

The Banks County Board of Commissioners held their regular meeting on August 12, 2008 at 6:30 p.m. in the courtroom of the Banks County Courthouse with Chairman Gene Hart, Commissioner Joe Barefoot and Commissioner Rickey Cain present. County Attorney Randall Frost and Administrative Officer Angela Sheppard were also present.

1. Call to Order

Chairman Gene Hart called the meeting to order.

2. Approval of Agenda

Comm. Cain made a motion to amend the agenda by deleting item #15 and #21. Comm. Barefoot seconded. Two aye votes and motion carried.

3. Moment of Silence

Ch. Hart asked for a moment of silence.

4. Pledge to the American Flag

Ch. Hart led the Pledge of Allegiance.

5. Consent Agenda:

a. Approval of Invoices

b. Approval of Minutes – 7/8, 7/10, 7/22, 7/31, 7/31

Comm. Barefoot made a motion to approve the items listed on the consent agenda. Comm. Cain seconded. Two aye votes and motion carried.

6. Public Comment: NONE

7. Public Hearings to Consider Planning Commission Recommendations:

a. CU-08-05 – Michael & Kay Butcher – Application for a conditional use permit for an expansion of an internet sales staff.

Ch. Hart closed the meeting and asked Atty Frost to conduct the public hearing. Atty Frost opened the public hearing and asked Code Enforcement Officer to present the application. Officer Covington stated this was for a conditional use permit and that the Planning Commission recommended approval of the application. Mr. Butcher spoke in favor of the application by stating they were not in compliance with the home occupation rules only because of one fulltime employee and one part-time employee which placed the business over the limit allowed by a home occupation. He stated that within the next year they will need one additional employee for the business. He also stated this was predominantly a mail order business with less than 5% of sales coming into the driveway. Dave Mackey, a neighbor, spoke in opposition to the application by stating concerns that the home occupation had been allowed to upgrade or expand without notification of the neighbors. Atty. Frost closed the public hearing. Ch. Hart reopened the meeting and called for a vote on the application. He stated he felt the business had gone over the limit for a home occupation. Officer Covington clarified this was for a conditional use permit because it was not allowed in a home occupation in ARR otherwise. Comm. Cain made a motion to postpone the application until the August 26, 2008 meeting. Comm. Barefoot seconded. Two aye votes and motion carried.

b. CU-08-06 – Premier Hotel Group, Inc. – Application for a conditional use for a four-story hotel on Frontage Rd.

Ch. Hart asked Atty Frost to conduct the public hearing. Atty Frost opened the public hearing and asked Code Enforcement Officer Covington to present the application. Officer Covington stated the applicant was Paul Patel. He said the current use was vacant property at the location that T-Bones was located at 137 Frontage Rd. He stated the proposed use was for a four story hotel. The property was shown on Tax Map/Parcel is B54D-12 and consists of 1.4 acres. The Planning Commission recommended approval of the application. Mr. Patel was not present to speak in

favor of the application. Atty. Frost stated since the applicant was not present, the application would have to be re-advertised to be considered at a future meeting.

8. MVP Café, Inc. Malt Beverage Consumption License

Ch. Hart stated this was for Beer only and that the restaurant has served in that location previously. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. Two aye votes and motion carried.

9. Development Authority Member Replacement – 3 year term

Ch. Hart stated two applications had been received. Comm. Barefoot made a motion to postpone this item until August 26, 2008 to allow for additional applications to be received. Comm. Cain seconded. Two aye votes and motion carried.

10. Board of Education Request: Street Centerline Shape Files

Ch. Hart stated he recommended before the maps are released that an agreement be drawn and regulations be prepared concerning the use and reproduction of the maps. He also stated that other counties charge fees for furnishing the maps and asked that this be researched as well. Technology Administrator Leonard Burris stated that GIS data are not included in the Open Records Act and that the same rules do not apply. This will be considered at a future meeting.

11. Homestead Tax Relief Grant Credits

Ch. Hart stated ACCG had notified the board that the Governor may discontinue the HTRG which would amount to approximately 1 mill of property tax. He stated a meeting has been called with the county, school board and cities on how to handle this and stated that sending an additional tax bill may be necessary if this grant is discontinued. He asked for consideration of this item to be postponed until the meeting is held.

