

**Upson County Board of Commissioners  
February 9, 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 Wheelless and County Attorney Paschal English were also in attendance. The Invocation and Pledge of Allegiance was led by Commissioner Ellington.

Minutes

A motion was made by Comm. Spraggins, with a second from Comm. Wilder, to adopt the minutes from January 26, 2016 regular meeting. The motion carries.

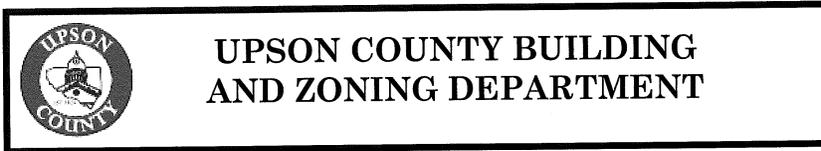
Commissioner Hudson – Yes Commissioner Spraggins – Yes  
Chairman Blackston – Yes Commissioner Ellington – Yes  
Commissioner Wilder – Yes

Public Comments

There were no public comments.

Public Hearing

County Manager Jim Wheelless opened the public hearing. He explained that there was an increase in funds for occupational tax and the board needed to designate where the funds would be used. Mr. Wheelless made a recommendation that the \$9,034.15 increase be put and used in the general fund. There were no public comments on the public hearing.



TO: Jim Wheelless, County Manager  
Jessica Jones, County Clerk

FROM: Doug Currier II, Director of Planning & Zoning 

RE: 2015 Occupation Tax Income Public Hearing

DATE: January 27, 2016

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Section 48-13-28, OCGA, requires that in any year when occupation tax revenue for a local government exceeds such revenue from the preceding year, the local government must hold one or more public hearings as a part of the process of determining how to use the additional revenue. This provision apparently goes back to 1995 in state law. The requirement was highlighted at a recent conference I attended. I have no record in my office showing that Upson County has ever held such a legally required public hearing. Departmental Clerk Elizabeth Ivey has produced her 2015 Annual Report, which shows that the County brought in a total of \$33,815.75 in occupation taxes last year. The 2014 total occupation tax income for Upson County was \$24,781.60. This results in an increase of \$9,034.15. There were 312 businesses paying occupation tax in 2014 and 369 in 2015.

This increase is primarily due to the efforts of Ms Susan Morris, the County's Code Enforcement Officer. She has successfully convinced non-paying businesses to begin paying the annual occupation tax and most of them have paid their delinquent tax, penalty and interest totals in full.

I request that the Board of Commissioners hold the appropriate public hearing to determine the use of the \$9,034.15 in fulfillment of state law. The County's General Revenue fund may be the most likely place, if that is determined to be specific enough to meet the requirements of the law.

Thank you.

A motion was made by Comm. Spraggins, with a second from Comm. Ellington, to put the \$9,034.15 increase from occupational taxes in the General Fund. The motion carries.

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

New Business

- a. Chairman Blackston gave an overview of the Distilled Spirits ordinance. He stated that this was the first reading and the ordinance is available for review in the Commissioners Office. The ordinance is attached.
- b. Chairman Blackston gave an overview of the Beer/Wine ordinance. He stated that this was the first reading and the ordinance is available for review in the Commissioners Office. The ordinance is attached.
- c. Mr. Michael Cox wanted to speak with board about Tour de Pike, but was not in attendance, no discussion was held.
- d. Probate Judge McRae explained that when the Magistrate Court was created it wasn't put in for them to pay into the Law Library, but they have always paid into it and used it. She is asking the board to approve the resolution so it can go to Legislation and Magistrate Court can start back paying into the Law Library.

2016 RESOLUTION

REQUESTING GENERAL ASSEMBLY TO ENACT LOCAL LEGISLATION FOR UPSON COUNTY GEORGIA AUTHORIZING THE UPSON COUNTY MAGISTRATE COURT TO CHARGE AND COLLECT AN ADDITIONAL SUM FOR THE PURPOSE OF FUNDING THE COUNTY LAW LIBRARY AS PROVIDED IN OCGA §36-15-1 SEQ

WHEREAS, the State General Assembly enacted legislation, now codified as OCGA§36-15-1 et seq., that created in each county a board of trustees of the county law library, which also provided for the oversight of the law library in each county and the collection of money for the purposes of funding the oversight and maintenance of the law library;

