

**APPLING COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, FEBRUARY 20, 2007
6:00 P.M.**

The Regular Meeting of the Appling County Board of Commissioners was called to order by Chairman Virgil Carter on Tuesday, February 20, 2007 at 6:00 p.m. Present were Commissioners Theodore Wilkerson, Sarah Boatright, H. Mike Dyal, John Elbert Tillman, Ronnie Rentz, and Commissioner Chairman Virgil Carter. Also present was County Manager Luther Smart, County Attorney Bob Highsmith, and County Clerk Chrissy Harris. Present from the news media was Jamie Gardner of the Baxley News Banner, Al Graham of WBYZ Radio Station, and Joe Taylor Advisor of the TSA (Technology Student Association) videoing for ATC Cable Company.

Chairman Carter welcomed everyone to the meeting.

Commissioner Dyal led the pledge to the flag.

Commissioner Rentz gave the invocation.

Commissioner Boatright made a motion seconded by Commissioner Wilkerson to approve the minutes of the meetings held on January 16th, January 22nd, January 30th and February 13 of 2007 with a correction to be made on the January 30, 2007 minutes. In the January 30, 2007 minutes it should have read Tommy Davis as the Road Superintendent instead of Tommy Williams.

DISBURSEMENTS

There were no disbursements for approval at this time.

EDDIE MILES PRESENTATION

Eddie Miles addressed the board on behalf of the Grand Jury. Mr. Miles informed the board that Commissioner Dyal had discussed with the District Attorney an issue that he felt was a conflict of interest. Previous to contacting the District Attorney Commissioner Dyal had examined the county check register and discovered checks made out to Sarah's Steakhouse owned by Commissioner Sarah Boatright. The District Attorney's office then contacted the Grand Jury and suggested that the Grand Jury look into this issue. Mr. Miles reported that after looking into this matter that the Grand Jury concluded that there was no illegal activity regarding this issue. Mr. Miles added that to avoid the perception of wrongdoing that the county should not do business with a Commissioners private business.

Mr. Miles reported that each of the Commissioners had been interviewed by the Grand Jury separately. After the interviews, the Grand Jury concluded that there is

turmoil within the ranks of the Commission Board. Mr. Miles reported that the Grand Jury was disturbed by testimonies of the Commissioners being critical of each other.

Mr. Miles reported that after examining the Appling County Board of Commissioners Code of Conduct that they felt that the procedures for the Commissioners to get work done in his/her district were contradicting. One method being Commissioners going directly to the department head and the other method is going to the Commissioner Chairman then the County Manager and they in turn instruct the department head on the work to be completed.

The Grand Jury also observed previous Commissioner's meetings to look into reports of the Commissioners unwillingness to work together and certain Commissioners dominating the discussion of the meetings. Mr. Miles reported that at the meetings that were observed by the Grand Jury Members there was no evidence of those reports. Mr. Miles added that the Grand Jury Members did observe that the Commissioners acted on issues with unanswered questions on the table.

Mr. Miles encouraged the Commissioners to act as a united board. The Commissioners should strive for unanimous decisions although that is not always possible.

Mr. Miles also reported in interviews that some Commissioners alleged that their information packets for the meetings were incomplete and did not contain all the information that would be covered in the board meeting.

Mr. Miles criticized the board for the unwillingness of utilizing committees made of board members to investigate items and report to the board.

The Grand Jury has heard concerns on whether bids taken by the county is safeguarded.

Mr. Miles stated that the Grand Jury Members were united on their recommendations for the County Commissioners.

(Insert-Grand Jury Report)

Mr. Miles verbally relayed the list of recommendations to the board.

Commissioner Chairman Virgil Carter stated that upon being summoned to the Grand Jury that he had hoped to discuss with the Grand Jury the county's thirteen million dollar budget and the departments that make up the budget. Mr. Carter felt that he did not get to discuss with the Grand Jury what he thought was key issues pertaining to the county. Chairman Carter added that he had talked with individual Grand Jury Members after the investigation and they had stated that the Grand Jury were not unanimous in everything they did.

Chairman Carter then asked the Commissioners if they would like to respond to the Grand Jury's report.

Commissioner Dyal thanked Eddie Miles on behalf of the Grand Jury for the job that they did. Mr. Dyal expressed his appreciation for the recommendations made by the Grand Jury. He felt that the Board of Commissioners could benefit from the Grand Jury Recommendations.

