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DADE COUNTY COMMISSION
REGULAR MEETING
APRIL 5, 2007

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public record and available for review in the county executive's office. The minutes are included in the consent agenda. At this time I will ask the county clerk to read the items in the consent agenda that we're voting on.

MR. TOWNSEND: Okay. For the minutes on the consent agenda, set a public hearing date for April -- Monday, April 16, 2007 at 5:30 p.m., Lookout Lake Dam update, authorization of pay for the fine of 7500 to be divided in half plus the interest, which equals \$3,828.54, adoption of the national electric code amendment to the local ordinance, which is updated -- We used the updated resolution handed out tonight by the county attorney. That is it.

MR. BRANDON: The approval of the consent agenda requires a vote. Do I hear a motion that we approve the consent agenda?

MR. PITTMAN: I make a motion we approve the consent agenda.

MR. BRANDON: I have a motion. Do I have a second?

MR. LOWERY: Second.

MR. BRANDON: Motion is seconded. I'll call the roll. Ms. Moore?

MS. MOORE: Yes.

MR. BRANDON: Mr. Young?

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MR. BRANDON: I want to call the regular meeting to order, please. Please join me for the invocation and the Pledge of Allegiance. Would you-all stand, please, and remove your hats?

(Thereupon, the invocation and Pledge of Allegiance were given.)

MR. BRANDON: This is the regularly scheduled meeting of the Dade County Commission which takes place at the same time on the first Thursday of every month. Proper notice of this meeting was given to the legal organ of Dade County and has been posted in the hallway of the Administration Building. I'll call the roll and have it recorded by the clerk. Mr. Lowery?

MR. LOWERY: Here.

MR. BRANDON: Ms. Moore?

MS. MOORE: Here.

MR. BRANDON: Mr. Pittman?

MR. PITTMAN: Here.

MR. BRANDON: Mr. Young?

MR. YOUNG: Here.

MR. BRANDON: The chair is present and we have a forum and, therefore, a legal meeting.

The reading of the minutes of the March 2007 regular meeting will not be required since all commissioners have been furnished copies in advance. The minutes are

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MR. YOUNG: Yes.

MR. BRANDON: Mr. Pittman?

MR. PITTMAN: Yes.

MR. BRANDON: And Mr. Lowery?

MR. LOWERY: Yes.

MR. BRANDON: Motion passes. Moving directly into the regular agenda here, we will go to personal appearances. We have the City of Trenton, Mayor Anthony Emanuel. Is he here?

MR. EMANUEL: Good evening. On behalf of my fellow city commissioners, I'd like to express my appreciation for the opportunity to speak and bring you up to date on what's happening within the City. Financially the City is doing quite well. Year-to-date through the end of March, we had \$778,000 in revenue against \$525,000 in expenses. That yields a net income of \$253,000 with 30,000 of that being set aside in a dependency fund.

In Trenton we talk about the quality of life quite a bit, and it really comes down to the Downtown Development Authority being the lead organization in making events happen within the City that enhance or improve the quality of life. There are four committees within the Downtown Downtown Authority. The first one being the Promotion Committee, and it's chaired by Rex Harrison. They had an Easter egg hunt this past week.

1 They hid over 1,000 eggs. It took them about two hours to
2 hide the eggs. It took 80 children and 110 adults less than
3 15 minutes to find them, but it was successful.

4 I would like to remind you that we have
5 upcoming a Third Annual Family Fest. It's slated for May
6 18th through the 20th at Jenkins Park. If you've never had
7 an opportunity to attend, please avail yourself of that
8 opportunity. Fundraising and sponsorship are on the way for
9 Family Fest, so if you're a business owner and someone
10 hasn't knocked on your door, hold up your hand and we'll
11 come knock on your door.

12 We have received two signs from the
13 Chickamauga Campaign Heritage Trail. One of the Neil House
14 and the other on Macon Iron Works. They've not been mounted
15 yet, but that's something we can look forward to in the next
16 few days.

17 The second committee for the Downtown
18 Development Authority, is the Design Committee. We talk a
19 lot about streetscape. If you read the North Georgia
20 section of the Times, Chattanooga Times, and if you read the
21 Dade County Sentinel, if you read the Independent, you've
22 seen a lot of talk about streetscape in others cities as
23 well as Trenton.

24 City representatives have met with GDOT. On
25 April 24th, we're going to meet with them again and they're

1 to take those designs and run them by GDOT and get their
2 blessing or certainly get their involvement in the process.

3 The third committee is Economic Restruction
4 Committee headed by Allan Ward. He and his committee and
5 other city representatives recently met with the State's
6 Department of Community Affairs in Atlanta, the finance team
7 of DCA in Atlanta. That meeting was very helpful, but as we
8 all know, there are no silver bullets, particularly this
9 year with the concern of PeachCare and the Georgia
10 legislature and with the budget going on there. But we do
11 know that with persistence and the determination, we will
12 persevere. Same committee will be meeting with the USDA on
13 April 11 to discuss USDA financing programs and the
14 possibilities for them in the city as well.

15 The Organization Committee is the last
16 committee and it's headed by Janet York. They recently
17 submitted, and the City Commission's approved Bob Bombrawski
18 as being a new member of the Downtown Development Board of
19 Directors. The Animal Control government agreement, it's
20 under its fourth revision and it will be reviewed by the
21 collaborative as well as by the city commissioners prior to
22 its submission to the Dade County Commissioners.

23 If it's happening within the city, it's
24 happening within the Downtown Development Authority. I
25 appreciate your time and your patience. Thank you.

1 going to perform an assessment of Trenton and suggest ways
2 that we can improve our walkability and bikability within
3 the City; and those suggestions will become a part of the
4 streetscape master plan.

5 The Facade Grant Program continues with the
6 support of Citizens Bank and Trust. I'm sure all of you are
7 familiar with the renewal and redesign of the Ace Hardware,
8 which you can see some of from here. Work continues on
9 Sydney Shaw's building on South Main; and then we have a
10 building -- Most of us refer to it as the Kyzer Building,
11 It's now owned by the Wootens, and we're working with Monda
12 the current owner, and the University of Georgia to come up
13 with a facade design for that building.

14 Trenton Arts Council is very active. They've
15 begun work on the section of the Town Creek Trail, that
16 section which encompasses what is bounded by Jenkins Park.
17 There will be a stone sculpture put in place there in the
18 months to come. We look forward to that. City entrance
19 sign quotes are being sought from regional sign
20 manufacturers. We will have city signs designating the City
21 limits, north, south, east, and west.

22 The Town Creek Trail continues. There are a
23 variety of work elements that are underway. The preliminary
24 design work has been completed by Arcadis, an engineering
25 design firm who has helped us with design. The next step is

1 MR. BRANDON: Thank you, Mayor. Next on the
2 list of appearances is Chamber of Commerce, Debbie Tinker.

3 MS. TINKER: Good evening, Ladies and
4 Gentlemen. This is the Chamber's Quarterly Report. We are
5 now a state regional visitor's center. The signage is up.
6 We do qualify for extra funding by our legislative
7 delegation. We'll have to request that, if they will let
8 them have that funding this year. The Chamber is the
9 official Tour de Georgia sponsor in Dade County. Roads will
10 be closed on April 18th between two and four in the New
11 Salem/Burkhalter Gap/Piney area. This is not the County or
12 City doing this. This is the State.

13 The Chamber is sponsoring activities there.
14 I provided you-all with Web site stats, and you can see that
15 4900 have been hitting our Web site since January, and we
16 believe this is because of the Tour de Georgia. Anyone that
17 would like to attend those meetings, the next two Mondays,
18 we're going to have volunteer meetings at the Chamber of
19 Commerce at 6:00.

20 We just had our annual banquet. We
21 celebrated 20 years of service to the community. It was a
22 black and white gala, and we did honor quite a few
23 businesses and local citizens for their contributions to the
24 county.

25 Meetings that were attended or had a Chamber

1 presence at by me or one of our board members, Keep Dade
2 Beautiful, Tri-State Council of Chambers, Chickamauga Trail
3 Campaign meeting, Historic High Country, Lookout Mountain
4 Parkway, Coosa Valley Regional Planning, Regional Downtown
5 manager's meeting, Winter Chautauqua, Junior Chamber, Dade
6 County Commission, Trenton City Council, and Downtown
7 Development Authority.

8 The Keep Dade Beautiful program will be
9 coming back. It is a Chamber program. Doris Cleary and
10 others have been taking care of the program for the Chamber.
11 It will come back to the Chamber. Meetings will be being
12 held there, and hopefully our membership and all the
13 citizens in Dade County will attend those meetings.

14 The Tri-State Council of Chambers and
15 Chickamauga Trail Campaign are both making plans for the
16 150th celebration here in the Northwest Georgia area, and
17 they feel like that a lot of good ways to get this
18 information out will be by Web site and also placing the
19 brochures in Chambers. They want each area to start making
20 plans to have their own celebrations, and hopefully in Dade
21 County we can here, with all of our history.

