

The Banks County Board of Commissioners held their regular meeting on December 9, 2008 at 6:30 p.m. in the board room of the Banks County Courthouse Annex. Present were Chairman Gene Hart and Commissioner Joe Barefoot. Commissioner Rickey Cain was absent.

1. Call to Order

Ch. Hart called the meeting to order.

2. Approval of Agenda

Ch. Hart stated he wanted to remove item 9 "2009 Wrecker Service Rotation List" and add Item 19 "TBS Proposal, Item 20 "GIS Amending Resolution" and Item 21 "December 23rd Meeting". Comm. Barefoot made a motion to approve the agenda with the recommended changes. Ch. Hart seconded the motion. Two aye votes and the motion passed.

3. Moment of Silence

Ch. Hart led the moment of silence.

4. Pledge to the American Flag

Ch. Hart led the Pledge.

5. Consent Agenda

- a. Approval of Invoices
- b. Approval of Previous Minutes – 11/15, 11/11, 11/11, 11/24

Comm. Barefoot made a motion to approve the consent agenda. Ch. Hart seconded the motion. Two aye votes and the motion passed.

6. Special Recognition

Comm. Barefoot presented Ch. Hart with a silver keychain in recognition of his service to the citizens of Banks County for the last four years. Comm. Barefoot stated that he appreciated the fine job that he has done during his tenure as Chairman of the Banks County Board of Commissioners.

7. Public Hearing to Consider Planning Commission Recommendations

a. V-08-05 – Billy Poole – Application for a variance for setbacks from poultry houses for newly drawn property lines.

Ch. Hart asked Atty. Frost to conduct the public hearing. Atty. Frost opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the property owner was Billy Poole and the applicant was Brant and Tracy Langston. The current use is a home site for the Langstons and the proposed use is the same just a new property line was drawn next to the poultry house. The property is 3.87 acres located on Damascus Road. The plat and parcel number is B61-56. The change is because they can not meet a 200 feet setback, but they can meet a 100 feet setback with a variance. The Planning Commission recommended approval of the application. Brant Langston spoke in favor of the application stating he was trying to get a variance to incorporate a garage that is attached to his house into the one acre. Ch. Hart stated that this was creating a setback that was not permitted in our current zoning. Atty. Frost closed the public hearing. Ch. Hart opened up the Commissioner's meeting. Comm. Barefoot made a motion to approve the application for the variance. Ch. Hart didn't second the motion and no action was taken. The motion failed for a lack of a second. Comm. Barefoot resented his motion and made a motion to postpone the item to the January 13, 2009 meeting. Ch. Hart seconded the motion. Two aye votes and the motion passed.

b. CU-08-10 HP Commerce, LLC – Application for a conditional use for an auction at 321 Pottery Factory Drive

Ch. Hart asked Atty. Frost to conduct the public hearing. Atty. Frost opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the property owner was HP Commerce, LLC and the applicant is Alisha Andrews. The existing zoning is C2 property and the existing use is a shopping center and the proposed use is an auction once a month at 321 Pottery Factory Drive. Plat and parcel number B55-2. The Planning Commission recommended approval

of the application. Alisha Andrews with HP Commerce spoke in favor of the application stating she wants to bring more activity to the shopping center. Kirk Kilgore spoke in favor of the application stated his goal is to help support the economic times. He auctions off furniture liquidations and model home closeouts. Ch. Hart closed the public hearing and opened the Commissioner's meeting. Comm. Barefoot made a motion to approve the application. Ch. Hart seconded the motion. Two aye votes and the motion passed.

8. Banks County Relay for Life

Natasha Lord, Chairman for Relay for Life asked the Commissioners if they could use the tract at the Recreation Department next to the Middle School. She stated the event would be May 15 & 16, 2009 and it would be a great place for the event. She has already planned parking and how emergency vehicles could get down to the field. Comm. Barefoot made a motion to let Relay for Life use the tract on May 15 & 16, 2009. Ch. Hart seconded the motion. Two aye votes and the motion passed.

