

**Upson County Board of Commissioners
January 12, 2016 Meeting Minutes**

Call to Order

Chairman Blackston calls the meeting to order at 6:00 PM. All Commissioners were in attendance. County Manager Jim Wheless and County Attorney Heath English were also in attendance. The Invocation and Pledge of Allegiance was led by Chairman Blackston.

Minutes

A motion was made by Comm. Wilder, with a second from Comm. Hudson, to adopt the following minutes with the necessary corrections. The motion carries.

- December 18, 2015 Budget Work Session Minutes
- December 22, 2015 Regular Meeting Minutes
- December 23, 2015 Public Hearing Minutes
- December 29, 2015 City/County Joint Project Budget Minutes
- December 30, 2015 Special Called Meeting Minutes

Chairman Blackston stated that December 18, 2015 minutes should state any full-time employee making above \$25,000 would receive a 2% increase. Also on December 29, 2015 a correction is needed on the adjournment time.

Commissioner Spraggins – Yes Commissioner Hudson – Yes
Chairman Blackston – Yes Commissioner Ellington – Yes
Commissioner Wilder – Yes

Public Comments

The following citizens signed up for public comments but stated they would wait until the discussion of Minor Road.

- Bob Caldwell – 1683 Old Minor Road
- Debbie Caldwell- 1638 Old Minor Road
- Dennis Swearing – 1860 Old Minor Road
- Sandy Canp – 1712 Old Minor Road
- Jeff Rogers – Old Minor Road

New Business

- a. Chairman Blackston explained that Colony Bank won the bid for the 2016 with an interest rate of 1.65%. He stated that this is a \$6,000,000 TANS to be borrowed as needed. A copy of the Resolution is available in the Commissioner's Office if anyone would like to read it in full.

**RESOLUTION AUTHORIZING, AMONG OTHER THINGS,
THE ISSUANCE AND SALE OF A TAX ANTICIPATION NOTE**

WHEREAS, UPSON COUNTY (the "Issuer") has been duly created and is validly existing as a political subdivision of the State of Georgia; and

WHEREAS, the Board of Commissioners of Upson County (the "Board of Commissioners") has determined that it is in the best interest of the Issuer to borrow money to pay current expenses for calendar year 2016 in anticipation of the receipt of taxes levied or to be levied; and

WHEREAS, the Issuer is authorized by the Constitution and laws of the State of Georgia to borrow money to pay current expenses during any calendar year and to evidence such loan by issuing a tax anticipation note in anticipation of the receipt of taxes levied or to be levied for expenses payable in such calendar year; and

WHEREAS, the Issuer proposes to issue a tax anticipation note to pay the current expenses of the Issuer to evidence a loan in an amount up to \$6,000,000 (the "Authorized Amount"); and

WHEREAS, said tax anticipation note shall be sold to Colony Bank (the "Purchaser"); and

WHEREAS, the tax anticipation note shall bear interest from the date and at the rate per annum hereinafter set forth and all interest shall be payable on the date of the payment of said note;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Issuer and it is hereby resolved by authority of the same, as follows:

Section 1. Findings. The Board of Commissioners hereby finds and determines as follows: (a) there are no other temporary loans or other contracts, notes, warrants or obligations for current expenses which have been issued by the Issuer in calendar year 2016; (b) the aggregate principal amount of the tax anticipation note herein authorized does not exceed 75% of the total gross income from taxes collected by the Issuer in calendar year 2015; (c) the tax anticipation note herein authorized, together with other contracts, notes, warrants or obligations of the Issuer for current expenses in calendar year 2016 do not exceed the total anticipated tax revenues of the Issuer for calendar year 2016; (d) no temporary loan or other contract, note, warrant or other obligation for current expenses incurred in calendar year 2015 or any prior calendar year remains unpaid as of the date hereof; and (e) a need exists for the Issuer to borrow up to the Authorized Amount to pay current expenses of the Issuer in calendar year 2016 prior to the receipt of sufficient revenues from taxes levied or to be levied for 2016.

Section 2. Authorization of Note. There is hereby authorized to be issued a tax anticipation note of the Issuer to evidence a loan in a principal amount of up to the Authorized

Amount which shall be designated "Upson County Tax Anticipation Note, Series 2016" (the "Note"). The Note shall be dated as of the date of delivery thereof to the Purchaser; shall be payable as to principal and interest in lawful money of the United States of America; and shall mature on December 30, 2016. The Note shall be issued in the form of a single fully registered note, registered in the name of the Purchaser.