22 I have added Antique Alley, Family Fest, New
23 Salem Mountain Fair, and the Pumpkin Patch Parade to the
24 Historic High Country's list of events that will be
25 publicized in North Georgia. Georgia Department of Economic

1 Development is producing kid-friendly attractive brochures
2 this year. We've made sure that the Wilderness Outdoor
3 Theater and Cloudland Canyon, both, are listed in those.

4 I think that's mostly the highlight of what
5 we've been doing. I will be e-mailing this quarterly report
6 to all of our Chamber members from now on, and anyone else
7 that would like to receive this report that is a non-member,
8 we'll be glad to put you on our e-mail and e-mail you the
9 whole report. Thank you for your time. Thank you.

10 MR. BRANDON: Thank you, Debbie. Before our
11 next speaker I want to recognize Boy Scout Troop -- What,
12 Nathan?

13 MR. WOOTEN: Eighty-four.

14 MR. BRANDON: Eighty-four, here visiting with
15 us tonight. Thank you, young men. Next up on the agenda is
16 Mr. Tommy Lowery.

17 MR. TOMMY LOWERY: Before I begin, I'm going
18 to do just a little review. I know there are some of you
19 that weren't here 10 days ago. There was a meeting here at
20 this place about this time. It was advertised as a recall
21 meeting for Ben Brandon, Chairman of the Dade County
22 Commission. There was quite a bit of discussion went on,
23 and I made a mistake. I got up and made the recommendation
24 that we put off the recall, or delay it at least, until we
25 call possibly get all five of the commissioners together

1 along with a couple of people to help facilitate the
2 meeting. I guess would be the best way to word it.

3 I suggested that the chairman of the Democrat
4 party and myself, being the chairman of the Republican
5 party, that way it would not be a political thing. I don't
6 think this is a Democrat problem or a Republican problem. I
7 think it's a Dade County problem. I'm talking about the
8 division that's going on within the Commission. I think if
9 there's any way possible, they need to resolve it.

10 I've been inundated with phone calls
11 especially the first couple of days; and they were all over
12 the board, but the general feeling was that at the time --
13 Several people thanked me for my interest in trying to
14 promote togetherness and resolve this without getting in a
15 recall thing and bringing nothing but negative impact to our
16 county. The general theme of everybody, I tried to
17 formulate it as I went along, that the time of talking is
18 over. They want to see something done.

19 Generally, that's what I came up with after
20 listening to everybody. Certainly I opened up a Pandora's
21 box. I'll say that, because I got scolded, and thanked, and
22 everything in between. And it was just a suggestion that we
23 try to resolve this before we bring all this on us, and I
24 don't think we understand totally what it will bring to our
25 county if we get into that type of thing.

1 Let me say that when I end here, that I am
2 currently the chairman of the Republican party, and the
3 executive of the committee of the Republican party has not
4 reached an executive official position on this issue. So
5 when I finish here, that's the end of my comments about it,
6 pro or con, private or public. That's the end of it. I
7 just thought we ought to take another look at it before we
8 get into such a divisive thing and listen to what everybody
9 that told me.

10 There's one other thing I want to point out
11 to you here, and just reading in the paper what I read in
12 the paper, and talking to people, I don't think we
13 understand the type of government we've got. We think when
14 we voted for a change here two-and-a-half years ago, that we
15 were getting something -- executive position as far as the
16 chairman was concerned. It's virtually the same as it was
17 prior to that. The only difference is he's elected totally
18 by the people, but he still has equal power of any other
19 position. They all have equal power as far as making rules.
20 They can shut him down any time, three of them.

21 The other thing is, he can't be fired. We
22 can fire the manager before, but you can't fire him now. If
23 he's elected, he can sit right there. The only way to fire
24 him is like has been talked about, and that's through a
25 recall, and that's quite complicated and extensive. It can

1 be done. It's getting to the law for -- to use in extreme
2 cases. We ought to look at that if we feel it's necessary.
3 That's up to every individual. I'm not trying to take a
4 stand one way or the other, but that's -- I think that's
5 where the misunderstanding goes.

6 We thought -- And I think some of the
7 commissioners, maybe all of them thought, that he had powers
8 above any of the other ones, to make laws, and rules, and
9 what have you. But that's not the case if you look at the
10 law, the form of government we have, what it says. Really,
11 that's all I want to say today. If those of you that want
12 to pursue this, you pursue it. That's your right, and you
13 live in a free country.

14 That's what I told him when I called. He
15 called me about it and we had long discussions about it. I
16 said go ahead. You've got that right. It's a free country.
17 Let's just be sure that's the best thing for the county.
18 That's all I'm worried about. Thank you.

19 MR. BRANDON: Thank you, Tommy. I'm going to
20 give the executive update. One of the things that we've
21 been wrestling with here and we've dealt with this issue
22 pretty much from the very first day, the very first meeting
23 we ever had. I appreciate, Tommy, you trying to be a
24 peacemaker in this. You and I agree on probably a very few
25 things, but he made an effort, and he and I had lunch, and I

1 legislature's still in session, you can get this quick into
2 the legislation establishing this position. Nobody would
3 hear that. I believe it was a three/two vote at the time.

4 Nobody wanted to do that, and I told them, I
5 said, if you don't want to do that, that only means that one
6 of these days, you intend to revoke the authority that
7 you've just given me; and everybody said, oh, no, we're not
8 going to do that. That's ridiculous. Why would we want to
9 do that?

10 Well, it turns out that I was pretty
11 prophetic in saying that, because that's exactly what's
12 happened. So they revoked that job description. We came up
13 with another one in January; and at that meeting I told them
14 that I didn't -- that I wasn't going to participate in a
15 government by committee because I didn't think that that's
16 what the people had elected me to do.

17 I felt like people had elected me to run the
18 day-to-day activities of the county, and I wouldn't
19 participate in a government by committee because that just
20 wasn't what people voted for me to do, and I'm taking a
21 principle stand on it because if you're not willing to take
22 a principle stand on something, then your character's
23 lacking, I think. This is a principle stand for me that 66
24 percent of the people that voted on the day it counted,
25 voted for me; and they trusted me to run the county. So I'm

1 told him that I would do my part and do the same that I
2 agreed to do back in January.

3 When we had this election in 2002, like Tommy
4 said, the people said -- 61 percent of the people at that
5 time said that they didn't want the government we had back
6 in 2002. They didn't want the county managed by committee.
7 They didn't want a county managed by district commissioners.

8 They wanted one person that could be held
9 accountable, that was going to be here every day that they
10 could come to and make sure that they could get something
11 done by talking to that one person, that that one person had
12 the authority to actually do what he was asked to do within
13 certain limits with the district commissioners being the
14 advisors and the policy makers.

15 We got off to a bad start right of the box,
16 because as it turns, as Tom has said, everybody had their
17 own interpretation of what that one paragraph in the
18 legislation meant. We managed to work that out. We sat
19 down in March of 2005 and came up with a job description
20 that we used up until last December.

21 At the time the commissioners felt like they
22 had the -- They needed to revoke that agreement that we had,
23 which I told them that we do; and we sat down and drafted it
24 in March of 2005. Because when we drafted it, the gentleman
25 from the ACCG was here, said, you know, if you hurry, the

1 not going to change, but I told them at that time, I said, I
2 will implement any decision that any committee makes, and we
3 even made committee appointments.

4 So we went forward from the January meeting and to
5 this day, I have not been asked by any committee to carry
6 out one act. I've not been asked to do anything that
7 they've made a decision on. Have I been in the office eight
8 hours a day every day? No. I mean there's no point in me
9 coming in here and sitting in the corner office like I'm in
10 some timeout over at the elementary school with nothing to
11 do. I've made the statement before, if you don't have
12 anything to do, it doesn't take long to do it and you can do
13 it from anywhere.

14 But, here a couple of weeks ago I met with
15 Tommy and he asked me what I was willing to do, and I said,
16 I'll be willing to do exactly what I agreed to do in
17 January, and we set up a new job description. That was what
18 he left the meeting with. That's what I left the meeting
19 with, and in good faith, I've been back up here at the
20 office just about every day since then. I'm still willing
21 to do that.

22 I can't control whether the people are going
23 to have a recall or not. They can do whatever the Lord
24 leads them to do, but the long-term issue here is that we
25 have set a bad precedent in Dade County. We have had an

1 election back in 2002 where we set up a new form of
2 government, and effectively what has happened is that the --
3 my fellow commissioners have overturned that election, in my
4 mind, and in the minds of a lot other people. They've
5 overturned that election.

6 Another group of people are getting ready to
7 overturn another election where the person who was to fill
8 that roll as county executive was elected to be that one
9 person that ran the county. So we're getting ready to
10 overturn this second election in a row here, if they're
11 successful. I don't have any idea if they will or not. I'm
12 not worried about that.

13 But what we need to be looking down the road
14 at is like Tommy said is, what kind of government are we
15 going to have, because at this point, with the way it's set
16 up in my mind, we have done away with that pesky requirement
17 of asking the next candidate for this office, which won't be
18 me, since I've said I'm not going to run again, is are you
19 qualified to be the county executive.

20 Because if you have no authority, then it
21 doesn't really matter if you're qualified or not because you
22 could probably open up the phone book and pick a name out of
23 it at random and just ask that person if they'd like to come
24 up here and sit all day and do whatever the commissioners
25 tell them to do. So we need to make a decision and get

1 needed to quit being stubborn. I told them that that's not
2 going to happen, because this is a principle stand for me,
3 and I don't compromise on principle.

