

**ACTION MINUTES  
REGULAR MEETING  
WARE COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 14, 2011**

The Ware County Board of Commissioners met in a Regular Meeting at 7:00 p.m. on Monday, February 14, 2011 in the Ware County Commission Chambers with Chairman Jimmy Brown presiding.

**CALL TO ORDER:** Chairman Jimmy Brown.

**COMMISSIONERS PRESENT:** Chairman Jimmy Brown, Commissioners Carlos Nelson, Victor Aldridge and Danny Turner.

**COMMISSIONERS ABSENT:** Commissioner Gene Dixon.

**STAFF PRESENT:** County Manager Paul Smith, County Clerk Pam Gibson and County Attorney Tony Rowell.

**PRESS:** Waycross Journal Herald Reporter Myra Thrift.

**INVOCATION:** Clarke Lee gave the invocation.

**PLEDGE OF ALLEGIANCE:** Chairman Brown led the Pledge of Allegiance.

**PROCLAMATION – NATIONAL FFA WEEK – FEBRUARY 19 THROUGH 26, 2011:** The proclamation was read by County Attorney Rowell. Commissioner Aldridge moved to approve the proclamation with Commissioner Nelson seconding. Commissioner Turner – yea, Commissioner Aldridge – yea, Commissioner Nelson – yea, Chairman Brown – yea. The motion carried.

**CERTIFICATE OF APPRECIATION – KEEP MANOR CLEAN COMMITTEE:** Barry Deas of the Manor Community accepted the Certificate of Appreciation for the Keep Manor Clean Committee.

**PUBLIC COMMENTS:** There were none.

**CONSENT ITEMS:**

**Approval of January 2011 Minutes:**

Work Sessions – January 10, 2011 and January 24, 2011  
Called Meetings – January 10, 2011 and January 24, 2011  
Regular Meeting – January 10, 2011

Commissioner Turner moved to approve the January 2011 minutes with Commissioner Nelson seconding. Commissioner Turner – yea, Commissioner Nelson – yea, Commissioner Aldridge – yea, Chairman Brown – yea. The motion carried.

**NEW BUSINESS:**

**APPROVE ROAD CLOSING/ABANDONING: PARK AVENUE (30' WIDE PORTION) ADJOINING LOTS 3, 4 & 5 OF BLOCK 82 OF NORTH DEENWOOD & WINONA PARK SUBIDISION - - COUNTY:** Commissioner Aldridge moved to table this item until further study can be done by staff. Commissioner Turner seconded the motion. Commissioner Turner – yea, Commissioner Nelson – yea, Commissioner Aldridge – yea, Chairman Brown – yea. The motion carried.

**APPROVE 2011 TAX ANTICIPATION NOTES (TANS) PROPOSAL:** Commissioner Nelson moved to approve the rate proposal for the \$5,000,000.00 TANS Operating Loan from SunTrust Bank at a fixed rate of 1.79% and a re-investment rate of .20% and to authorize the Chairman to sign the loan documents. Commissioner Aldridge seconded the motion. Commissioner Turner – yea, Commissioner Nelson – yea, Commissioner Aldridge – yea, Chairman Brown – yea. The motion carried.

**ACCEPTANCE OF RESIGNATION LETTER FROM JACK MIXON – WARE COUNTY BOARD OF ASSESSORS:** Commissioner Aldridge moved to accept the resignation letter of Ware County Board of Assessor member Jack Mixon with Commissioner Turner seconding. Commissioner Nelson – yea, Commissioner Aldridge – yea, Commissioner Turner – yea, Chairman Brown – yea. The motion carried.

**APPROVE RESOLUTION TO PARTNER WITH GEORGIA DEPARTMENT OF REVENUE IN AN EFFORT TO ENSURE PROPER PAYMENT OF SALES TAX:** Commissioner Nelson moved to approve the resolution to partner with Georgia Department of Revenue in an effort to ensure proper payment of Sales Tax. Commissioner Turner seconded the motion. Commissioner Nelson – yea, Commissioner Aldridge – yea, Commissioner Turner – yea, Chairman Brown – yea. The motion carried.