Interest on the Note shall be calculated on the basis of a 360-day year and actual number of days elapsed. The Note shall bear interest at a rate of 1.65% per annum. Interest on the Note shall be paid to the Purchaser on December 30, 2016. The Note shall contain the further terms set forth in the form of Note incorporated herein.

The Note shall be executed by the manual signature of the Chairman of the Board of Commissioners and by the manual signature of the Clerk of the Board of Commissioners and the corporate seal of the Issuer shall be impressed or imprinted thereon.

Section 3. Approval of Form of Note. The Note as initially issued shall be issued in substantially the form attached hereto as Exhibit A with such changes, insertions or omissions as may be approved by the Chairman of the Board of Commissioners, and the execution and delivery of the Note shall be conclusive evidence of such approval.

Section 4. Tax Revenues Used to Repay Note. The Issuer agrees to use for payment of the Note and the interest thereon a sufficient portion of the revenues received by the Issuer from taxes levied or to be levied for calendar year 2016 and other funds available for such purpose.

Section 5. Approval of Tax Documents. The Chairman of the Board of Commissioners is hereby authorized to execute on behalf of the Issuer a Tax and Non-Arbitrage Certificate to assure the Purchaser that the interest on the Note will remain excludable from gross income for federal income tax purposes and that the proceeds of the Note will not be used in a manner which would result in the Note being an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or the regulations of the United States Treasury currently in effect or proposed with respect thereto.

Section 6. General Authority. From and after the date of adoption of this resolution, the officers of the Issuer are hereby authorized to do such acts and things, and to execute and deliver such certificate or any agreements as may be necessary or desirable in connection with the issuance of the Note. All actions of the Board of Commissioners, officers or agents of the Issuer taken in connection therewith prior to the date hereof are hereby ratified and confirmed.

Section 7. Effective Date. This resolution shall be in full force and effect immediately upon its adoption, and any and all resolutions or parts of resolutions in conflict with this resolution shall be, and they are, to the extent of such conflict, hereby repealed.

ADOPTED AND APPROVED by the Board of Commissioners of the Issuer on January 12, 2016.

UPSON COUNTY, GEORGIA

(SEAL)

By: _____
Chairman of the Board of
Commissioners

Attest:

Clerk of the Board of Commissioners

Exhibit "A"

UNITED STATES OF AMERICA
STATE OF GEORGIA

UPSON COUNTY, GEORGIA

TAX ANTICIPATION NOTE
SERIES 2016

\$6,000,000

Upson County, Georgia (the "Issuer"), a political subdivision of the State of Georgia, duly created and existing under the Constitution and laws of the State of Georgia, for value received, promises to pay on December 30, 2016 to Colony Bank, or registered assigns (the "Lender"), the principal sum of

SIX MILLION DOLLARS,

or the sum of advances hereunder (if less), and in like manner to pay interest on the outstanding principal balance hereof from time to time from the date hereof (the "Issuance Date") until this Note is paid in full, at the maturity hereof, at the Regular Rate (hereinafter defined); provided, however, that when amounts hereunder shall be in default, this Note shall bear interest from the date of default until cured at a rate per annum equal to two percent (2%) above the rate otherwise borne hereby. Interest on this Note shall be payable on December 30, 2016, or such earlier date as this Note is paid in full. The term "Regular Rate" means an interest rate of 1.65% per annum (computed on the basis of a 360-day year and actual number of days elapsed). The Lender shall make advances on this Note from time to time at the written request of the Issuer upon one business day's prior written notice. Advances, if prepaid, may not be re-borrowed.

This Note evidences a temporary loan to fund cash flow deficiencies and is entered into on the basis that the interest hereon is not includable in the gross income of the Lender for federal income tax purposes. For purposes hereof, the following terms are defined as follows: (1) "Taxable Rate" means the rate of interest that must be applied to the principal of this Note so as to preserve the same after-tax economic yield with respect to the interest on the Note as the Lender would have had, had the interest on this Note been excludable from gross income for federal income tax purposes; (2) "Event of Taxability" means a determination by the Internal Revenue Service or any court of competent jurisdiction or a determination by bond counsel acceptable to the Lender, that the interest on this Note is includable in gross income for federal income purposes; (3) "Federal Tax Rate" means the maximum marginal federal income tax rate applicable to corporations. Upon the occurrence of an Event of Taxability the Issuer shall pay to the Lender a sum equal to (A) the increase in the interest on this Note when computed at the Taxable Rate, and (B) all interest, penalties and other similar charges payable by the Lender (or members of its affiliated group) to the Internal Revenue Service as a result of the Event of Taxability. The provisions of the preceding sentence shall survive the payment in full and satisfaction, cancellation and surrender of this Note.

