

**DECEMBER 3, 2008 32ND DAY OF
THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 1:38 p.m. with Ron Herschend, Western Commissioner and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

TEMPORARY PRESIDING

Clerk Neeley appointed Commissioner Herschend temporary Presiding Commissioner per statute.

**JOHN SOUTEE
SEWER UPDATE**

John Soutee, Sewer District Administrator met with the Commission to discuss various issues.

1. Ozark Beach project: Mr. Soutee brought the Commission the recommendation from the Sewer Board to accept the bid as offered by LS&C Development Services for the Ozark Beach project for \$6,725,593 with an alternate addition of \$707,840 which may not be necessary.

Commissioner Herschend made a motion to approve the recommendation of the board. Commissioner Strahan seconded the motion but suggested calling Commissioner Pennel on the phone.

Commissioner Pennel entered the meeting at 1:42 p.m.

Commissioner Pennel stated that this was not posted and should probably be posted for a vote. Commissioner Herschend made a motion to table until the 4th at 2:00 p.m. noting that he would not be available but was in support of the recommendation. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Holiday Hills project: Mr. Soutee brought the Commission the recommendation from the sewer board to accept the bid as offered by Tom Boyce for the Holiday Hills project for \$181,838.01. Commissioner Herschend made a motion to approve the recommendation of the board. Commissioner Strahan seconded the motion.

Commissioner Herschend noted his concern in that the next lowest bid was at \$260,000. Commissioner Herschend made a motion to table until the 4th at 2:00 p.m. with the same notation as previous asking that change orders be watched carefully.

Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. City of Forsyth: Mr. Soutee presented the Commission with a contract for the District to purchase treatment capacity in the City's wastewater treatment facility and to pay for its proportionate share of the maintenance and operations of the City's wastewater treatment plant.

Mr. Soutee noted that the City and the board had approved and signed the agreement however a signature page for the Commission is forthcoming. Commissioner Strahan made a motion to table until the 4th at 2:00 p.m. Commissioner Pennel seconded the motion. Commissioner Herschend commented that he is in favor of said agreement. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Rockaway Beach: Mr. Soutee informed the Commission that the Sewer Board had approved a request from Rockaway Beach to utilize the City's portion of the sales tax monies to complete a section of sewer line that was previously planned for but never built due to financial constraints. The City has been informed that they will need to appear before the Commission for final approval.

Commissioner Pennel made a motion to table the issue until Rockaway schedules an appointment. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

5. Dam Site: Mr. Soutee brought a request from the Sewer Board for the Commission to reconsider the Board's recommendation of how to approach the Dam site Sewer Project. Due to the fact that there are other properties in addition to the ten homes that are currently generating wastewater that could pose a threat to the environmental integrity of this area.

Commissioner Herschend stated that he believed the Commission needed to move forward to get the ten homes off and for the Commission to stop and reconsider is costly. Commissioner Strahan made a motion to table the issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

SHEILA WYATT PENALTIES/INTEREST ON SPLIT

Collector Wyatt met with the Commission to request that a 2006 real estate tax bill that should have been split be waived the penalties and interest as they did not receive their tax statements.

Collector Wyatt stated that a parcel was split out in 2006 which created new tax numbers. The owners of those parcels paid their taxes in 2007 and it wasn't until the tax sale in 2008 that she discovered that the 2006 taxes hadn't been paid but was in 2007. Commissioner Herschend asked if the County was notified of the split. Collector Wyatt

noted that the Assessor had been but not her. Commissioner Strahan pointed out that in the sale of the property they would have prorated the taxes and the new owner would be responsible. Assessor Strahan commented that when this issue came up in 2006 we went to the Planning & Zoning Department and found that Certificates of Completion had been issued which verified that we were right in assessing the parcel. The problem came when the split happened.

Commissioner Strahan stated that he didn't understand how we got into this mess. After a lengthy discussion Commissioner Herschend made a motion to table the issue until Counselor Paulson could have some input as he had shared some information that the Commission will want to hear. Commissioner Strahan noted that he didn't buy what had happened and seconded the motion.

Collector Wyatt stated that if the Commission wanted to say that she was negligent for not putting it on the tax sale, fine but because of recent court cases it would not hold up in court and these people didn't get a tax bill. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

JOHN LAVENDER MAINTENANCE UPDATE

John Lavender, Maintenance Supervisor met with the Commission to give an update regarding maintenance issues.

1. Judicial Locks: Mr. Lavender noted that there were still 27 locks that were missing and some of those are located at the chase ways in the jail pods. Mr. Lavender added that he was just getting the run-around.

Commissioner Herschend telephoned Rick Quint from Walton Construction to discuss the issue and it was agreed that Mr. Quint would be at the next update meeting.

2. Parking Lot: Mr. Lavender noted that there were some problems with the grade at the new parking lot. The lot will be shot again tomorrow. The Commission contacted Mike Smith with Septagon Construction who indicated he would try to be on location.