

The Banks County Board of Commissioners held their regular meeting on June 24, 2008 at 3:30 p.m. in the courtroom of the Banks County courthouse with Chairman Gene Hart, Commissioner Rickey Cain and Commissioner Joe Barefoot present. Also present were County Attorney Randall Frost, Finance Officer Randy Failyer and Administrative Officer Angela Sheppard.

1. Call to Order

Ch. Gene Hart called the meeting to order.

2. Approval of Agenda

Comm. Cain made a motion to amend the agenda to add “#11 Health Department Recommendations”.

Comm. Barefoot seconded. Two aye votes and motion carried.

3. Public Comment: NONE

4. Public Hearing to Consider Planning Commission Recommendations:

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

Ch. Hart stated he would like to recuse himself from the public hearing due to personal reasons and turned the public hearing over to Atty Frost. Atty Frost opened the public hearing and asked Code Enforcement Officer Keith Covington to present the first application. Officer Covington stated the property consisted of 38.05 acres located on Tax Map/Parcel B80-76 currently zoned CAD. The Planning Commission recommended approval of the application. Mr. Cline spoke in favor of the application by stating the operation would be under a controlled environment. He also presented a petition in favor of the operation. He stated vehicles not participating would not be muddy. He stated paramedics, EMTs and sheriff deputies would be onsite to maintain safety. He also stated there would be a 150’ gravel drive that the vehicles would travel before entering Brown Bridge Rd. He said there would be a minimum of 8 bathrooms available and the facility would be open weekends with no events before noon. Those speaking in opposition to the application were as follows:

George Pate, 225 Beaver Creek Drive

Winship Rees, 1457 Hwy 326

John Bryan, 342 Beaver Creek Drive

Sid Major, Beaver Creek Drive

Rick Bennett, 302 Beaver Creek Drive

Sheila Mullins, 159 Beaver Creek Drive

James Mitchell, 148 Beaver Creek Drive

Each expressed concerns with the facility which included noise, damming of the creek, mosquitoes, alcohol usage, disturbance of wildlife, declining property values and safety. Mr. Pate presented a petition signed by residents in the Beaver Creek Subdivision in opposition to the facility. Mr. Rees stated that a mud bog did not qualify as a permitted use or a conditional use in the CAD ordinance. He also stated the operation was not consistent with the Comprehensive Land Use Plan. Officer Covington stated the NRCS had said they did not see a problem with the current plan as far as the creek is concerned. Mr. Cline stated the creek was a separate issue and the operation would be a safe controlled area for kids to play. He further stated the pits had not been dug and the curve on Brown Bridge Rd was a school bus stop and would not be any more dangerous than at present. Comm. Barefoot asked Mr. Cline if the dam issue was resolved. Mr. Cline responded that the property line dispute had not but the dam was permitted and before the dam could be removed he would have to get approval from EPD. He stated he had a letter from EPD stating he had met all the necessary setbacks. Atty Frost closed the public hearing. Comm. Cain stated there were some conditions that the staff recommended placing on the approval of the application. Atty Frost reopened the public hearing. Ms. Sheppard read the conditions as follows:

- All vehicles on-site must be rinsed off prior to entering the public roadway.
- All vehicles that participated in mud bogging events on-site must be pressure washed prior to entering the public roadway so that no mud will be transferred

onto the road.

- Water from mud bogging operations shall be controlled so as not to create run-off onto the public roadway, surrounding properties, or into Beaver Creek. If water is not properly controlled on-site, according to standards and regulations adopted by State or local agencies, Banks County reserves the right to suspend operations of the facility until the issue is resolved to the satisfaction of Banks County.
- If the mud bogging operations create hazardous road conditions, i.e., ingress and egress to the property must be suitable and safe and the event will not interfere with traffic flow along adjacent streets and roads, Banks County reserves the right to suspend operations of the facility until the issue is resolved to the satisfaction of Banks County.
- Hours of Operation will be limited to Saturday and Sunday from 9:00 a.m. to 8:00 p.m. Events not to begin until 12:00 p.m.
- A 25 foot undisturbed buffer must be maintained along Beaver Creek.
- Any mud bogging pit must be located at least 150 feet from the public roadway.
- Water for the development will be provided by private wells.