12. Assistant District Attorney Salary Request

Ch. Hart stated the District Attorney had asked for a salary increase for the Assistant District Attorney to \$58,000. Personnel Officer Judy Greer stated this would place the Assistant DA above the maximum of the approved pay grade for the position. She presented a list of personnel in the same pay grade with years of service and pointed out that the Assistant DA would be the highest paid position in the grade with less years of service than some if the increase is granted. Comm. Cain made a motion to deny the request. Comm. Barefoot seconded. Two aye votes and motion carried.

13. Resolutions:

a. Call for an Election: Change in Form of Government

Ch. Hart stated this was for the vote on the November 2008 ballot toward changing the commission board to five members. Comm. Barefoot made a motion to approve the resolution. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2008-16*

b. Home Rule Amendment: Courthouse Annex

Atty Frost stated this would amend the county charter under the home rule act designating the new administrative building as a courthouse annex and the Board of Commissioners would hold future meetings in the annex.

c. ACCG Defined Benefit Retirement Plan Document Amendment

Personnel Officer Judy Greer stated this was for minor plan changes. Comm. Barefoot made a motion to approve the resolution. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2008-17*

d. FY2009 Budget

Ch. Hart stated that until a meeting is held between the cities, the county and the school board to consider options concerning the Governor's decision to discontinue the Homestead Tax Relief Grant, he asked that the approval of the budget be postponed until a called meeting on Thursday, August 14, 2008 at 3:30 p.m. Comm. Barefoot made a motion to postpone the approval. Comm.

Cain seconded. Two aye votes and motion carried.

14. USDA Rural Development Loan

Angela Sheppard

Ms. Sheppard stated the county had been approved for a \$2.875 million loan in 2004 from USDA for water system improvements, however GEFA funds were used to fund some of the improvements and the remainder of the projects had been placed on hold. She recommended deobligating the funds and returning the funds to USDA. She also stated that USDA encouraged the deobligation because of the higher interest rate of 4.25% that was given on the loan in 2004. She said if the money was kept, the projects would have to be redefined with no guarantee of USDA approval. Comm. Cain made a motion to authorize Chairman Hart to issue a letter to USDA requesting the deobligation of the loan funds. Comm. Barefoot seconded. Two aye votes and motion carried.

15. Department of Family & Children's Service Building

Deleted.

16. 2008 Fall Sports Program Equipment Bids

Ch. Hart stated bids had been received on the equipment and uniforms for fall sports and stated the number of football pants needed to be amended from 75 to 150. Recreation Director Phillip recommended going with the low bidders for each item. Comm. Cain made a motion to approve the low bidders with the amendment as stated. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of list filed in Attachment to Minutes Book #9)*

17. Georgia Mountains Regional Development Center Digital Tax Parcel Conversion Contract Extension

Ms. Sheppard stated the work had not been completed and this was for an extension of the existing contract from 2/2008 to 12/31/2008. Comm. Barefoot made a motion to extend the contract. Comm. Cain seconded. Two aye votes and motion carried.

18. Banks Crossing Motel Group Request

Ch. Hart stated this was for information only and that he had met with a group of motel owners in the Banks Crossing area who had requested that a moratorium be placed on new motels in that area unless accompanied by a convention center. He stated this could be considered at a future meeting.

19. Property Donation: P. A. Bryan

Ch. Hart stated he had received a letter from Mr. Bryan offering a donation of a 3.92 acre lot. He said the property was landlocked and the current fair market value was \$18,848. Comm. Cain made a motion to deny the offer. Comm. Barefoot seconded. Two aye votes and motion carried.

20. Wastewater Treatment Plant

Ch. Hart stated the Commissioners had met with Rindt McDuff & Associates in a worksession prior to the meeting to consider different types of wastewater treatment plants. Comm. Cain made a motion to approve the recommendation by Rindt McDuff of the ICEAS which is a Sequential Batch Reactor (SBR) operation plant. Comm. Barefoot seconded. Two aye votes and motion carried.

21. BJC Hospital Authority Member Replacement

Deleted.

22. Executive Session: Litigation

Comm. Barefoot made a motion to go into executive session to discuss possible litigation at 7:25 p.m. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session at 7:42 p.m. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of affidavit filed in Attachment to Minutes Book #9)*

23. Adjournment

With no further business, Comm. Cain made a motion to adjourn the meeting. Ch. Hart seconded. Two aye votes and meeting adjourned at 7:43 p.m.

Chairman

Clerk