4 But having said that, again, we need to take
5 a look at what is it that we want for the future of Dade
6 County's government. Do we want what we have now? Do you
7 want to more accurately describe what the duties are so the
8 next person running for the office will actually know what
9 he's running for and what he's going to get, he or she?

10 Because what we have now is, at best,
11 dysfunctional. I'm here and ready to carry out exactly what
12 I said I would do in January, and I will do that, but I will
13 not accept the responsibility for making any decision
14 anymore. I'll implement whatever they say and any
15 committee, but I'm not going to take responsibility for
16 something I don't have authority over for which I was not
17 elected to do.

18 But somebody needs to seriously take a look
19 at this. If that involves getting our elected
20 representatives, and state representatives, and state
21 senator, involved, I think that would be appropriate, but we
22 need to decide this quickly because it has to be done and
23 should be done before the next election cycle next year.

24 Because next year somebody's going to want to
25 run for this and I think you owe it to the candidate for

1 something going on here that will benefit somebody besides
2 me, because whatever we decide here is not going to help me
3 out, but the next person in line for this office needs to
4 know what they're getting when they run for the office.
5 They need to understand what their authority is.

6 I've taken the position that I won't accept
7 the responsibility for anything that I don't have the
8 authority over; and that specifically is in one area. That
9 one area is the day-to-day management of the county and the
10 supervision of the employees and the directing the
11 employees' activities.

12 I think it's perfectly within the purview of
13 the other commissioners to set policies that say you have to
14 have two signatures on every check, every contract has to be
15 authorized, you can set boards and committees up, and
16 whatever else you want to set up.

17 But in the one area that I refuse to consent
18 to is the shared responsibility of managing the day-to-day
19 affairs of the county employees and their activities.
20 Because in any activity, in any entity, you can only have one
21 supervisor.

22 It's chaos when you can have more than one
23 person going out and directing the activities of some
24 department; and I will not compromise on that. I've been
25 chided by some of my fellow commissioners, telling me I just

1 this office that I now hold to -- for them to be able to
2 know what it is that they're running for and what authority
3 they'll have, and more important than them knowing what
4 authority they have, you need to know what authority they
5 have, because they work for you. And if they don't know
6 what authority they I have, then you're not going to know
7 what authority they have either.

8 It needs to be more specific than what is
9 currently laid out in the legislation. Because all the
10 legislation says this position has to do is basically
11 oversee this meeting and to vote full-time, whatever your
12 definition of full-time is, to the running of Dade County
13 and to put people on boards and committees, and that's about
14 it. It's one paragraph.

15 I think it was probably a poorly
16 thought-out legislation, but it's too late to amend that
17 fact right now, because what's done is done. But it needs
18 to be fixed; and whatever that fix entails, needs to be
19 done. Somebody needs to start working on that soon. Now,
20 if you want to contact your state senator, state rep, I
21 would encourage you to do that, but somebody needs to lead
22 the charge on fixing this. It's not going to be me.

23 I will participate in it if asked, give my
24 opinion on what we have and what we need, but the voters in
25 Dade County and citizens of Dade County need to decide what

1 it is, and how you want your government run, and what part
2 you want the county executive to have in this position. We
3 need to look down the road, because it's not about me
4 anymore. It's about this position.

5 You need to tell the next person up here what
6 they're going to inherit. They need to know what it is
7 they're going to be allowed to do. Otherwise, it's going to
8 continue on with the same kind of management by committee
9 and whether you --

10 You can have your own opinion about whether
11 or not you think things are getting done appropriately or
12 not. I don't know. I haven't heard anybody complaining
13 real loudly about the way things are running. So if that's
14 an indication of how you feel it's going, maybe you want to
15 leave it like it is, but we need to give some thought to
16 this, and if it's going to be fixed, it needs to be fixed.
17 It needs to start soon. That's all I have.

18 Moving on into the regular agenda, we move
19 now to fiscal matters. I will ask that the county clerk
20 read the financial report for the month.

21 MR. TOWNSEND: Okay. The Drug Education Fund
22 currently has a balance of \$112,163; Federal Assets Fund,
23 \$10,365; Special Sheriff's Fund, \$211,286; Jail Fund,
24 \$7,765; Juvenile Services Fund, \$6,908; Victim Assistance
25 Fund, \$1,547; Payroll Account, \$57,742; General Fund,

1 hearing, which requires witness or requires testimony, I
2 don't think it will take place. I think it will be settled
3 on the basis of the summary judgment motion.

4 MR. BRANDON: Will this be heard by one of
5 the judges in the Lookout Mountain Judicial district?

6 MR. ROGERS: I anticipate it would be. When
7 it was filed the first time, it was assigned to Judge Ralph
8 Van Pelt -- I mean -- I'm sorry. Judge Hill. And I
9 imagine -- And I would anticipate that this one would be as
10 well.

11 MR. BRANDON: Okay. Any of you-all have any
12 questions about legal matters? Thank you, Robin.

13 Moving on. Any unfinished business from the
14 last meeting?

15 Moving on to the new business, we have a
16 quite a number of things left over from the work session. I
17 would ask my fellow commissioners if there are any issues on
18 this remaining list that can be held in abeyance until the
19 next meeting?

20 MS. MOORE: We have the financial report,
21 Financial Committee Report.

22 MR. BRANDON: I would entertain a motion that
23 we accept the financial report as written and given to the
24 commissioners in their packets rather than go ahead and read
25 that multi-page document there.

1 \$945,905, S.P.L.O.S.T. Funds Principal and Interest Account,
2 \$441,602; Principal and Interest CDs currently invested,
3 \$450,000; Principal and Interest Debt Services Account of
4 \$9,035. The total of Principal and Interest Fund balance is
5 \$900,638. Capital Bond Fund Account, \$25,060; Capital Fund
6 CDs, \$901,079. The total Capital Bond Fund balance of
7 \$926,139.

8 MR. BRANDON: Thank you, Don. Moving on to
9 the regular agenda of legal matters, I'll ask the county
10 attorney if we have any outstanding legal matters.

11 MR. ROGERS: No outstanding matters.

12 MR. BRANDON: Thank you. Let me ask a
13 question of legal matters. What is the status of Mr.
14 Blevins' suit against County of 9-18 and 9-19.

15 MR. ROGERS: It's still pending and an
16 answer's been filed and that's where it stands.

17 MR. BRANDON: Any idea when that will come up
18 on the document?

19 MR. ROGERS: No.

20 MR. BRANDON: Okay. What's our position --
21 What is our -- Are we going to ask for declaratory judgment?

22 MR. ROGERS: We will be filing a motion for
23 summary judgment, and I imagine they will too; and so I
24 would anticipate that this matter, since it only deals with
25 legal issues particularly, that it would not be a factual

1 MS. MOORE: Okay. But the financial report
2 deals with two issues, which are listed as Number 14 and 15
3 of the agenda.

4 MR. BRANDON: In the work session I said that
5 we would approve the financial report except for those two
6 items.

7 MS. MOORE: Okay.

8 MR. BRANDON: And we've already approved the
9 financial report.

10 MS. MOORE: Okay. But you didn't say that in
11 the meeting.

12 MR. BRANDON: I thought I did. I meant to.
13 If I didn't, I apologize.

14 MS. MOORE: So I understand, except for these
15 two items, you're approving this, the Committee Report,
16 except for those two items?

17 MR. BRANDON: Yes.

18 MS. MOORE: Okay.

19 MR. BRANDON: Any of these others that can be
20 held until the next meeting?

21 MR. LOWERY: I think it's urgent that we talk
22 about the advertising for the dumping and transferring
23 the --

24 MR. BRANDON: Yeah. We --

25 MR. LOWERY: -- solid waste.

1 MR. BRANDON: These are all important and
2 we'll move through them in order then. Number 9, Local
3 Update of Census Addresses. Whose issue is this one?

4 MR. YOUNG: That's for information only, just
5 to let you know that we are working on that and let the
6 commissioners know that Census for Local Update of Census
7 Addresses for 2007 has already started in Dade County and
8 we'll be addressing that later.

9 MR. BRANDON: Okay. Don and I both, applied
10 for user I.D. this week, and got one between us. Number 10,
11 Joint Proclamation for the Optimist Club Respect for Law
12 Week. Whose issue is that?

13 MS. MOORE: Well, I guess that would be my
14 issue since I'm -- That was something that generated from
15 the Optimist Club, and that's something that Mr. Bell is
16 working on in the Optimist Club; and they are declaring the
17 week of May 14th through the 18th as Law Enforcement
18 Appreciation Week.

19 They're asking for a joint proclamation for
20 the Dade County Commission and the City of Trenton Optimist
21 Club to recognize the need -- recognizing that we need to
22 commend and honor the sacrifice and service of our Georgia
23 State Troopers, Dade County Sheriff's Deputies, and Trenton
24 Police Department, and then the law enforcement personnel
25 telling about providing -- Do I need to read it?