Ms. Sheppard stated the noise issue was not addressed in the conditions. Officer Covington clarified this application was for a Conditional Use Permit and not a Conditional Use in CAD zoning and it does have a review period in which the Commission may come back within the specified time period of review and change the decision if the operation does not comply with the criteria. He said there were additional criteria that apply to this type application. He stated this type permit was for unusual uses. Atty Frost closed the public hearing. Comm. Cain made a motion to approve the application with the conditions as read. Comm. Barefoot seconded. He stated he seconded the motion reluctantly but did so because there were more signatures in favor of the application than in opposition. Two aye votes and motion carried. (*Petitions filed in Attachment to Minutes Book #9*)

b. V-08-02 – Bob Blackwell – Application for a variance to change property lines between two lots on Stirling Drive in the Windy Knoll Subdivision.

Ch. Hart opened the public hearing and asked Officer Covington to present the application. Officer Covington said the application was for a variance on property consisting of .98 acres on Tax Map/Parcel B225-5 Lot 2. The Planning Commission recommended denial of the application. He stated Mr. Blackwell had asked that the public hearing be postponed until a future meeting. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to postpone the public hearing to the next meeting per Mr. Blackwell's request. Comm. Cain seconded. Two aye votes and motion carried.

c. CU-08-04 – Larry & Bennie Jackson – Application for a conditional use for a trucking business at 1806 Moccasin Gap Road.

Ch. Hart opened the public hearing and asked Officer Covington to present the application. Officer Covington stated the applicant was AnJan Hauling, Inc. and the property consisted of 3.048 acres located on Tax Map/Parcel B05-54. He stated it was currently zoned C-2 and was previously Maverick Trucking Company. The Planning Commission recommended approval of the application. John Zoduw spoke in favor of the application by stating he owned a company that builds roads and wished to purchase the property from the Jacksons and move the business from Lula to Moccasin Gap Rd. He said half of the trucks stay out of town most of the time. He said the hours of operation would be during daylight hours and that the distance that would be traveled on the road would be approximately .4 miles. Those speaking in opposition were as follows:

Jeralee Campbell, Fox Run Farm Rd
Arthur Culifer, 1462 Moccasin Gap Rd
Lee Mittler, Alto

Each expressed concerns with the size of the trucks, surrounding property values, traffic, safety, noise from idling trucks and air quality. Ms. Campbell requested that a tree buffer be required and that there be a limit of the number of trucks if the application is approved. Ch. Hart asked if modifications would be required at the entrance of the road to accommodate the trucks. Mr. Loduw said not for his 10 wheel dump trucks. He stated businesses with trucks had been there in the past with no problem. Ch. Hart closed the public hearing. Comm. Cain made a motion to approve the application with the condition that the existing tree buffer be maintained. Comm. Barefoot stated he saw safety issues involved and would not second the motion. Ch. Hart seconded the motion. The vote was as follows:

Cain	Aye
Barefoot	Nay
Hart	Nay

Two nay votes and the motion to approve was denied.

5. Horse Arena Electricity

Sammy Reece

Sammy Reese with the Banks County Horse Association was present to request that the Association be allowed to install electrical outlets at the horse arena in the Association's name with the electric bill being the responsibility of the Association. Ch. Hart stated plans showing the location of the electrical lines would need to be submitted. He also asked the county attorney to draw up an agreement between the Association and the county to address the liability of the county.

6. Windmill Farm Handicap Deer Hunt

Trent Wilson

Mr. Wilson stated the hunt is planned for December 19th and 20th. Children under the age of 18 would be accompanied by an adult and adults would be taken to the hunting spot by four wheelers. Wheelchair hunters would be considered first and then other handicapped hunters would be considered if slots are still available.

7. Resolutions:

a. FY2008 Budget Amendment

Ch. Hart stated this was in the amount of \$5,000 transferred from the Jail Operations budget to the Human Resources budget for the purchase of a badge machine for employee ID cards. Comm. Cain made a motion to approve the resolution. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2008-11*

b. FY2008 Budget Transfers to Capital Fund

Ch. Hart stated this was to transfer funds from the current budget for capital projects. 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) 2008-12*

c. Operating Authorization – FY2009

Ch. Hart stated this would allow time after the end of the current fiscal year for the approval of the FY2009 budget since it is not complete at this time. 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) 2008-13*

d. GEFA Loan #2007-LE34WS

Ms. Sheppard stated this would extend the deadline to increase water & sewer rates that was originally set as a condition in resolution #2008-06 from June 30, 2008 to September 30, 2008. She also stated that GEFA stipulated that the loan documents could not be completed nor the money drawn until the new rate structure is in place however. 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) 2008-14*

8. Bids & Proposals:

a. Recreation Tractor Bids

Ch. Hart stated a request for sealed bids had been advertised and two bids had been received as follows:

