

The Banks County Board of Commissioners held their regular meeting on May 13, 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, Finance Officer Randy Failyer 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. Barefoot made a motion to amend the agenda by deleting Item #12 "Fire/EMS: Potential Fire Station on Otis Brown Rd" and adding to #17 "Land Acquisition". Comm. Cain 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 – 4/1, 4/8, 4/16, 4/22

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

6. Public Comment: NONE

7. Public Hearings to Consider Planning Commission Recommendations

a. CU-08-03 – Michael Cline – Application for a conditional use application for a recreational mud track.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the property was located on Brown Bridge Rd and consisted of 38.05 acres on tax map/parcel B80-76. He stated it was for a recreational mud bog strip 200 ft in length and was currently zoned CAD, Consolidated Agricultural District. The Planning Commission recommended approval with the conditions that the entrance lane be at least 150 feet from the highway and the facility would not open for operation until 1 p.m. on Sunday. Mr. Cline spoke in favor of the application by stating it would be named Sloppy Joe's Mud Bog and would be a family atmosphere. Comm. Barefoot asked how many vehicles would be involved. Mr. Cline said they hoped for at least 400 vehicles per day including spectators. He stated they would have a concrete wash rack with pressure washers which would help prevent tracking mud on public roads. Ch. Hart asked where the water for washing would come from. Mr. Cline stated he had two wells on the property with a pond to reclaim run off and the water would be recycled. He stated the runoff would hit a small sediment pond that would be used the following day for washing the vehicles. Another pond located on the property would catch the runoff water before it hit the stream and the water would have to run approximately 760' before hitting the stream. Mr. Cline stated he conceded with the conditions originally but does not agree with the Sunday hours. He said the closest church would be 2.8 miles away, however, he stated the 150' entrance lane would not be a problem. Citizen Bobby Ayers stated he did not wish to speak in favor or against the application but asked the Commissioners why the address for the operation was not included on the advertisement for the application and stated concerns with neighboring residents not knowing where the operation would be located. He also asked what time the establishment would close. Mr. Cline stated the hours would be 12:00 noon to 8:00 p.m. Ch. Hart stated research would be needed concerning the advertisement and closed the public hearing. Comm. Barefoot made a motion to postpone the application until the June 10, 2008 meeting. Comm. Cain seconded. Two aye votes and motion carried.

8. Recreation Center Front Lawn Modification

Postponed: 4/22/08

Ch. Hart stated two quotes had been received concerning the grading of the embankment in front of the recreation center as follows:

Griffin Brothers	\$8,100
Big Creek Investments	\$7,300

Comm. Barefoot made a motion to approve Big Creek Investments as low bidder. Comm. Cain seconded. Two aye votes and motion carried.

9. Development Authority Member Replacement – Tal Martin

Postponed: 4/22/08

Ch. Hart stated applications from Stan Stewart and Steve Shi had been received for the position. Comm. Barefoot made a motion to appoint Stan Stewart to the position to finish out Mr. Martin’s term. Comm. Cain seconded. Two aye votes and motion carried.

10. Ordinances/Resolutions:

a. Cable Franchise Fee – 5%

Windstream Telecommunications

Ch. Hart stated this would officially set the fee at 5% and would allow for automatic increases if the FCC increases the fees. Comm. Barefoot made a motion to approve the ordinance. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2008-08*

b. Cable Franchise Fee – 5%

Comcast Cable Communications

Ch. Hart stated this would also officially set the fee at 5% and would allow for automatic increases if the FCC increases the fees. Comm. Cain made a motion to approve the ordinance. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2008-09*

c. Extract Minutes Resolution – GEFA Loan #2007-L34WS

Ch. Hart stated this was necessary to close out the loan and to begin paying the loan payments. 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) 2008-10*

11. Contracts:

a. Probation Services

Sentinel

Ch. Hart stated this agreement was for Superior Court probation services and was already signed by the Superior Court Judges. Comm. Barefoot made a motion to approve the agreement. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of contract filed in Attachment to Minutes Book #9)*

b. Local Share Commitment Letter - \$8,450

Legacy Link

Ch. Hart stated this was an annual commitment letter for the senior center services. He said the total contract was for \$60,998 with the county share being \$8,450. Comm. Cain made a motion to approve the letter. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of letter filed in Attachment to Minutes Book #9)*

c. Baldwin Fire Contract

\$22,103.92

Comm. Cain made a motion to postpone this item until the June 10, 2008 meeting. Comm. Barefoot seconded. Two aye votes and motion carried.

