

**REGULAR SESSION
TIFT COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 12, 2009 (6:30 P.M.)**

The scheduled Regular Session of the Tift County Board of Commissioners was called to order by Chairman Grady Thompson on Monday, October 12 2009, at 6:30 p.m. in the Commissioners Meeting Room of the Administrative Building. Member of the commission present including Chairman Thompson were Vice Chairman Rigdon and Commissioners Donnie Hester, Mike Jones, Robert Setters and Melissa Chevers. Commissioner Miley was absent due to surgery.

Chairman Thompson called to order the Regular Business meeting of the Tift County Board of Commissioners at 6:30 P.M.

Chairman Thompson asked Rev. Chris Solomon to give the invocation followed by the pledge to the flag.

All actions taken in this meeting are results of Commissioners' votes with the Chairman's vote because the absence of a Commissioner.

Minutes: Motion was made by Commissioner Jones approving the September 1, 2009 Workshop Session Minutes, September 8, 2009 Regular Session Minutes, seconded by Vice Chairman Rigdon. Motion carried unanimously.

Addition to Agenda:

Funding for Library Audit (H)
ACCG request for a County Representative for the Advisory Body for the Comprehensive State Wide Water Management (I)

Motion to add these items to the Agenda under the letters H and I was made by Commissioner Chevers, seconded by Vice Chairman Rigdon. Motion carried unanimously.

Public Comments:

Greg Sowell was present at the meeting and commented to the Board that he understands it is hard to serve as a Commissioner or Elected Official and thanked them for serving.

Public Hearings: None

CONSENT AGENDA:

- A. Motion approving the Contract Agreement for public Safety Backup for the 800 MHz Radio Systems**
- C. Motion approving the memorandum of Agreement for Advanced Federal Funding for FEMA 1833 Flood Event for Site 10 Tifton Eldorado Road at Reedy Creek**
- D. Motion approving the memorandum Agreement for Advanced Federal Funding for FEMA 1833 Flood Event for Site 11 Tifton Eldorado Road at Gum Creek**
- E. Motion approving the Memorandum of Agreement for Advanced Federal Funding for FEMA 1833 Flood Event for Site 12 Whiddon Mill Road at Heard Creek**
- F. Motion approving the transfer of Franchise Agreement from CityNet to Planttel**

Motion approving the Consent Agenda consisting of items A, C, D, E, and F, was made by Commissioner Setters, seconded by Vice Chairman Rigdon. Motion carried unanimously.

REGULAR AGENDA:

G. John Burgess has requested an Appeals Hearing before the Board for denial of coaching for the Recreation Department: Attorney Jennifer Dorminey, sitting in for Tony Rowell addressed this issue stating it is an Appeals Hearing requested by John Burgess as a result of being denied to coach with the Tift county Recreation Department. Ms. Dorminey announced the procedure of the hearing. At this stage of the hearing Mr. Burgess is not entitled to an attorney however Chris Solomon is here to speak for and with Mr. Burgess and he has filed the appeal in a

timely manner. Each side will have five minutes to state their case but with no cross examination. The Board can ask questions before, after or during the process. Once each side has presented their case, at that time the Board can adjourn for any discussion they might have and then return to the meeting for a proper vote.

Craig Sowell presented his comments from the Recreation Department advising that the request to coach because of his background check is a direct violation of policy and standard procedure for the Recreation Department. A copy of the policy procedure has been made available for each Commissioner. The policy addresses the reason for being denied to coach which includes the criminal background check with the proper reason being revealed in the background check. Mr. Burgess has some felony convictions on his background check which is the reason the application was not forwarded to the Athletic Advisory Committee for consideration because that in itself is in direct violation of the policy that is currently in place. Mr. Burgess has been advised of this and for that their policy is currently being considered for revisions but because it has not been voted on by the Board of Commissioners yet, we must operate under the current policy. He was advised of the reasons that his application did not move forward.

Chris Solomon, representing Mr. Burgess then stated his case. He feels the policy is an open end type of situation. He quoted a section in the policy that addresses the issue and leaves room for the Board of Commissioners to make a decision as to whether to accept or reject his background check. This is the issue we are here discussing tonight. Mr. Burgess then approached the Board and answered questions from Mr. Solomon for the Board. The charge back in 1991 was addressed and Mr. Burgess stated it was a possession charge. He was given four months for the offense and was 26 years old at the time, he is now 43. He stated he was now self employed in construction and electrical. He revealed that he had coached before at the YMCA around three years ago. He is still eligible to coach at the YMCA and has had no complaints. He has coached as an assistance basketball coach with the Recreation Department for the past two years. He has an eight year old son that plays sports at the Recreation Department and his request is to coach for the team his child plays on. Asked if he has had any further convictions other than the 1991 charged, he stated on for suspended license in 1993. That was his last conviction. He was not convicted on the 2004 Simple Battery charge that appeared on his record and to his knowledge it has been dismissed.

Commissioner Chevers asked what year he coached at the YMCA and he stated 2006 and last year he was an assistant coach at the YMCA. Asked when his last felony charge was, he stated 1991 when he was 26 years old. His application is for an assistant coach which he did last year with the Recreation Department.

Craig Sowell addressed the assistant coaching at the Recreation Department and stated Mr. Burgess had not formally submitted an application last year. If he has properly completed the application to coach last year it would have been treated in this same manner. Mr. Sowell stated that he cannot tell the Board in past years that I helped Scott coach and I may not have supposed to have been there. We have some policies and procedures in place to stop this. All coaches and assistant coaches now have ID badges that must be worn around their neck.