Greene South Equipment \$13,984

James Short Equipment \$15,310

He said Greene South Equipment offered an additional maintenance contract for an additional \$900. He said \$15,000 was budgeted for the purchase of the tractor. Comm. Barefoot made a motion to purchase the tractor from Greene South Equipment with the additional maintenance contract for a total of \$14,884. Comm. Cain seconded. Two aye votes and motion carried.

b. Fire/EMS Generator Bids

Gary Pollard

Brian Eubanks was present for Chief Pollard to present the recommendation. Sealed bids received were as follows:

S&D Solutions \$129,097.30

C&C Electric \$138,000 including \$4,000 trade-in - \$142,000 without trade-in

Gentech \$173,941

He stated the bids included the installation of the new generators as well as moving and setting up the old generators at other fire stations. Comm. Barefoot made a motion to approve S&D Solutions as low bidder. Comm. Cain seconded. Two aye votes and motion carried.

c. Extension Service Bus Sealed Bid Waiver

Ch. Hart stated Extension Agent Bob Waldorf had found a bus to meet the needs of the Extension Service. He said quotes had been sought but because of variations of specifications on the buses it was hard to request sealed bids and asked that the sealed bid requirement be waived for this purchase. Comm. Cain made a motion to waive the sealed bid requirement for this purchase. Comm. Barefoot seconded. Two aye votes and motion carried. The total purchase would be \$43,275.

d. Moving Company Selection

Ch. Hart stated two moving companies had submitted proposals for moving the offices out of the courthouse for construction of the annex and remodeling of the courthouse. Interviews had been conducted with both companies. Those submitted and interviewed were as follows:

Adams Transfer & Storage

Bekins – University Moving Company

Comm. Cain made a motion to approve Adams Transfer & Storage. Comm. Barefoot seconded. Two aye votes and motion carried.

9. Maysville Request for Road Work by the County within City Limits

Ch. Hart stated he had received a request from Maysville for road right of way trimming on various roads located within the city limits. He stated the roads involved were roads annexed by the city. He recommended that the board consider charging a fee for the work through an intergovernmental agreement that the county attorney could prepare. All commissioners agreed to do the road work this time only and to authorize the county attorney to draw an agreement for future requests.

10. Contracts & Agreements:

a. Baldwin Fire Contract - \$22,103.92 – 7/1/2008 – 6/30/2009 **Postponed: 6/10/2008**

Ch. Hart stated this had been postponed at the June 10th meeting and recommended approving the contract for this fiscal year. Comm. Barefoot made a motion to approve the contract. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of contract filed in Attachment to Minutes Book #9)*

b. ACCG Liability Insurance Renewal – 7/1/2008 – 6/30/2009

Ch. Hart stated this was a partial year premium in order to change the policy year from October to

July and was in the amount of \$109,916. Comm. Barefoot made a motion to approve the renewal. Comm. Cain seconded. Two aye votes and motion carried.

c. Courthouse/Annex Contract Change Orders

Angela Sheppard

Ms. Sheppard stated 3 change orders from Turner Construction had been received as follows:

#1 Door Type Change \$3,047 reduction

Ms. Sheppard stated Turner Construction had recommended since the doors would be painted, that a different door be used. Comm. Barefoot made a motion to approve the change order. Comm. Cain seconded. Two aye votes and motion carried.

#2 Coffee Station Outlets \$3,199 addition

Ms. Sheppard stated that outlets for the mini refrigerator and microwave at the three coffee stations had not been included in the plan and would need to be added.

#3 Mail/Copy Room Bottom Cabinets \$2,061 addition

Ms. Sheppard stated and enclosed cabinet had not been included in the plan but requested that it be added to one wall under the counter for storage.

The net change would be \$2,213 additions and could be covered in the budget.

She also stated a change order from the security vendor had been received for additional door key card locations in the amount of \$8,193. She said this would add security to the offices and funds were in the budget for the addition.

Comm. Cain made a motion to approve all change orders. Comm. Barefoot seconded. Two aye votes and motion carried.

11. Health Department Recommendations

Ch. Hart stated that in order to offset state cutbacks, the Health Department had recommended an increase in fees. Comm. Barefoot made a motion to authorize the increase in fees. Comm. Cain seconded. Two aye votes and motion carried.

12. Executive Session: Personnel

Comm. Barefoot made a motion to go into executive session to discuss personnel at 5:19 p.m. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session and reconvene the meeting at 5:37 p.m. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of affidavit filed in Attachment to Minutes Book #9)*

13. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 5:38 p.m.

Chairman

Clerk