1 MR. BRANDON: Motion passes.

2 MR. TOWNSEND: Mr. Chairman, who was the
3 second?

4 MR. YOUNG: I did.

5 MR. BRANDON: Mr. Young, Item Number 11 is
6 Commissioner Young's issue, Developer's Handbook for Dade
7 County.

8 MR. YOUNG: This is an issue we kind of
9 talked about a little bit earlier. What they did was bring
10 together stakeholders, developers, building companies, and
11 try and come up with a handbook with anything about new
12 regulations, but just come together with a handbook that
13 says these are State regulations. We also want to look at
14 our road ordinance. There's -- The basis for the road
15 ordinance is really not clear. It may be to make
16 recommendations back to the board on changes that could
17 clarify some issues on it. And I wanted to set a public
18 meeting maybe the second week in May to bring all the
19 stakeholders together at the time.

20 MR. BRANDON: Okay. You pick a date and then
21 we will advertise it. This is not something that requires a
22 vote.

23 MR. YOUNG: Right. May the 10th.

24 MR. BRANDON: Okay. Anyone have a problem
25 with May 10th for a public hearing on the Developer's

1 MR. BRANDON: No, I think --

2 MS. MOORE: But that's what it is. It's just
3 to honor them for their courageous actions, and then there
4 will be awards given at the gazebo, honoring, I believe, one
5 from the Georgia State Patrol, one from the City, and one
6 from the County, and also to recognize those that have lost
7 their lives in the line of duty; and they're just asking us
8 if we'll adopt this resolution and proclamation.

9 MR. BRANDON: Do I have a motion that we
10 adopt this proclamation of Respect for Law Week for the week
11 of May 14th through 18th, 2007?

12 MS. MOORE: I guess I could make the motion.

13 MR. BRANDON: Yes. Are you making the
14 motion?

15 MS. MOORE: I would make a motion.

16 MR. BRANDON: Does it have a second?

17 MR. YOUNG: Second.

18 MR. BRANDON: I'll call the roll. Ms. Moore?

19 MS. MOORE: Yes.

20 MR. BRANDON: Mr. Young?

21 MR. YOUNG: Yes.

22 MR. BRANDON: Mr. Pittman?

23 MR. PITTMAN: Yes.

24 MR. BRANDON: Mr. Lowery?

25 MR. LOWERY: Yes.

1 Handbook for Dade County?

2 MS. MOORE: What time?

3 MR. BRANDON: Let it be set out at -- What
4 time?

5 MR. YOUNG: 6:00.

6 MR. BRANDON: 6:00 on May 10th, Mr. Young's
7 public hearing on the Developer's Handbook for Dade County.
8 Moving on. Skipping 12, moving to Item 13, the Approval of
9 Comprehensive Plan Committee. What status is that in, Ms.
10 Moore?

11 MS. MOORE: Let's see. That would be --
12 Number 13. It would be the last thing, I guess.

13 MR. BRANDON: Have you already spoken to all
14 these folks about serving on the committee?

15 MS. MOORE: I have spoken with -- Let me see.
16 Let me look over the list just a second. These were the
17 ones that were at the meeting. Rebecca Page wasn't here at
18 that meeting, and Evan Stone. They both had commitments,
19 but what this is -- You want me to tell you what it is,
20 actually? It might be something to go along with what David
21 is trying to do.

22 MR. BRANDON: Sure.

23 MS. MOORE: It's -- We've been in the process
24 of a Comprehensive Plan for Dade County that's required and
25 Coosa Valley RDC helps us with this; and we had a

1 representative here, Jill Joss, who is with RDC, and we
2 talked about having a committee to create a process for the
3 development of Dade County's Comprehensive Plan.

4 Usually we don't have anyone here when we're
5 going over the Comprehensive Plan, and this should be
6 something that the whole -- the citizens and the county
7 should be involved in and what do they want to see in their
8 county and a vision of -- down the road and to set
9 objectives and visions and goals to fill any immediate gaps
10 for issues involving the planning of Dade County's future.

11 And we met and talked about this, and each of
12 these folks that were here, seemed to be really pleased that
13 something like that was taking place, but the thing is, is
14 how do we handle that? Do we want to let them -- this
15 committee -- They would be helping -- What they would do,
16 would be, you know, finding out things that -- goals and
17 objectives and bringing it to the Commission and to the
18 public.

19 When we do the next Comprehensive Plan, we'll
20 have it more in place; and also to -- It would be
21 periodically reviewed by the board of Department of
22 Community Affairs. But do we want to let that be a separate
23 committee by itself or something that the Commission would,
24 I guess, appoint them as a committee?

25 MR. BRANDON: I think it would be my purpose

1 MR. BRANDON: I would --

2 MS. MOORE: So that's what it is.

3 MR. BRANDON: I would rather see the people
4 out in the community. I would rather trust Commissioner
5 Pittman to pick somebody that's going to represent his
6 district rather than picking people who think they know how
7 to fix Dade County.

8 MS. MOORE: Okay.

9 MR. BRANDON: As long as we get someone
10 from --

11 MS. MOORE: So you mean to have two from each
12 district?

13 MR. BRANDON: Yeah. I would want two from
14 each district.

15 MS. MOORE: So would that be you as well? I
16 mean, five of us picking two people and then having --

17 MR. BRANDON: I can appoint someone as well.

18 MS. MOORE: Okay. So we would -- I mean, I
19 guess it would be up to us to vote to approve them?

20 MR. BRANDON: You'll get the recommendations
21 in by the next meeting and we'll vote on them at the next
22 meeting.

23 MS. MOORE: Okay. Is that okay?

24 MR. LOWERY: Is the City going to get
25 involved in that, too or is that --

1 to have these appointed by the district commissioners, and
2 I'll tell you why. Typically, when you come up with a group
3 of folks that get together to plan the future -- I've never
4 been to one of these meetings yet that didn't end up where
5 you would fix all the problems if we only had something; and
6 if you only allow people who show up like this, a
7 representative of the districts of Dade County, it might be
8 more conservative, and a little bit more small government
9 oriented.

10 I think you're going to end up with a
11 self-fulfilling prophecy that if you only had so many, that
12 everything would be okay. So I would recommend that each
13 district commissioner appoint, possibly, two people to this
14 and count on them being the ones that pick the
15 representatives from every district and see who can serve on
16 the committee.

17 MS. MOORE: And that would be the appointed
18 by the commissioners?

19 MR. BRANDON: Appointed by the district
20 commissioners.

21 MS. MOORE: And what these folks, where they
22 didn't show up, it's a cross reference. Like the school
23 superintendent and the planner -- a designer that has
24 already done a design. It's with someone that's already
25 done something like this.

1 MS. MOORE: No. Yes. It would be good if
2 they were involved in that and maybe the City will appoint
3 two as well.

4 MR. BRANDON: That's fine. I don't have any
5 problem with that.

6 MR. PITTMAN: So two would be appointed from
7 our district?

8 MR. BRANDON: Yes.

9 MS. MOORE: Two from each district?

10 MR. PITTMAN: Two from our district.

11 MS. MOORE: That you represent. Okay. So
12 we'll bring that back next month?

13 MR. BRANDON: We'll ask the Mayor if he can
14 appoint someone to participate as well. Has he already
15 gone.

16 PARTICIPANT FROM THE CROWD: He just left.
17 He had another meeting.

18 MR. BRANDON: Okay. Thank you.

19 MS. MOORE: Thank you.

20 MR. BRANDON: All right. Moving right along,
21 Item Number 14. There was an item in the Finance Committee,
22 the Personnel Committee Report, I suppose, about a raise for
23 the county clerk. The question I have on that is that we
24 had a meeting when we were discussing this back in December
25 when we made the offer, and we had an executive session and

1 we discussed what the offer was going to be; and we agreed
2 on the offer, and then we said that we'd hold off any
3 increases in salary until clerk certification training was
4 completed; and it appears now that we've decided to change
5 that.

6 MR. LOWERY: Have we not voted on this?

7 MR. BRANDON: No. I took those out of the
8 agenda for this purpose.

9 MS. MOORE: My comment on that was that he
10 had completed the mandated training and had already
11 completed that mandated training, had already completed that
12 mandated training in February; and that he has taken on
13 additional duties in the office, and he has been managing
14 the office staff, and has taken on additional duties with
15 your absence. So that's where we felt like we should do
16 that.

17 MR. BRANDON: When we met in December, we
18 said that it would be upon completion of certified county
19 clerk training, which is 100 hours, not 15. So we're going
20 to eliminate 85 hours worth of requirements --

21 MS. MOORE: This was my recommendation.

22 MR. BRANDON: I understand. But I'm talking
23 about what we had discussed in the executive session when we
24 made the offer. We said we would not increase the salary
25 because we were paying more than we intended to. We would

1 MR. LOWERY: I think we ought to give that
2 money to--

3 MR. PITTMAN: We're not hiring Randy.

4 MR. BRANDON: Am I the only one that
5 remembers us saying that we would give the increase to the
6 new money out of the money that we're not giving the county
7 clerk? I think we have it in the audio or video of the
8 meeting.

9 MS. MOORE: I remember something, but not
10 about that. I mean, I remember that using that for
11 something else, but I can't remember now, but I don't think
12 it involved the county clerk.