d. Courthouse/Annex Contract Change Orders – Turner Const

Angela Sheppard

Angela Sheppard stated there were various change orders with a net increase to the contract in the amount of \$28,635. Keith Weere of Turner Construction asked that the unused portion of the Guaranteed Maximum Price funds for the project be used toward the change orders. Comm. Cain

made a motion to approve the contract change orders with Turner Construction but stated he would like to see all add-ons in the future before the work has begun. Comm. Hart seconded. The vote was as follows:

Barefoot: Nay

Cain: Aye

Hart: Aye

Two aye votes and motion carried. Comm. Cain made a motion to allow the funds from the GMP to be used toward the change orders. Comm. Barefoot seconded. Two aye votes and motion carried. (*Copy of contract change orders filed in Attachment to Minutes Book #9*)

12. Fire/EMS: Training Facility – Hudson Valley Drive

Fire Captain Brian Eubanks asked for permission for the Fire/EMS to use a portion of the county property on the Hudson River at the end of Hudson Valley Drive for a training facility. Ch. Hart stated research would have to be done concerning the location before a decision could be made.

13. Fire/EMS: Generator Bids

Ch. Hart stated bids had been received for the generators but because of the variation of the bid amounts and specifications, he recommended rejecting all bids and re-advertising with different specifications. Comm. Barefoot made a motion to reject all bids received and to rebid the generators. Comm. Cain seconded. Two aye votes and motion carried.

14. Comprehensive Plan Steering Committee – City of Baldwin

Ch. Hart stated Baldwin had said they did not wish to participate with Banks County in the Comprehensive Plan. Comm. Cain made a motion to proceed with the unincorporated portions of the county only. Comm. Barefoot seconded. Two aye votes and motion carried.

15. Personnel Policy Revisions

Ch. Hart stated some changes had been recommended for the personnel policies as follows:

“2.110. Political Activity

No employee of the County should seek or hold a compensated elective public office in any governmental unit (local, state or federal), nor should he/she solicit any contributions or services, nor publicly endorse or actively support and campaign for any candidate for any elective public office. Employees are also prohibited from soliciting or receiving assistance relative to their jobs or conditions of employment from elected office holders or other political officials. At any time an employee makes known to the public, or fellow employees, that they are seeking public office, they will then terminate their employment with the County immediately.”

as well as the following:

“4.700. Hiring and Firing of Department Head Level Employees

Even though the Chairman of the Board of Commissioners is responsible for handling the day-to-day operations of the County, all employees hired into a Department Head level position will be interviewed and hired by the entire Commission Board. The Commission Board will set the salary for the position based upon the salary range and job grade of the position. This information is contained in the Archer Pay Plan, adopted for Banks County use in 2005.

The Personnel Officer will be responsible for scheduling interviews between the candidates to be interviewed and the Commission Board. After the decision has been made by the Commission Board as to the selected individual to fill the position, the Personnel Officer will be responsible for notifying each candidate that was interviewed of the decision made by the

Commission Board. The Personnel Officer will be responsible for scheduling pre-employment testing, including drug screening and background check, for the selected individual.

And, as well, if it is determined that a Department Head level employee has reason for termination, the decision to terminate will be made by the entire Commission Board.

The Personnel Officer will be responsible for coordinating all information regarding the termination between all members of the Commission Board. The Personnel Officer will be responsible for conducting an exit interview with the employee. At that time, the Personnel Officer will collect all county equipment issued to that employee by the County, such as keys, phones, etc. The Personnel Officer will file the separation notice with the Department of Labor.”

Comm. Cain made a motion to approve the amendments. Comm. Barefoot seconded. Two aye votes and motion carried.

16. Executive Session: Litigation & Land Acquisition

Comm. Barefoot made a motion to go into executive session to discuss potential litigation and land acquisition at 7:20 p.m. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session and to reconvene the meeting at 7:56 p.m. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of affidavit filed in Attachment to Minutes Book #9)**

17. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 7:56 p.m.

Chairman

Clerk