Exhibit A-1

Payment of principal and interest on this Note shall be made in immediately available funds to the Lender at its principal office in Thomaston, Georgia, or by bank wire or bank transfer as the payee hereof shall specify. Both principal of and interest on this Note are payable in lawful money of the United States of America. This Note is prepayable in whole or in part at a prepayment price of 100% of the principal amount to be prepaid plus accrued interest thereon to the prepayment date.

Any transfer of this Note must be registered on the books of the Issuer in accordance with the provisions set forth below in this Note.

This Note is issued pursuant to and in full compliance with the Constitution and the laws of the State of Georgia, and pursuant to a resolution of the Board of Commissioners of the Issuer which authorizes the execution and delivery of this Note.

This Note is issued with the intent that the laws of the State of Georgia shall govern its construction.

This Note is issued in anticipation of the receipt of taxes levied or to be levied by the Issuer in calendar year 2016. It is hereby certified and recited that all acts, conditions and things required by the Constitution or statutes of the State of Georgia to exist, be done or happen precedent to or in the issuance of this Note exist, have been done and have happened as required, that the tax levies in anticipation of which this Note is issued are or will be valid and legal levies, that the Issuer will use a sufficient amount of the proceeds of such tax levies and other available funds for the payment of this Note and the interest hereon, and that the total indebtedness of the Issuer, including this Note, does not exceed the limitation prescribed by said Constitutional and statutory provisions.

IN WITNESS WHEREOF, the Issuer has caused this Note to be executed in its name by its Chairman of the Board of Commissioners and its corporate seal to be impressed or imprinted hereon and attested by its Clerk, this ____ day of January, 2016.

UPSON COUNTY, GEORGIA

Attest:

By: [SPECIMEN]
Chairman of the Board of Commissioners

 [SPECIMEN]
Clerk of the Board of Commissioners

[SEAL]

Exhibit A-2

CLERK OF THE BOARD OF COMMISSIONERS CERTIFICATE

I, Jessica Jones, Clerk of the Board of Commissioners of Upson County, Georgia, DO HEREBY CERTIFY that the foregoing pages constitute a true and correct copy of the resolution adopted by the Board of Commissioners of Upson County at an open public meeting duly noticed and called and lawfully assembled on January 12, 2016 in connection with the authorization of \$6,000,000 principal amount Upson County Tax Anticipation Note, Series 2016, the original of said resolution being duly recorded in the Minute Book of the Board of Commissioners, which Minute Book is in my custody and control.

WITNESS my hand and seal of the Issuer, this January ____, 2016.

(SEAL)

Clerk of the Board of Commissioners,
Upson County

A motion was made by Comm. Hudson with a second from Comm. Wilder to adopt the resolution for the 2016 TANS.

Commissioner Ellington – Yes Commissioner Hudson – Yes
Chairman Blackston – Yes Commissioner Wilder – Yes
Commissioner Spraggins – Yes

- b. Chairman Blackston explained that at a previous meeting the board voted to pass along the water/sewer rate increase that they were informed the City of Thomaston had approved. With the new administration for the City of Thomaston they have since rescinded the increase.

A motion was made by Comm. Wilder with a second from Comm. Hudson to rescind the water/sewer rate increase that was passed along to the citizens from the City of Thomaston.

Commissioner Hudson – Yes Commissioner Spraggins – Yes
Chairman Blackston – Yes Commissioner Wilder – Yes
Commissioner Ellington – Yes

Water Superintendent Mr. Dwight Smith stated that an engineer has looked and there is four test sites that can be drilled, but he feels they should wait until the water leaks fixed. He added that they lost \$82,000 in Lincoln Park last year. He has spoken with engineers to get a quote on fixing the water system. He stated that they are purchasing 2.6-3 million gallons a month and only selling 1.4 million gallons. They now have a leak detection system that they are using that will help detect the leaks.

Chairman Blackston asked what percentage of Lincoln Park needed refurbishing and Dwight stated 100%.

They discussed applying for a grant but the funds wouldn't be available until 2017. The board discussed using some of the money from the 2011 SPLOST and focus on one area.

Comm. Hudson added that the group that inquired about expanding the water system to Hendricks Church road stated they did not receive the questionnaire. Mr. Smith said he would take care of getting them a questionnaire.

- c. Jim Wheelers stated that he has met with Wayne Driver about the items that were submitted for purchase through the 2011 SPLOST for the Volunteer Fire Departments. The county as set \$5000 and above as a capital expenditure. Due to administrative cost anything under the \$5000 is not tracked as a capital expenditure. The general rule of a county is if the acquired property is usable for longer than a taxable year it can be capitalized. Based on the information from the county auditor the items that have submitted qualify for the SPLOST.