13 MR. BRANDON: Okay. So is the
14 recommendation -- Well, I have the audio or video, but it
15 will take time to dig it up, but we have to decide on this
16 now. So is there a motion to increase the county clerk's
17 pay by \$2,000 a year?

18 MS. MOORE: I make a motion that we increase
19 the pay by \$2,000 since it was in the previous budget and
20 mandatory training has been completed and additional
21 responsibilities have been --

22 MR. BRANDON: Now, let's be clear. I do have
23 the audio of this. We said that it was to be 100-hour
24 training, not 15 hours of orientation.

25 MS. MOORE: This is my motion.

1 not increase the salary until he completed his 100 hours
2 certified county clerk training.

3 MS. MOORE: We do have it in the budget.
4 It's not a budget amendment.

5 MR. BRANDON: Well, actually you don't have
6 it in the budget. Because if you look at the budget from
7 the administration here, right now we are a little bit
8 overbudget year-to-date already. So there's no extra money
9 in the budget for that because we're already right on the
10 number at 25 percent year-to-date. If we were under budget,
11 which would mean there was money in there to give a raise,
12 we would be under -- way under 25 percent.

13 MS. MOORE: But it was in the original
14 budget.

15 MR. BRANDON: But it's not in there now.

16 MS. MOORE: Okay. Well --

17 MR. BRANDON: And I didn't do the budget.
18 You-all did.

19 MR. PITTMAN: Fifty-five thousand's in the
20 budget, right?

21 MS. MOORE: That's right.

22 MR. BRANDON: If you recall, when we gave
23 another employee a raise, we said we could use the money
24 that we're not giving Don this year. Anybody recall that?

25 MS. MOORE: No.

1 MR. BRANDON: We have a motion. Do we have a
2 second?

3 MR. LOWERY: I second.

4 MR. BRANDON: I have a motion and a second by
5 Mr. Lowery. I'll call the role. Ms. Moore?

6 MS. MOORE: Yes.

7 MR. BRANDON: Mr. Young?

8 MR. YOUNG: Yes.

9 MR. BRANDON: Mr. Pittman?

10 MR. PITTMAN: Yes.

11 MR. BRANDON: Mr. Lowery?

12 MR. LOWERY: Yes.

13 MR. BRANDON: Chair votes no. The motion
14 passes. Okay. Next up we have a -- We seem to be in need
15 of a budget amendment for the Tax Commissioner's office
16 because in going through the AB report, which I do every
17 payroll, every cycle, when we issue checks, I noticed we had
18 paid about \$1,000 worth of computer expense out of the
19 administration budget for the Tax Commissioner's office.
20 Would you tell me what that was about?

21 MS. MOORE: That was -- Did you say 900? It
22 was about 900.

23 MR. BRANDON: Almost a 1000.

24 MS. MOORE: Okay. There was \$20,000 budgeted
25 for technical services in the administration budget, but

1 only \$100 was budgeted in the Tax Commissioner's budget, and
2 she needed some upgrades on her computer system. She needed
3 a new firewall, and -- Let me see. I think I have it. It
4 should be in your report there.

5 MR. BRANDON: Uh-huh.

6 MS. MOORE: She needed -- It's for Capital
7 Data Services for antivirus and spyware and firewall
8 upgrades and it's a County-owned computer in the Tax
9 Commissioner's office.

10 MR. BRANDON: I understand.

11 MS. MOORE: And for some reason, I guess,
12 they discovered that they did continue to have these pop-ups
13 and realized that they needed to get these upgraded. So it
14 wouldn't be a budget amendment. It would be transferring
15 from the administrative \$20,000 budget to her budget of only
16 \$100.

17 MR. BRANDON: Well, that's still a budget
18 amendment.

19 MS. MOORE: Well, okay, just transferring --

20 MR. BRANDON: It is, but --

21 MS. MOORE: But we're not raising it.

22 MR. BRANDON: The question I have right now,
23 the Commission office and the administration budget and the
24 Tax Commissioner are both overbudget.

25 MS. MOORE: We shouldn't be.

1 MR. BRANDON: I'm sure it will, but the net
2 result of the County is going to be the same. So we're
3 willing to be overbudget for the commission office, but not
4 for the Tax Commission. So --

5 MS. MOORE: Well, that's my recommendation.

6 MR. BRANDON: We have --

7 MS. MOORE: She needed the software.

8 MR. BRANDON: I understand. So we have a
9 budget amendment to transfer money from the commission
10 budget to the Tax Commissioner's budget. Do I have a motion
11 that we --

12 MR. ROGERS: Mr. Chairman, just to be clear,
13 I don't know that a budget amendment is necessary, if she
14 has that money in her existing department. I think I'm
15 hearing two different things here.

16 MR. BRANDON: Well, that's the question I
17 have, is that either way you look at it, this is coming out
18 of the County's budget. So why are we paying -- Why doesn't
19 she just pay it out of her budget? It's going to get paid
20 one way or the other. It's just going to make her less
21 overbudget than she already is if we transfer the money.

22 MR. ROGERS: From a legal perspective, we
23 are -- With our financial policy, we are at the departmental
24 level.

25 MR. BRANDON: I understand that.

1 MR. BRANDON: So where are we gaining
2 anything by paying the bills for the Tax Commissioner?

3 MS. MOORE: We shouldn't be overbudget on
4 technical service.

5 MR. BRANDON: No. But it's the bottom line
6 that makes a difference, and we are overbudget by \$17,000.

7 MS. MOORE: Well, that has to do with your
8 payroll taxes and SUDA. That doesn't have anything to do
9 with any of these other expenditures. It has something to
10 do with two payrolls. It was budgeted like two payrolls --
11 I mean, sometimes you have three payrolls in one period.

12 MR. BRANDON: I understand.

13 MS. MOORE: And that's what's caused that to
14 look like that at this point.

15 MR. BRANDON: So she's only overbudget by
16 \$1640 and the commission office is overbudget by \$17,171.
17 So we're robbing Peter to pay Paul here.

18 MS. MOORE: That's again, because it was a
19 three payroll period.

20 MR. BRANDON: Again --

21 MS. MOORE: I mean that's three payrolls
22 instead of two.

23 MR. BRANDON: The amount of money is the
24 amount of money.

25 MS. MOORE: It should balance out next time.

1 MR. ROGERS: To me, I think, what the issue
2 actually is on this is, is where that money should be. For
3 accounting, which department should that be attributed to?
4 And not whether a budget amendment is needed or necessary
5 now, because in either case, whether it's accounted to the
6 administrative budget or in the Tax Commissioner's budget,
7 at this point, a budget amendment is not necessary.

8 MR. BRANDON: Then why don't we just put all
9 the money into one big pot and pay whatever bill comes in
10 and not have departmental budgets?

11 MR. ROGERS: Well, I think -- Well,
12 essentially we do have. You put the money and you divide it
13 up among your departments, and they have --

14 MR. BRANDON: Right. But we do that at the
15 beginning of the year, and that's how we tell if the people
16 are good stewards of the money or not. If we're going to
17 pay bills for one department from another department, then
18 it kind of blurs the line there.

19 MR. ROGERS: Well, I think that would be my
20 point that this is not really a budget amendment issue. It
21 may be an accounting issue about which department should
22 that money be assessed against. And that's not a legal
23 issue. That's an accounting issue, and I don't know the
24 answer to that question.

25 MR. BRANDON: If we're going to -- Are we

1 going to have a standard policy that it's just okay to pay a
 2 bill for whatever department happens to need the money where
 3 we can find the money?
 4 MR. ROGERS: What I would suggest to the
 5 Commission is that they look to see what that department
 6 that money should be attributed to. Which one would it
 7 benefit and that sort of thing.
 8 MR. BRANDON: It's benefitting the Tax
 9 Commissioner's.
 10 MS. MOORE: It's going to be the whole
 11 county.
 12 MR. ROGERS: Well, that's -- I mean.
 13 MR. BRANDON: It's the Tax Commissioner's
 14 responsibility to pay the bill out of her budget, and it's
 15 unfortunate if there's no money in there. Again, you're
 16 taking the money from one department, that's already grossly
 17 overbudget, year-to-date, and putting it in another
 18 department. For what purpose?
 19 MS. MOORE: All I know is we need to pay the
 20 bill.
 21 MR. BRANDON: Well, the bill's been paid.
 22 MS. MOORE: Well, that's what I know.
 23 MR. BRANDON: It's just like Robin said, it's
 24 the accounting and keeping the books straight that we need
 25 to be concerned with. Are we going -- Does that mean that

1 MS. MOORE: No. That was only for the
 2 Commission. That was only for the Commission. For
 3 approving things that would be moved around.
 4 MR. BRANDON: So we passed -- Is that what
 5 that last order was about was that it only applied to the
 6 commission office?
 7 MS. MOORE: It applied to us for the approval
 8 of like transferring funds, like you're talking about. If
 9 you transfer funds, you know, from one department to another
 10 within your budget, then that would take the approval of the
 11 Commission to --
 12 MR. BRANDON: Well, here we're transferring
 13 money from the administration budget to the Tax
 14 Commissioner, who's a constitutional officer.
 15 MS. MOORE: Well --
 16 MR. BRANDON: Shouldn't we change that budget
 17 with a budget amendment, if we're going to do that?
 18 MR. ROGERS: Mr. Chairman, the county clerk
 19 just reminded me that that resolution did apply to the
 20 administration office. It did not apply to -- it
 21 specifically excluded --
 22 MR. PITTMAN: Has there been a motion on the
 23 table?
 24 MS. MOORE: I've made a motion.
 25 MR. PITTMAN: I don't see any reason for this