**APPROVE RESOLUTION AUTHORIZING FY 2012 SECTION 5311 RURAL PUBLIC TRANSPORTATION APPLICATION WITH THE US DEPARTMENT OF TRANSPORTATION AND THE GEORGIA DEPARTMENT OF TRANSPORTATION:** Commissioner Nelson moved to approve the resolution authorizing the FY 2012 Section 5311 Rural Public Transportation Application with the US Department of Transportation and the Georgia Department of Transportation . Commissioner Aldridge seconded the motion. The basic Federal Grant portion is \$140,320.00, State Grant portion is \$5,480.00 with the third party administrator (MIDS) proving the local match of \$101,960.00. Commissioner Turner – yea, Commissioner Nelson – yea, Commissioner Aldridge – yea, Chairman Brown – yea. The motion carried.

**APPROVE “THIRD PARTY OPERATOR AGREEMENT” WITH MIDS, INC. FOR RURAL TRANSPORTATION PROGRAM:** Commissioner Turner moved to approve the Third Party Operator Agreement with MIDS, Inc. for January 1, 2011 through December 31, 2011 with the option to extend the term of the agreement for up to three (3) additional one-year terms. Commissioner Nelson seconded the motion. Commissioner Turner – yea, Commissioner Nelson – yea, Commissioner Aldridge – yea, Chairman Brown – yea. The motion carried.

**APPROVE CHANGES TO WARE COUNTY CODE OF ORDINANCES – CHAPTER 46 – OFFENSES AND MISCELLANEOUS PROVISIONS AND CHAPTER 18 – ARTICLE V, SECTION 137 – NUISANCE ABATEMENT:** Commissioner Aldridge moved to approve the changes/additions to the Code or Ordinances with Commissioner Turner seconding. Commissioner Nelson – yea, Commissioner Aldridge – yea, Commissioner Turner – yea, Chairman Brown – yea. The motion carried.

**APPROVE OKEFENOKEE HUMANE SOCIETY AGREEMENT AMENDMENTS:** Commissioner Turner moved to approve the agreement amendments with the Okefenokee Humane Society with Commissioner Aldridge seconding. Commissioner Aldridge – yea, Commissioner Nelson – yea, Commissioner Turner – yea, Chairman Brown – yea. The motion carried.

**COUNTY MANAGER REPORT:** Manager Smith read a prepared statement for public information:

On January 12, 2009, this Commission unanimously voted to terminate the NAMCo lease contract for the Tri-County property, “subject to securing an acceptable termination agreement with North American Metals Company.” Since that time, no such agreement has been brought forth to the Board for approval. More recently, an industrial prospect has shown interest in the Tri-County property. Likewise through NAMCo’s Counsel, NAMCo has indicated that it is interested in reaching a final resolution of the NAMCo litigation through a negotiated settlement. In the event that NAMCo prevails in the litigation, such an outcome would prevent the County from entertaining another meaningful opportunity for use of the Tri-County property because of the apparent color of title created by NAMCo’s potential lease hold. Therefore, staff is proceeding with efforts to effectuate the Board’s directive of January 12, 2009. If staff is successful in reaching an acceptable proposal for compromise, any such agreement will be brought to the Commission for approval in an open meeting. Because of the ongoing interest in the property by a prospective industry, staff will work diligently to execute this objective by the next meeting on February 28, 2011.

**ADJOURNMENT:** Commissioner Nelson moved to adjourn the Regular Meeting at 7:35 p.m. with Commissioner Turner seconding. Commissioner Turner – yea, Commissioner Nelson – yea, Chairman Aldridge – yea, Chairman Brown – yea. The motion carried.

**These are the unofficial minutes of the Ware County Board of Commissioners for February 14, 2011.**

