Pedestrian Master Plan**

9. Commissioner Barfield explained that the US-19 sidewalk project could not be originally placed under the Tier 1 projects because it was omitted from the original plan. **On motion by Commissioner Barfield, seconded by Commissioner Boyd and unanimously carried, the US-19 sidewalk project was moved from Tier 2 to Tier 1. On motion by Commissioner Barfield, seconded by Commissioner Walker and unanimously carried, the Lloyd Sidewalk system was assured of Tier 1 status.**

**ITEM 5(d): Fire Assessment Study Presentation**

10. Consultant Jeff Rackley, with Government Services Group, presented a slideshow to the Board on the issues with the Fire Assessment study. Mr. Rackley informed the Board that with city residents not paying equally for fire services, there was a fair and equitable issue with the assessment based on the services the city was receiving. Mr. Rackley stated that, in his opinion, the best option was for the City Council to consent to having the fire assessment levied by the county; otherwise, the city could provide their own fire service. Clerk of Court Kirk Reams stated that he, Fire Rescue Chief Mark Matthews and Mr. Rackley were working with city staff on this matter. Chairman Nelson asked that this group continue working with the city to move this issue forward.

**ITEM 5(e): Sunday Alcohol Sales**

11. County Attorney Buck Bird stated that if the Board chose to move forward, the 1 am to 7 am restriction would be applied to Sunday as well. He informed the Board that the Sunday Alcohol sale resolution would only apply to the unincorporated areas of the county. Commissioner Walker stated that he would have Attorney Bird research whether he would have to recuse himself from a final vote on the issue. Citizen Kate Calvin demonstrated the survey on the Jefferson Voice website. **On motion by Commissioner Barfield, seconded by Commissioner Walker and carried 4 to 1 (Bishop opposed), the decision to advertise to for a public hearing on this matter was approved.**

**ITEM 5(f): Tax Abatement Draft Ordinance**

12. County Attorney Buck Bird presented a draft ordinance for tax abatement. He informed the Board that the language did not indicate a company requiring 10 new employees each year and that the Board did not have to give full, 100% tax breaks, but rather could graduate the tax breaks over time and per applicant. Commissioner Walker expressed concern with giving new businesses unfair advantages compared to existing businesses. Commissioner Barfield asked whether or not the City of Monticello could be included. Attorney Bird stated that the Board could not lower the city's taxes. **On motion by Commissioner Barfield, seconded by Commissioner Bishop and unanimously carried, this item was set for public hearing on March 21<sup>st</sup>.**

**ITEM 5(i): Road Width Alternatives and Specifications**

13. Commissioner Boyd deferred this item to the next agenda.

**ITEM 8: Citizen's Forum**

14. Citizen Paul Henry expressed appreciation to the Board for staying and listening throughout such a long meeting.
15. Citizen C.P. Miller expressed appreciation for the work being done on the county roads.

**ITEM 9: Commissioner Discussion Items**

16. Commissioner Barfield gave an update on the crepe myrtle maintenance on Highway 90.
17. Commissioner Boyd stated his desire to set up a workshop and go visit some chip seal roads in south Georgia.

**ITEM 11: Adjournment**

18. The warrant register was reviewed and bills ordered paid.
19. **On motion by Commissioner Bishop, seconded by Commissioner Walker and unanimously carried, the meeting was adjourned.**

Attest: \_\_\_\_\_  
Clerk

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Chairman