1 if the sheriff -- If he comes up with something that wasn't
 2 in his budget, are we going to take more money out of Ms.
 3 Moreland's budget to give to him if she's got some extra?
 4 MS. MOORE: But I'm not asking for a budget
 5 amendment.
 6 MR. BRANDON: That's what it's going to
 7 require, though, for you to change the budget. At some
 8 point you're going to need to do that.
 9 MR. ROGERS: Well, if she were to exceed her
 10 budget.
 11 MR. BRANDON: She's already exceeded her
 12 budget.
 13 MR. ROGERS: Well, that's the budget -- If
 14 she exceeds the amount of money that she's been budgeted for
 15 her department, at that point, it would be a budget
 16 amendment.
 17 MR. BRANDON: Well, she's exceeded the amount
 18 for that department for that line item.
 19 MR. ROGERS: Well --
 20 MR. BRANDON: Our budget amount is at the
 21 line item.
 22 MR. ROGERS: No. It's at the department
 23 level.
 24 MR. BRANDON: No. It's at the line item
 25 because we passed that resolution --

1 debate if there's not a motion on the table.
 2 MS. MOORE: We've had discussions.
 3 MR. PITTMAN: Yeah, but they haven't --
 4 MR. BRANDON: Okay. Well, we have a motion
 5 that we're going to pay bills for the Tax Commissioner out
 6 of the administration budget. And so you're saying that's
 7 not a -- That doesn't require a budget amendment.
 8 MR. ROGERS: A budget amendment's -- That
 9 would not be --
 10 MR. BRANDON: I understand what a budget
 11 amendment is.
 12 MR. ROGERS: That's an accounting issue.
 13 That's not a budget amendment -- issue, I mean.
 14 MR. BRANDON: Well, only if you want to keep
 15 the accounting straight. Well, if you say it's not a budget
 16 amendment, then we don't need to vote on it all.
 17 MS. MOORE: All I was doing was making you
 18 aware of it in the financial report.
 19 MR. BRANDON: I understand. Okay. Item
 20 Number 16. We have a request from the Sons of Confederate
 21 Veterans, as we do every year, to proclaim April as
 22 Confederate Heritage Month. Do I have any debate on that?
 23 Do I have a motion to do so?
 24 MR. PITTMAN: I make a motion that we
 25 proclaim April as Confederate Heritage Month.

1 MR. BRANDON: I have a motion. Do I have a
2 second?

3 MR. YOUNG: I second it.

4 MR. BRANDON: I have a motion and a second.
5 I'll call the roll. Ms. Moore?

6 MS. MOORE: Yes.

7 MR. BRANDON: Mr. Young?

8 MR. YOUNG: Yes.

9 MR. BRANDON: Mr. Pittman?

10 MR. PITTMAN: Yes.

11 MR. BRANDON: Mr. Lowery?

12 MR. LOWERY: Yes.

13 MR. BRANDON: Chair votes yes. The motion
14 passes. Item Number 17, Mr. Lowery has an issue about a
15 survey, and I'll turn it over to him.

16 MR. LOWERY: We're donating property to the
17 Lookout Mountain Community Services. I thought it was five
18 acres, but you told me three.

19 MS. MOORE: Three.

20 MR. LOWERY: So we're going to set aside five
21 acres for the use of an animal shelter. I'd like to go
22 ahead and get that surveyed out and laid out so we can have
23 it on our map -- on our plat. And then I'll make the
24 recommendation that we can probably use the same man who did
25 the survey.

1 moving in there; and the fee for that will be based on their
2 income and we voted on donating the property or went on a
3 long-term lease on the property in 2005. We worked with
4 Reverend Reece Fauscett here in Trenton, who was on the
5 board at that time, and they came back to us a couple of
6 weeks ago.

7 They sent me an e-mail and wanted to have the
8 architect from Atlanta come up who designs all these
9 properties for them, and they met with Ms. Moore yesterday
10 morning and went down and looked at the property. They are
11 very enthusiastic about it. They have homes like this
12 already in Chattooga County, and in Summerville there's a
13 new one. There's already one in Lafayette and another one
14 under construction in Walker County as well.

15 This is probably not going to be done for
16 another two to three years because it's a very complex
17 funding cycle they go through through Volunteers of America,
18 which is a non-profit organization. It was founded by one
19 of the people who, I think, originally started the -- What
20 was the lady telling us? The Salvation Army. They are
21 brothers. One of the started the Salvation Army and the
22 other one started Volunteers of America.

23 This is a non-profit organization, and will
24 get funding from HUD to build these homes. I think it will
25 benefit Dade and the County to do that. Again, I agree with

1 MR. BRANDON: I think we need to wait on this
2 because the cost of that survey is going to be borne by the
3 Lookout Mountain Community Services. I don't know what we
4 decided about the animal shelter, but Lookout Mountain
5 Community Services told us in the meeting that we had
6 yesterday that all the soil testing and surveying would be
7 paid for out of the grant that they've got.

8 MR. PITTMAN: Don't we want to go ahead and
9 get it done, and they just pay us our money later?

10 MR. BRANDON: That's certainly possible.

11 MR. YOUNG: You might want to wait, because
12 HUD has certain requirements that they'll require a surveyor
13 to do. And it may be something that Charles does that them
14 not --

15 MR. BRANDON: Ms. Moore has asked that I
16 discuss this issue. Last year -- Actually in 2005, we voted
17 to donate property in Dade County down near the soccer
18 fields across from Head Start; and Lookout Mountain
19 Community Services for the purpose of constructing a group
20 home for mentally challenged adults, and I think there will
21 be -- When we met with them yesterday, 12 units?

22 MS. MOORE: I think 12, starting out.

23 MR. BRANDON: Twelve units built down there
24 that will be occupied by adults in need of some care
25 day-to-day, but mostly are self-sufficient, who will be

1 Dave, that we need to wait and let them do this. We don't
2 want to overdrive our headlights and have them think we've
3 done something inappropriate. Now, if you want to do the
4 other one for the shelter, that's something we can vote on.

5 MR. LOWERY: I make a motion that we pay for
6 the survey for the shelter.

7 MR. PITTMAN: Do you have any idea,
8 approximately, on that?

9 MR. LOWERY: No.

10 MR. PITTMAN: I think we should take bids.

11 MR. YOUNG: I think we should take bids to --

12 MR. PITTMAN: I think we should take bids and
13 get an idea of what the cost would be.

14 MR. BRANDON: Do you want to put that in the
15 form of a motion?

16 MR. PITTMAN: I think we should table it and
17 have the county clerk to take bids for the survey of the
18 five acres for the animal shelter.

19 MR. BRANDON: Okay. We don't need to vote on
20 that. We can just direct the clerk to issue an RFB for bids
21 on a quote on doing the survey on it.

22 Next up, Number 18, we have an issue also
23 that Commissioner Lowery brought up on the solid waste. I
24 assume you have some bids back on the solid waste.

25 MR. LOWERY: We don't have bids back. We

1 need to advertise for some bids. Billy Massengale, and
 2 myself, and Robin Rogers went over to Walker County and
 3 looked at their facility and talked with them about a
 4 proposal over there. It looks like it needs to be
 5 advertised.

6 MR. BRANDON: Okay. Well, then, I would ask
 7 the clerk to prepare a advertisement for -- to get the --
 8 request a proposal from interested parties on handling Dade
 9 County's solid waste. We'll take that up at the next
 10 meeting. If we can you get them in by then.

11 MR. LOWERY: The only thing is the agreement
 12 with the City.

13 MR. BRANDON: You don't need to have an
 14 agreement until you get this because you don't know who
 15 you're going to be doing the agreement with until you get
 16 bids on what it's going to cost. Somebody might outbid
 17 them.

18 MR. LOWERY: I know Robin had said something
 19 about you might want to get an agreement eventually anyway.

20 MR. ROGERS: Yeah. Walker County had
 21 mentioned the possibility of that, and we had one discussion
 22 with them. So I'm getting kind of concerned about the time
 23 limit on the --

24 MR. BRANDON: I understand. But if you're
 25 going to take bids, then you don't want to end up with an

1 intergovernmental agreement that you don't need if they
 2 don't happen to have the low bid.

3 MR. ROGERS: Well, and that's correct. The
 4 intergovernmental agreement, we don't have to have. It
 5 doesn't have the lowest bid. That's what we want to do, but
 6 we -- I think it would be worthwhile to have something to
 7 judge it against.

8 MR. LOWERY: I agree with you.

9 MR. BRANDON: Will you be working on that for
 10 us?

11 MR. ROGERS: Sure.

12 MR. BRANDON: All right. Okay. Having gone
 13 through all the new business, we come to citizen
 14 participation. The Chair recognizes Mr. Sampson.