Commissioner Rentz expressed his concerns on issues addressed by Mr. Miles. Mr. Rentz felt that he received sufficient information in the packets before each meeting. He also stated that he was satisfied with the current code of conduct. Mr. Rentz added that although he felt that the board should be able to work together that the board also should vote based upon their feelings toward a certain issue. He also felt that the county should be able to accept bids in the best interest of the county. He added there is always room for improvement and growth. Mr. Rentz also relayed that he had spoken with members of the Grand Jury that informed him that they were not unanimous in their decisions.

Mr. Miles responded that many people had approached him and members of the Grand Jury indicating that by the Board of Commissioners doing business with certain Commissioners private business undermines the public's trust in the bid process.

Commissioner Tillman then commented that he did not believe that Mr. Miles and members of the Grand Jury did not have all the facts. He also expressed that he would like to present an issue with Mr. Miles after the meeting concerning conflicts of interest. Commissioner Tillman commented that if individuals had it in them to do what is right and honest that they would do it.

Commissioner Wilkerson thanked Mr. Miles on behalf of the Grand Jury for the hard work they put into the investigation. Mr. Wilkerson also expressed that he hoped that in the future the board could work together for the better of the community as well as the board.

Commissioner Boatright referred to a previous statement that she had made to Mr. Miles during the investigation. Commissioner Boatright strongly expressed that she felt that the conflict of interest issue was a political issue concerning her November election. Commissioner Boatright felt that had she not been re-elected that this issue would not have been addressed. She also stated that the board had a lot of room for improvement.

Mr. Highsmith added that all bids are opened publicly in the Commissioner's meeting. He stated that he had never been handed an envelope that was not well sealed or seemed to be tampered with. Mr. Highsmith also commented on the conflict of interest issue. Mr. Highsmith stated that after reviewing the same information that the Grand Jury had requested concerning the conflict of interest issue he felt that it was by far in the best interest of the county to do business with Sarah's Steakhouse. Mr. Highsmith added that former commissioners had conducted business with the county. He gave the example of former boards accepting bids from former Commissioner Chairman Duane Whitley for office computers. Mr. Highsmith added that state ethics statute allows employees of agencies to do business with agencies that they work for by sealed bids.

Mr. Miles added that perception is often construed as reality and the perception is that it leads to an erosion of public trust.

County Manager Luther Smart commented that sealed bids are opened in the public meeting and that he is not aware of any inside information given to anyone concerning sealed bid information. Mr. Smart added that the bids are kept under lock and key after business hours. Mr. Smart referred to one instance where a bid was misplaced and it was reported to the board and in that instance the bids were resubmitted based upon that. Mr. Smart added that if any employee was caught providing inside information concerning bids that they would be fired and prosecuted. Mr. Smart also stated that most of the bids submitted by Commissioner Boatright only covered the cost of the food and that no other catering business could compete with the price of the at cost bid. Mr. Smart reported that each Commissioner receives the same information concerning the agenda for the upcoming meeting. The Commissioners also receive mail that is specifically addressed to them in there packets. No information concerning meeting items is withheld from the Commissioners.

Mr. Miles added that the Grand Jury was echoing back to them what was said in the interviews with the Commissioners.

Mrs. Boatright questioned Mr. Miles if he thought it was a conflict of interest that in a previous bid opening that she made a motion to accept a bid from Miles Tractor Company because her daughter is married to Mr. Eddie Miles's brother who works at Miles Tractor Company and whose parents own Miles Tractor Company.

Mr. Miles replied that he was not aware of the situation.

Mrs. Boatright added that Appling County is a small community.

Mr. Al Graham from WBYZ Radio station asked Mr. Miles was the Grand Jury instructed by the District Attorney to look into the conflict of interest issue or asked to consider looking into the conflict of interest issue.

Mr. Miles replied that the District Attorney asked the Grand Jury to consider looking into the conflict of interest issue. Mr. Miles stated that the Grand Jury had the option not to look further into the issue. The issue was discussed by the Grand Jury and it was decided by the Grand Jury to further investigate this issue.

Mr. Graham questioned Mr. Miles about receiving information from the general public on the issues investigated by the Grand Jury.

Mr. Miles replied that information was not taken from the general public and reported to the grand jury for evidence in the investigation.

Commissioner Dyal explained the way the investigation began. Mr. Dyal reported that after looking into the county's check register he noticed several checks to Sarah's Steakhouse signed by Commissioner Boatright and the County Manager. Mr. Dyal stated that he was the only Commissioner that had taken an Ethics class.

Other Commissioners pointed out that they too had taken the ethics class.

Mr. Dyal had taken an Ethics class and felt that based on what he learned in that class that it was a conflict of interest for the county to do business with Commissioner Boatright's private business.