A motion was made by Comm. Ellington with a second from Comm. Spraggins to take the necessary steps to get the fire departments in contact with Mr. Wheelers for him to get the projects taken care of.

Commissioner Wilder – Yes Commissioner Ellington – Yes
Commissioner Hudson – Yes Commissioner Spraggins – Yes
Chairman Blackston – Yes

- d. Mr. Wheelers explained that the surplus property that was advertised the one for Grays Chapel Road was incorrect. That one need to be voided and redone.
- e. Comm. Wilder explained that several meetings ago they discussed if Minor Road was private or public. D.O.T. paved .13 miles while working on Hwy 80 and .47 miles was paved in 2008 using 2005 SPLOST funds. The paved portion of the road stops where the gate was installed. The properties on Minor Rd are measured from the center of the road with no right away. There are signs that state private property. The gate was operated the gate. The law states that the road must meet the following:

- Must be open to the public
- No gate on the road
- A standard 4 wheel passanger vehicle must be able to use it
- It must be owned by the government

Comm. Wilder added that based on all the research done this road is a private road.

The citizens from Minor Rd stated they thought the board was looking for something to show the road had been closed. Comm. Wilder stated that nothing was found stating it was closed but once the get was put up it could not be a county road.

The citizens are not asking the county to maintain the road they just want to be able to make the loggers fix the road when it is damaged and they can't get in and out.

The board explained that the only way for the county to accept the road it has to be brought up to code. The paved part of the road that was damaged will be fixed.

The citizens also questioned the trash pickup by the county. Currently they have a dumpster if the trash truck has to go down the road it will damage it and the will be responsible for fixing it. Chairman Blackston explained that each household must have a trash container. The can would have to be brought up to the public road.

Chairman Blackston summarized the discussion with the County will be responsible for the repairs on the paved part of the road, the damage of the dirt road will be between the citizens and the logging company, and the board will discuss if the will designate place for trash pickup. The citizens asked if they could be excused for the trash service and handle it on their own and the board advised them that they could not make that exception.

A motion was made by Comm. Wilder with a second from Comm. Hudson declaring the dirt portion of Minor Road privately owned property.

Commissioner Wilder – Yes Chairman Blackston – Yes
Commissioner Ellington – Yes Commissioner Hudson – Yes
Commissioner Spraggins – Yes

- f. Mr. Wheelless explained that the prior to the court hearing board agreed to let the Attorney settle the Bentley's case with \$20,000 including the attorney fees. He explained that it was settled and the voted needed to be formalized. He further explained that Judge Hughley's salary was based on 90% of Judge Bentley's salary. Judge Hughley's portion will be around \$9,000.

A motion was made by Comm. Spraggins with a second from Comm. Ellington for the approval of the settle for Judge Danny Bentley for \$20,000.

Commissioner Spraggins – Yes Commissioner Hudson – Yes
Chairman Blackston – No Commissioner Wilder – Yes
Commissioner Ellington – Yes

A motion was made by Comm. Hudson with a second from Comm. Spraggins for the settlement of \$9,000 for the former Associate Judge William Hugley.

Chairman Blackston – No Commissioner Ellington – Yes
Commissioner Wilder – Yes Commissioner Hudson – Yes
Commissioner Spraggins – Yes

County Manager, Commissioners and County Attorney Comments

County Manager Jim stated that the TAVT tax amounts would be changing the state will receive 59.45% and the local government will receive 40.55%. There will be additional LMIG funding in 2016 to target safety and operation on local roads. The application is due by May 1, 2016 and he is working with James Melton to get it completed.

Commissioner Spraggins had no comments.

Commissioner Hudson stated that he has had complaints about trash on side of the roads and he asked who they needed to talk to about enforcing it. Mr. Wheelless stated the Sheriff was looking at putting community service under him and that is a way of getting if cleaned up.

Commissioner Wilder told the citizens that he understood their complaints and he apologized that it took so long for an answer, but he wanted to make sure he gave the correct answer.

Commissioner Ellington had no comments.

County Attorney Heath English had no comments.

Chairman Blackston had no comments.

Adjournment

Comm. Wilder made a motion to adjourn at 6:56 pm, with a second by Comm. Ellington to adjourn the meeting.

Chairman Rusty Blackston

Commissioner Steve Hudson

Commissioner Frank Spraggins

Commissioner Lorenzo Wilder

Commissioner Ralph Ellington

Jim Wheelless, County Manager