15 MR. SAMPSON: The other night when Mr. Lowery
 16 was talking about the meeting they had, he fell a little
 17 short on what was said. He said that should have a meeting
 18 in Tiftonia at the house. That it was legal to go across
 19 the State line and the commissioners have a meeting. Did
 20 any of you-all know anything about that?

21 MS. MOORE: No. I mean, I don't -- We didn't
 22 agree to do anything like that. I heard that that was said.

23 MR. SAMPSON: But we e-mailed Nathan Deal.
 24 He said it was illegal as all get out.

25 MS. MOORE: We weren't going to do that

1 anyway, and never have.

2 MR. SAMPSON: And from what I was kindly
 3 understanding, it was being done.

4 MS. MOORE: No, it's not.

5 MR. SAMPSON: I mean, I'm not saying you-all
 6 done it.

7 MS. MOORE: No.

8 MR. SAMPSON: But I'm not accusing nobody. I
 9 have heard one say he had it twice. So I really would like
 10 to know where the house is.

11 MR. BRANDON: Well, the meeting never took
 12 place.

13 MS. MOORE: No.

14 MR. BRANDON: Because when Tommy and I met. I
 15 told him, I said, well, tell me what you think will solve
 16 this and let's see if we can do it. He told me, and I said,
 17 well, I'll do that. At that time, we agreed that we didn't
 18 need to have a meeting anywhere. So we never had a meeting.

19 MR. SAMPSON: Tommy, did you hear them say
 20 anything said about the house up there?

21 TOMMY LOWERY: Yes, sir. It belongs to the
 22 church. It's when I was commissioner, and it's very legal.

23 MR. SAMPSON: Nathan Deal said it wasn't.

24 TOMMY LOWERY: Well --

25 MR. SAMPSON: And I have an attorney that

1 tells me that it wasn't.

2 PARTICIPANT FROM THE CROWD: My attorney
 3 tells me the same thing.

4 TOMMY LOWERY: Well, they'll have to charge
 5 us, then.

6 MR. SAMPSON: You know, there was some
 7 prosecuted for it back at the start of it. That's all I had
 8 to say.

9 MR. BRANDON: Thank you, Mr. Sampson. Yes,
 10 sir.

11 MR. MARTIN: I'm J.D. Martin.

12 MR. BRANDON: Mr. Martin, can I get you to
 13 come up here to the mike?

14 MR. MARTIN: I think I can talk loud
 15 enough --

16 MR. BRANDON: Okay.

17 MR. MARTIN: -- to where everybody can hear
 18 me.

19 MR. BRANDON: All right.

20 MR. MARTIN: I want to know if all the
 21 commissioners have forgotten about Burkhalter's Gap? That's
 22 a dangerous place up there. There's a lot of people coming
 23 out of other states now up and down that mountain, and
 24 something surely needs to be done about it before somebody
 25 gets killed. Somebody's going to get killed there. If they

1 do, I hope all you-all commissioners carry that with you-all
2 to you-all's grave, if you wait for somebody to get killed
3 before you do anything about it.

4 MS. MOORE: Can I--

5 MR. BRANDON: Certainly.

6 MS. MOORE: I'm aware of that road and the
7 shape that it's in; and -- Is our Public Works -- Billy?
8 Billy Massengale, we have talked about that and Billy just
9 had his crew back out there. Billy, you want to elaborate
10 on what you have done on Burkhalter Gap Road when you found
11 that some of the road was sliding back in out there?

12 MR. MASSENGALE: Up there where it slides. I
13 don't know if that's what he's referring to.

14 MS. MOORE: It is.

15 MR. MASSENGALE: It's not slid no more since
16 we put the barricades up. I mean, that's probably something
17 you can go ahead and fix, but here on 136, the State redid
18 it, what, \$3.6 million?

19 MR. YOUNG: Well, I've been in Atlanta and
20 talked with GDOT a little bit about it. Since the Tour de
21 Georgia's coming through, I'm hoping maybe we can get some
22 state funding through that, because it's a tourist
23 attraction. The County owns the road. The State may help
24 us just because of the amount of bicycles that we're going
25 to start having, seeing that they can go up and down that

1 facility, but it is clean. But having it where it sits,
2 we've rather shot ourselves in the foot, because we cannot
3 utilize the constituents that pay for it. We are out in the
4 boonies and we're right beside a landfill. That's not a
5 pleasant spot for many folks to come and as far out as it
6 is, we can't depend on people to come and support it.

7 It takes more than just your shelter staff.
8 It doesn't take long for folks day after day dealing with
9 the numbers, the gross numbers, of animals to get burned
10 out. So having the support of the community -- And I have
11 been sort of involved with Dade County's evolution on this
12 project since the beginning, since it's inception, and you
13 guys are lucky to have the dynamic group behind you that you
14 do. Keep that. And by putting this place, putting the
15 shelter in a place where you can use the energy from that
16 core group, you can't help but get the support of the rest
17 of the community. So I do commend you on your choice and
18 decision.

19 MR. BRANDON: Thank you. Anyone else? Mr.
20 Fowler.

21 MR. FOWLER: Mr. Lowery and Mr. Brandon
22 failed to mention one thing, Mr. Commissioner and Mr.
23 Lowery. He either didn't know, was ignorant of, or
24 whatever. A recall has to have grounds. Part of the legal
25 grounds was that he was not doing his work. He was not

1 road, after that Tour de Georgia comes through the first
2 time. So we are looking at trying to get the State to help
3 us.

4 MR. MARTIN: It's been going on now for about
5 six years, and there ain't been nothing done about it yet.

6 MR. BRANDON: Well, sir, we went up there in
7 2005 and moved the road over about five feet, and --

8 MR. MARTIN: I remember that. But where you
9 turn off of 189, coming down the mountain, people can't see
10 that place. They come down through there just flying,
11 they'll run right into that before they see it.

12 MR. BRANDON: Anyone else? Yes, ma'am. Will
13 you come up to the front, please?

14 ALLISON: My name is Allison, and I'm the
15 manager of the Walker County Animal Shelter. I understand
16 that some of you have come down and visited our shelter, and
17 I want to thank you for taking the time to do that. I also
18 want to commend the people here in Dade County for choosing
19 to put the shelter in a very, very advantageous position.
20 If Walker County, even though we have a really beautiful
21 facility, had taken the time -- a very efficient facility
22 too.

23 It's not a Taj Mahal where the dogs get to
24 lay on satin pillows and, you know, get pedicures daily and
25 that sort of thing. It's rush up. It's an animal control

1 coming in to work. If the recall people allow him to come
2 back, then they lose their grounds. Now, what you did was
3 admirable. However, what are you trying to do? Put him
4 back in the office and let him have the ground all over
5 again or what? Because with no ground for recall, don't go
6 forward. We have to pursue it on the grounds we have.
7 Thank you.

8 MR. BRANDON: Anyone else? Yes, sir. Barton
9 Harris.

10 MR. HARRIS: For those of you that don't know
11 me, my name is Barton Harris. I'm the Street Commissioner
12 here in the City, and I had three things I wanted to touch
13 on tonight. One was we talked about it at the City, is the
14 tipping fee that the City pays to dump household garbage.

15 And to kind of explain it for people here, if
16 I pick up Ms. Bonnie's garbage and haul it to the City dump,
17 I'm not charged and she's not charged because we pay it with
18 our County taxes. If I pick up Evan's or Evan takes his
19 over there and he lives in the City, it don't matter. You
20 pay it on County taxes.

21 The City is being charged between 700 and
22 1100, it varies each month, to dump the City household
23 garbage just like any county resident can dump at the county
24 landfill station.

25 What I'm here, and to explain it, on the tax

1 level -- and a lot of people are not aware of this. On the
 2 county taxes, if you live inside the city limits, you pay a
 3 higher county tax rate than you do if you live in the
 4 county. Now, that does not include City taxes. I'm going
 5 to give you an example.

6 It cost me \$148 more to live in the City on
 7 my County taxes because I live in the City. Then my City
 8 taxes was another 300. Well, we're charged the county tax
 9 rate, and we're charged at a higher tax rate and we're
 10 charged to dump our city household garbage.

11 Now, I'm not talking about anything that I've
 12 taken over to the scales and weighed before anybody. I'm
 13 talking about household garbage. The City is not in the
 14 business to make money off of dumping garbage. Now, anyone
 15 that I just named or myself, we can pretend we're the
 16 garbage man picking up your garbage.

17 That's a City service. That's what we pay
 18 the service for is to pick up your garbage up, your
 19 household garbage and take it to the City dump just like the
 20 county resident would do or a City resident. But what I'm
 21 asking is the County waive that tipping fee that we pay.

22 MR. BRANDON: Let me ask you a question. How
 23 much does the City give in franchise fees to Georgia Power
 24 every year for electrical service in Dade County?

25 MR. HARRIS: I have no idea. That's not what

1 MR. BRANDON: Right.

2 MR. HARRIS: And that's another thing. In
 3 most counties, and I don't know why it's backwards, but if
 4 you're a city resident, your County tax is lower because the
 5 City furnishes your police service, your fire service, you
 6 know, sewer and water. We pay -- The City takes the burden
 7 off the County. Therefore, you pay a City tax -- should not
 8 be paying a higher County tax rate. But that's not what I'm
 9 here to talk about. I'm asking about the tipping rate.