WHEREAS, subsequent to the enacted legislation and statutes providing for and regulating county law libraries, a county law library was in fact established in Upson County, Georgia;

WHEREAS, the State legislation and related statutes providing for the county law libraries as well as for the funding related thereto, specified the courts authorized to charge and collect the additional sums to fund the county law library. The specified courts did not include the Magistrate Courts as such were not yet established at the time of the enactment of the referenced legislation;

WHEREAS, the State General Assembly subsequently enacted the Magistrate Courts for each county by and through the adoption of the Amended State Constitution and related statutes in 1983;

WHEREAS, the Upson County Magistrate Court is empowered and authorized to hear both civil and criminal cases, which is similar to those courts specified in OCGA§36-15-9;

WHEREAS, the Upson County Board of Commissioners has determined that it is in the best interests of Upson County, Georgia and all the users of the Upson County Law Library to request the Georgia General Assembly to enact local legislation authorizing the Upson County Magistrate Court to charge and collect sums in accordance with and for the purposes of funding the county law library as provided in OCGA§36-15-1 et seq and OCGA§15-10-86; and,

WHEREAS, the Upson County Magistrate Court is only authorized to charge and collect fees to fund the county law library if specifically authorized by local legislation pursuant to OCGA§15-10-86;

WHEREFORE, BE IT HEREBY RESOLVED, by unanimous vote of the Upson County Board of Commissioners this the 2<sup>nd</sup> day of February, 2016, that the county attorney and the county manager are instructed to submit a request and attach a copy of this resolution to the duly elected representatives of Upson County presently serving in the Georgia General Assembly asking the Georgia General Assembly to enact local legislation authorizing the Upson County Magistrate Court to charge and collect additional sums in all of the civil and criminal proceedings that appear before the Magistrate Court for the specific purpose of funding the county law library in accordance with the provisions of OCGA§36-15-1 et seq and OCGA§15-10-86.

03-2016

(SIGNATURES ON FOLLOWING PAGE)

SO RESOLVED this the 2<sup>nd</sup> day of February, 2016 by:

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Rusty R. Blackston, Chairman  
Upson County Board of Commissioners

Attested to by:

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Jessica Jones, County Clerk  
Upson County

(SEAL)

A motion was made by Comm. Wilder with a second from Comm. Ellington to approve the Resolution for the Law Library. The motion carries.

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

County Manager, Commissioners and County Attorney Comments

**County Manager Jim** stated that he is working on a special events ordinance. He added he has received the information from most of the volunteer fire departments and he is currently working on a spreadsheet. He is still working on the personal policy for the boards review.

Mr. Wheelless stated that he received a request from a teen’s family to use the name Thomaston-Upson County Outstanding Teen for a pageant she will be participating in. If the board had no objections he would speak with the city for their approval.

He stated he receive several requests for equipment tax relief. He has written several letters that have been denied. It is his understanding that the taxes have to be paid first and then request for a refund. There are some drainage issues behind the health department that they are looking into.

Arbor Day is February 24, 2016 at 2:00 pm; everyone must R.S.V.P with the City of Thomaston.

There will be a joint meeting with the County and City on Thursday, February 11, 2016, there is not an agenda just an opportunity to meet and talk.

**Commissioner Spraggins** had no comments.

**Commissioner Hudson** had no comments.

**Commissioner Wilder** stated that Salem and Lincoln Park Volunteer Fire Departments have not submitted their letters to Mr. Wheelless. Salem is still looking for a fire truck and Lincoln is working on the building.

**Commissioner Ellington** some people in Upson County have gotten involved with a group from Spalding County Operation Straw Group. The donate dog house and straw. He would like to see more local involvement.

**County Attorney Paschal English** had no comments.

**Chairman Blackston** stated that a prospect that looks positive has contacted the County and he asked everybody to pray that this comes through.

Adjournment

Comm. Spraggins made a motion to adjourn at 6:30 pm, with a second by Comm. Ellington to adjourn the meeting.

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Chairman Rusty Blackston

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Commissioner Steve Hudson

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Commissioner Frank Spraggins

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Commissioner Lorenzo Wilder

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Commissioner Ralph Ellington

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Jim Wheelless, County Manager