Mr. Al Graham questioned Mr. Dyal on his knowledge of former Commissioner Chairman Duane Whitley selling the county thousands of dollars worth of computers.

Commissioner Dyal stated that he was not aware of this situation.

Commissioner Dyal reported that he was not aware of any of the bids from Sarah's Steakhouse because they had not been brought before the board and were not listed on disbursements.

Commissioner Boatright asked Commissioner Dyal after serving on the board for two years, why was this brought up six weeks before the election.

Mr. Dyal commented that he asked the District Attorney not to bring this up before the election.

Chairman Carter expressed that this issue needed to be brought to an end and asked the Commissioners would they like to pursue this issue further.

By a nod of their heads, the Commissioners agreed to pursue this matter further.

Commissioner Rentz commented that two signatures are required on the county checks. He stated that the reason Commissioner Boatright signed most of the checks because she was available to come to the office to sign them.

Commissioner Boatright commented that she signed a great majority of the checks.

Commissioner Wilkerson asked Mr. Dyal of other examples of Commissioners in other counties with a conflict of interest issue with their county.

Commissioner Dyal responded that in his ethics class a commissioner from Hazlehurst owned a garage and asked could he service the county equipment and he was told that he could not continue to service the county equipment. Then same commissioner also asked if he could serve on the Volunteer Fire Department and he was told that he could serve on the Volunteer Fire Department.

Chairman Carter stated that in the past that in general practice of the board that if a commissioner had a problem or something that was bothering them that they come to the entire board and not the Grand Jury. There has only been one other issue brought to the Grand Jury in the past five years and it was concerning the National Guard Armory. Mr. Carter stated that most of the time a board can work issues out among themselves.

County Attorney Bob Highsmith stated that there is a lot of difference in someone handling all of the county's service work than a commissioner submitting a bid for something. The obligation of the Commissioners is to do what is in the best interest of the county and most of the time accepting the low bid. In some instances the low bid is not in the best interest for the county. Mr. Highsmith explained that in the conflict of

interest issue being discussed that the bids that had been submitted by Commissioner Boatright was by far in the best interest of the county. Mr. Highsmith also explained that in some instances these bids did not have to be brought before the board.

Commissioner Wilkerson asked what would be the appropriate amount of a bid that would need to be brought before the board.

County Manager Smart stated that he can approve purchases up to one thousand dollars.

Chairman Carter added that he and the County Manager together can approve up to fifteen hundred dollars.

Chairman Carter added that most of the checks in question were less than fifteen hundred dollars.

The County Manager stated that if a disbursement is contained within a department's budget that it does not need to be placed on the agenda for the board's approval.

Commissioner Tillman reminded everyone that a CPA firm audits the county every year.

LAKE MAYERS PRESENTATION-BOB WIGGINS

Bob Wiggins addressed his concerns with the Lake Mayers midge issue. Mr. Wiggins insisted that the Commissioners pursue a draw down of Lake Mayers to help control the midge problem and to allow property owners to work on their docks at Lake Mayers. Mr. Wiggins insisted that he be put on the agenda indefinitely until the Commissioners decide to pursue the draw down of Lake Mayers.

Mr. Wiggins was informed by the Commissioner Chairman that it had already been decided on at a previous meeting not to pursue the draw down of Lake Mayers and leave Lake Mayers as is.

OLD BUSINESS

COMMUNITY BUILDING FLOOR REPAIR

County Attorney Bob Highsmith opened the sealed bids for the repair of the floor at the Community Building. The bids were as follows:

Harrelson Building Baxley, GA	\$ 2,900.00
B D & K Baxley, GA	\$ 3,110.00
L & E Russel Construction Baxley, GA	\$ 4,294.83

A motion was made by Commissioner Dyal and seconded by Commissioner Tillman to accept the low bid of \$2,900 from Harrelson Building. Motion carried unanimously.

PRISONER HEALTHCARE PROPOSALS

Lisa Watts of Southern Health Partners addressed the board briefly explaining Southern Health Partners proposal for prisoner healthcare. Ms. Watts explained that all services provided by the company are provided in a cost pool. Depending on the services requested the cost pool may vary. Based on the information she was given, she proposed a cost pool of \$35,000 for Appling County. She stated that after she came up with the estimate, she was informed that the Appling County Jail housed inmates for other counties. She explained that could possibly decrease the cost pool estimate.

Ms. Watts will be providing the Commissioners with a hard copy proposal for the Commissioners to look at.

This issue will be put on the next agenda for consideration.