10 MR. BRANDON: I understand.

11 MR. HARRIS: As a concerned commissioner of
 12 the City and also to let you know what works. You can take
 13 your time, check it, and think about it.

14 MR. PITTMAN: Barton, do you-all have a truck
 15 going around picking up people's garbage?

16 MR. HARRIS: Yes. We pay Mountain Services
 17 to pick up the garbage once a week.

18 MR. PITTMAN: And are you charging the
 19 residents for this service?

20 MR. HARRIS: No.

21 MR. PITTMAN: You-all are paying for the
 22 service?

23 MR. HARRIS: It comes directly from the City.
 24 It's all paid by the City.

25 MR. PITTMAN: And they're paying --

1 I'm here for.

2 MR. BRANDON: I understand. That's what I'm
 3 asking, though. If you'll go back and look at that, if Dade
 4 County is the same as most other counties in Georgia.
 5 Georgia Power charges a franchise fee to ever consumer in
 6 the County, but the money is only given to municipalities in
 7 the County. So go back and look and see how much all the
 8 franchise fees are for Georgia Power and we'll see what the
 9 trade-off would be, and maybe we can work out a deal there.

10 MR. HARRIS: Well, that may or may not be --
 11 however it works. I'm not disputing what you're saying, but
 12 at the same time I'm going to reverse what you just said.
 13 My County taxes were \$1565.

14 MR. BRANDON: Right.

15 MR. HARRIS: My City taxes were a little over
 16 300.

17 MR. BRANDON: I understand.

18 MR. HARRIS: So --

19 MR. BRANDON: But again --

20 MR. HARRIS: There's the difference. We may
 21 receive it, but, you know, I'm paying the County a lot more
 22 money --

23 MR. BRANDON: You're paying the City for the
 24 privilege of living in the City, though.

25 MR. HARRIS: That's my City tax.

1 MR. HARRIS: We pay the driver. The new
 2 budget for him is \$2750 per month.

3 MR. PITTMAN: That's what we're paying --

4 MR. HARRIS: Mountain Services to pick up our
 5 garbage for the City. The City don't charge a garbage
 6 pickup fee. That's what you get in your taxes.

7 MR. BRANDON: I'm certainly willing to look
 8 at it, but I also would like to look at the franchise fees
 9 as a possible trade-off. Anybody else have any questions?

10 MR. PITTMAN: We don't charge our County
 11 residents if they bring the garbage to us, but if they hire
 12 BFI to come pick their garbage up, BFI would pay a tipping
 13 fee.

14 MR. HARRIS: BFI is making a living picking
 15 up their garbage.

16 MR. PITTMAN: How could we --

17 MR. HARRIS: We don't make a living picking
 18 up household garbage.

19 MR. LOWERY: If we were hired to --

20 MR. HARRIS: I've done explained it. We've
 21 been taxed three times to dump our garbage. Plain and
 22 simple. Just think about and think about the way I
 23 explained it to you because that's the way it is. We're not
 24 -- The City is not in the business to pick up garbage.
 25 We're in the service business. That's what we want to

1 provide is good service.

2 The next thing I'm going to ask for help on,
3 and the only people that's seen it so far, I just finished
4 it, it's a rough draft. What this is, I took a county tax
5 map, I thought about this for three years and I got another
6 phone call, I'm going to fold this down, because you don't
7 need all of it.

8 Our streets in the City, what we're trying to
9 do is, as everybody here knows, our County building and
10 middle school has one entrance. And we need to alleviate
11 that problem. It's a hazard. The State knows it. The
12 State requires another entrance be put into it. I know,
13 these people know, that the City of Trenton and Dade County
14 does not have the money to do what we need to properly do.

15 And all I'm asking is -- I'm going to show
16 you this and this is going to be presented to the Georgia
17 DOT, just as a preliminary of looking at something that they
18 want to look at. After you've seen it, you can pass it
19 down. Basically what it is just some extra streets. And to
20 try to explain to people in here, this is Crabtree Street
21 that runs behind this building. Crabtree Street will go all
22 the way and across the interstate, through the school
23 property, tying in the middle school with the primary
24 school, the elementary school.

25 It will tie both of them across the

1 project. It probably needs to be kindly pushed through.

2 I'm going to lay this over here on the table. Anybody that
3 wants to look at it. But all I'm asking for is, if and when
4 it comes up, everybody help, because I think it's for the
5 betterment of the community.

6 MR. PITTMAN: You don't have a preliminary
7 cost estimate?

8 MR. HARRIS: No. I do not. That's just a
9 hand drawing, and all of that stuff will basically have to
10 be done by the Georgia DOT. I did want to make a phone
11 call. Most of the streets can be handled by the City and
12 the County as far as building up the street. The biggest
13 thing is going to be an overpass over 59 to tie these
14 schools together. That will alleviate a lot of problems if
15 we can do that, but one of the things we need to be looking
16 for that will help, anywhere we can pick up money through
17 the State, whether it be grants, S.P.L.O.S.T., the DOT,
18 school, anywhere we can pick it up. We need to try and push
19 this forward to help our traffic problem.

20 MR. BRANDON: You know, two years ago we had
21 a proposal when we considered buying that property to put a
22 bridge across the creek down there from the Dyer Chevrolet
23 property across there and have one way in and one way out
24 over there. Would that not be cheaper to try to contact
25 them and see if we can get a right of way down through

1 interstate. The biggest dollar factor, as everybody knows,
2 is getting the overpass over the interstate, but what it
3 does, is it gets the buses from having to travel onto 136
4 two to three times to pick our children. Once you get them
5 off of 136, they can travel this road, First Avenue, cross
6 59, go behind the middle school, come down in front of the
7 school.

8 It's all on this map right here. It looks
9 pretty good. I'd like to present it to the Georgia DOT.
10 And what we're trying to do is take care of our safety
11 problem, and what the State wants at our middle school, get
12 some more streets, and get our 3:30 traffic problem onto
13 some alternative streets and just kind of spread it out and
14 thin it out as much as possible.

15 All I'm asking for in what I've showed you
16 there -- And you see, I've got some of them drawn in as
17 two-lane, three, and the only reason I've got three on some
18 of it, is to have turn lanes to keep the flow of traffic
19 going through. But basically it lets you come off at the
20 Bank of Dade by the Huddle House, to the school, and you can
21 come out right here or you can come out on First Avenue.

22 If you're dropping off children, you have
23 children in both schools, you don't have to go back to 136
24 to get from one school to the other. Same thing on the
25 other one. Like I say, this is going to be a very expensive

1 there?

2 MR. HARRIS: It would definitely be a whole
3 lot cheaper, but it would not get our traffic off of 136. I
4 agree it would be cheaper, but it --

5 MR. BRANDON: That problem's going to be
6 resolved in 2009 when the State comes through and widens 136
7 down to Highway 11 and makes an extra lane down through
8 there.

9 MR. HARRIS: I don't know that that will have
10 anything to do with 11. I know they're coming down. And
11 that will help that flow of traffic once it gets to 11.
12 What we have, and a lot of people know, at 3:30 factories
13 are letting out and schools buses are letting out. We've
14 got traffic from every directions, and we need to move some
15 of that traffic onto some other roads and keep it from
16 having to go back out on the same road over and over to get
17 into our schools, but I'm just asking for help, if you see
18 this coming up, anywhere you can help. Thank you--all for
19 your time.

20 MR. BRANDON: Thank you, Mr. Barton. Mr.
21 Pittman, yes, sir.

22 MR. PITTMAN: Really, just for clarification,
23 we were talking earlier about the recall meeting that
24 happened a couple of weeks ago. I was at that meeting and
25 there was no spokesman. I know when Mr. Lowery met with you

1 himself, and you said what can I do to head it off, he was
 2 acting on his own.
 3 MR. BRANDON: I understand.
 4 MR. PITTMAN: Just for clarification. As I
 5 understand it, there is yet to be an official spokesman for
 6 any recall committee.
 7 MR. BRANDON: I understand. Anyone else? I
 8 see no other hands, and there being no further business
 9 before the Dade County Commission, we stand adjourned.
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1 CERTIFICATE
 2 STATE OF TENNESSEE)
 3 COUNTY OF HAMILTON)
 4 I, DEADRA D. RAGSDALE, the officer before
 5 whom the foregoing deposition was taken, do hereby certify
 6 that the witness whose testimony appears in the foregoing
 7 deposition was duly sworn by me; that the foregoing is a
 8 true and correct transcript of the testimony of said
 9 witness; that I am neither counsel for, related to, nor
 10 employed by any of the parties to the action in which this
 11 deposition was taken; and further, that I am not a relative
 12 or employee of any attorney employed by the parties hereto,
 13 nor financially or otherwise interested in the outcome of
 14 the action.
 15 In witness whereof, I have hereunto set my
 16 hand this ____ day of _____, 2007.
 17
 18
 19 DEADRA D. RAGSDALE
 20 Court Reporter
 21 Notary Public
 22 My Commission expires August 6, 2008.
 23
 24
 25