In the current policy there are no time constraints for the amount of time from a conviction of a felony. The policy revisions we are working on addresses such items as this however it has not been adopted by the Commissioners so we must follow what we have in place at this time.

A denial based on a background check, the appeal goes directly to the Board of Commissioners because the policy does not allow it to go before the Athletic Advisory Committee if the background check reveals a felony charge. This hearing is to make a decision as to whether to accept his background check. Once that decision is made by the Board of Commissioner, and if the Board should accept it, then it goes through another process through the Athletic Advisory Committee. Mr. Sowell stated that one charge on his record has no adjudication and they have asked Mr. Burgess to go back to the county in which it occurred and provide us with the adjudication of it and he has failed to do so. As long as it appears on his GCIC as open then we have no way of knowing the outcome of the charge. The outcome of the 1989 charge has not been revealed and GCIC still considers it open. Mr. Burgess needs to contact that county to get the proper paperwork from the charge.

There were no further comments. The Board dismissed everyone from the room to give them some time for deliberations. The question here is- It is up to the Board of Commissioners to accept his background check or not. It is up to the Athletic Advisory Board to make the decision to allow him to coach or not.

After returning to the meeting the following action was taken by the Board:

Motion was made by Commissioner Chevers to deny Mr. Burgess Background check, seconded by Commissioner Jones. Motion carried unanimously.

Commissioner Chevers stated that hopefully at the next meeting we can correct some verbage in the policy. She advised Mr. Burgess to clear up his record on the charge that shows not adjudication and reapply after that. The County Attorney then gave some options and stated that if the policy changes are what we expect, Mr. Burgess may not have to come to this Board again rather go directly to the Athletic Advisory Committee.

H. Funding for the Library Audit: The County Manager gave the update from the Board members from the Workshop. This was not a budgeted item. Vice Chairman Rigdon stated that the Library was not aware of this expense for this budget year and has not prepared for this financial burden. Motion was made by vice Chairman Rigdon that the County absorb the cost of the Library Audit for this fiscal year, seconded by Commissioner Setters. Motion carried unanimously.

Commissioner Jones asked the Library Board members that were present if they would pursue the audit expense next year. Marianna Keesee addressed the Board stating if they absorb the audit cost of \$5,000 it will deny some services for the public because they don't have many funding sources, but they will look into some funding for next year. She reminded the Board of the Library Preview on October 29th and the public re-opening of the newly renovated Library set for Sunday, November 1, 2009.

I. ACCG request for a County Representative for the Advisory Body for the Comprehensive State Wide Water Management Plan: The County Manager reminded that this is a request from ACCG. The comprehensive State Wide Water Management Plan calls for an Advisory Body with a representative from each count to be appointed to this body. Commissioner Jones stated he would like to see someone from our Water Department on this Committee that works with this day in and day out. Motion was made by Commissioner Chevers to appoint Robert Setters to the Advisory Body of the State Wide Water Management Plan, seconded by Vice Chairman Ridgon. Motion carried 5 to 1. Commissioner Jones voted against the motion.

County Manager Items:

- Scott Bowers, EMA Director gave an update on the mitigation options and decisions made by FEMA on the recent flooding. FEMA has selected what they considered to be feasible for the buyout option and have selected 10 houses and 2 lots. He gave each Commissioner a copy of the application process for their review stating that it is a lengthy process which the staff will be completing and it closes out in February. Staff hopes to have the process completed before that dated. The buyout consists of a 75% Grant from Federal, 10% from State and 15% local.
- Roger Dill gave an update to the Board concerning road projects. He advised that he has a meeting schedule in Atlanta to meet the new DOT Commissioner on October 19th. He has asked Representatives Jay Roberts and Sydney Ross to attend this meeting and invited any of the Commissioners that could attend. He recommends that soon we have the Representatives here in Tifton to show them our appreciation.
- Mr. Carter advised that he needs a short Executive Session for a personnel matter.

Commissioners Items:

Commissioner Chevers thanked the Chairman and Commissioner Hester for participating at the NAACP Banquet this past weekend. She noted that the One Street at a Time clean up was a great success this time with a huge crowd. One gentleman that was present and helped with the clean up this weekend passed away on Sunday and she asked that we keep his family in our prayers.

Commissioner Setters noted that he participated in the Bike Fest this past Saturday based out of Tifton. They road for 55 miles and thanked Craig Sowell, Recreation Director for doing a good job in this event.

Chairman Thompson gave a report from the recent Fall Policy Conference held in Atlanta. He noted

that Commissioners Chevers and Hester covered a lot of territory and made a lot of head way at this Conference. It was a successful conference and stated that they learned how well we are here in Tift County compared to some other counties.

Executive Session: Motion was made by Commissioner Setters to go into Executive Session for personnel, seconded by Vice Chairman Rigdon. Motion carried unanimously.

Motion to close Executive Session and Adjourn was made by Commission Hester, seconded by Commissioner Chevers. Motion carried unanimously.

Chairman Grady Thompson, District 7

Vice Chairman, Fred W. Rigdon District 5

Commissioner Donnie Hester, District 1

Commissioner Melissa Chevers, District 2

Commissioner Robert Setters, District 3

absent
Commissioner Sherry Miley, Dist. 4

Commissioner C. Michael Jones, District 6

Attest: _____
Glynda Hemby, County Clerk