NEW BUSINESS

GRAHAM LAND RENTAL BID OPENING

County Attorney Bob Highsmith opened the sealed bids for the rent of the land in Graham. The bids were as follows:

Horace Wooten Baxley, GA	\$ 70.00 per acre
Warren and Felix Rentz Baxley, GA	\$ 72.92 per acre
Nile Williams Hazlehurst, GA	\$ 83.75 per acre

A motion was made by Commissioner Tillman and seconded by Commissioner Wilkerson to accept the high bid from Nile Williams for \$83.75 per acre. Motion carried unanimously.

PUBLIC WORKS – WORK HOURS PETITION

Prior to the meeting, the Commissioners were provided with a petition signed by thirty-one employees of the Appling County Road Department requesting the Board of Commissioners to allow them to return to a four day ten hour work schedule instead of an eight-hour five-day work schedule.

This issue died for a lack of motion.

CONSIDERATION OF CREATING AN ELECTION BOARD

The Commissioners agreed to discuss this issue in further detail in the next worksession. The Commissioners agreed that they would need to discuss the cost impact and the structure of an Election Board.

ROADS-BUILDING AND GROUNDS

ROADS-MR. TOMMY DAVIS

Mr. Davis had nothing to report on Road Issues at this time.

BUILDING AND GROUNDS

Mr. Rushing had nothing to report on Building and Grounds at this time.

COUNTY MANAGER'S REPORT

1. Legislative Updates: Commissioners need to closely review the Legislative updates that are handed out or received from ACCG. There are numerous bills that are being introduced which dramatically impacts on the county's ability to conduct business. If the county needs to support or oppose certain legislation then ACCG and our legislative representatives need to know.
2. National Guard Armory: Mr. Hank Martin, ATC has contacted this office in reference to transferring the National Guard Armory and associated property to ATC. Mr. Martin is now the point of contact for the transferring of property between Appling County and the State Property Commission. We have furnished Mr. Martin with copies of the requested legal documents pertaining to the National Guard Armory. I will keep the Board informed as to the progress of the transfer.
3. Repeat: DOT Transportation Enhancement: State DOT is now accepting Applications for Transportation Enhancement (TE) projects for FY 2008 and 2009. The application process will run from April 2, 2007 through June 15, 2007. All applications will be submitted electronically. Seven workshops will be held statewide during the month of April. TE projects require a minimum of 20% matching funds. There are 12 different categories that qualify for TE projects. I have handed out a copy of the DOT announcement and of the 12 different areas. The Board needs to review these documents and determine if this is something the county would want to pursue.
4. Repeat: ACCG Annual Meeting: ACCG will be holding its 2007 Annual Meeting April 21 through April 24, 2007 at the Savannah Civic Center in Savannah, Georgia. Saturday, April 21st is the training day with the actual meeting starting on Sunday, April 22nd. Each Commissioner should have already received a copy of the registration forms. The cutoff for hotel reservations is March 12, 2007. Please let Yvonne Sellers know before this date so we can try

and have everyone at the same hotel. We will make every attempt to make the reservations at the DeSoto Hilton where we have stayed before. If we wait until the last minute then we do not have a guarantee that everyone will be booked at the same hotel. As a reminder, Saturday, April 21st will be the training day with the actual meeting starting on Sunday, April 22nd.

5. Repeat: ACCG Spring Training: ACCG will be holding its 2007 Spring Training, March 15 and 16 at the UGA Tifton Campus Conference Center. I have handed out a copy of the flyer to each Commissioner. Please note that the Fundamentals of Property Appraisal and Taxation is a two-day course while the remaining courses are one day. Please see Yvonne Sellers to make your reservations if you are planning on attending.
6. Repeat: Tree Fest: The 17th Annual Baxley Tree Fest will be held April 12th through 14th, 2007.
7. Repeat: Appling County Comprehensive Plan: I am in the process of completing Report of Accomplish, 21 legal pages, and I have to make coordination with various governmental agencies throughout the county in order to complete it. The draft Solid Waste Plan and the draft Service Deliveries Strategies packet have been returned to the RDC.

EXECUTIVE SESSION

There was no need for Executive Session at this time.

CHAIRMAN'S COMMENTS

Chairman Carter announced that there would be a Worksession on Tuesday, February 27, 2007 beginning at 6:00 p.m. The next Regular Commissioners Meeting will be on Tuesday, March 6, 2007 with Public Input beginning at 5:30 p.m. and the meeting starting at 6:00 p.m.

There being no further business, the meeting of the Appling County Board of Commissioners was adjourned.