9. Deleted

10. Boards and Authorities

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| <i>a. Planning Commission – 4 year term-Albert Ward</i> | <i>Postponed: 11/24/2008</i> |
| <i>b. Planning Commission – 4 year term-Sammy Reese</i> | <i>Postponed: 11/24/2008</i> |
| <i>c. Joint Development Authority – 4 year term</i> | <i>Bobby Lewallen</i> |
| <i>d. Joint Development Authority – 4 year term</i> | <i>Gene Hart</i> |
| <i>e. Recreation Advisory Board – 3 year term</i> | <i>Michael Williams</i> |
| <i>f. Recreation Advisory Board – 3 year term</i> | <i>Jan Parks</i> |
| <i>g. Recreation Advisory Board – 3 year term</i> | <i>Martha Crane</i> |
| <i>h. Chestatee Chattahoochee – RC&D – 1 year term</i> | <i>Leslie George</i> |
| <i>i. Chestatee Chattahoochee – RC&D – 1 year term</i> | <i>Rickey Cain</i> |

Ch. Hart stated he would like to postpone the appointment to January 13, 2009 to give the newly elected chairman a chance to be involved in who is appointed to these positions. Comm. Barefoot made a motion to postpone the appointment of any of these positions until the January 13, 2009 meeting. Ch. Hart seconded the meeting. Two aye votes and the motion was passed.

11. Contract and Agreements

a. Road Striping Bid

Ch. Hart stated two bids were received for striping 25 miles of roads. Mid-State Traffic Markings for \$30,779.20 and Parker Traffic Markings for \$30,355.20. Comm. Barefoot made a motion to accept the low bid from Parker Traffic Markings in the amount of \$30,355.20. Ch. Hart seconded the motion. Two aye votes and the motion passed.

b. Gravel Hauling Bid Award

Ch. Hart stated there were three bids received. Shubert Hauling for \$2.75/ton, but Shubert withdrew their bid because it should have been \$5.75/ton, Simpson Trucking for \$5.60/ton and Triple H Transport for \$4.75/ton. Comm. Barefoot made a motion to accept the low bid from Triple H Transport in the amount of \$4.75/ton. Ch. Hart seconded the motion. Two aye votes and the motion passed.

c. Courthouse Renovation Contract Change Order #37 – Turner Construction

Ms. Sheppard stated she had worked with Turner Construction for the replacement of the windows to cost \$0. She stated this has already been approved and this was just for clarification.

d. Toccoa Water Sale Agreement

Ms. Sheppard stated for along time they have been working on a water sale agreement with the City of Toccoa. She said the city sent a proposal approved by the City Council but it needed some further thought and discussion with the City. Ms. Sheppard stated she needed authorization from the Board to meet with the City of Toccoa. She said the agreement is for 250,000 MGD of water per day with a peak day demand of 350,000 MGD. Comm. Barefoot made a motion to authorize Angela Sheppard, Steve Reece and Rindt-McDuff and Associates to negotiate the contract with the City of Toccoa. Ch. Hart seconded the motion. Two aye votes and the motion passed.

e. Bates Creek Fire Contract - \$3,000

Ch. Hart stated this is an ongoing annual contract with Bates Creek Fire Department for \$3,000. Comm. Barefoot made a motion to approve the Bates Creek Fire Contract for \$3,000 with a term of July 1, 2008 through June 30, 2009. Ch. Hart seconded the motion. Two aye votes and the motion passed.

12. Engineering Proposal – Rindt McDuff Associates

Fred Hawkins with Rindt-McDuff Associates presented a 50 year long-term water plan for Banks County. The cost of the first two phases of engineering will be \$25,125. Comm. Barefoot made a motion to approve the engineering cost. Ch. Hart seconded the motion. Two aye votes and the motion passed.

13. Service Delivery Strategy Resolution

Ms. Sheppard stated there was an update required for our Service Delivery Strategy. The plan required water and sewer to be updated by a reaffirming resolution. She said the plan was last updated in 2006. Comm. Barefoot made a motion to approve the resolution. Ch. Hart seconded the motion. Two aye votes and the motion passed. *(Copy of resolution filed in Attachment to Minutes Book #9)2008-34*

14. Board of Equalization

Ch. Hart stated the Board of Equalization (BOE) submitted a letter to the Commissioner's requesting an increase in pay per day from \$50 to \$150. Bev Thompson spoke on behalf of the BOE stating they didn't think the current pay is enough to cover their time. Some days they stay until 7:00 p.m. hearing cases and they have training days as long as 12 hours including travel. Comm. Barefoot made a motion to approve the new rate of \$150 per day starting in FY2010. Ch. Hart seconded the motion. Two aye votes and the motion was passed.

15. Grand Jury Recommendation – Court Bailiff Compensation

Ch. Hart stated the Grand Jury has recommended the bailiff pay be increased from \$35 a day to \$50 a day. Comm. Barefoot made a motion to increase the bailiff pay from \$35 to \$50 a day. Ch. Hart seconded the motion. Two aye votes and the motion passed.

16. 2009 Alcohol License Renewal

Ch. Hart stated Applebee's, Beef Baron, El Azteca, La Fiesta Grill, La Hacienda, Longhorn Steakhouse, Outback Steakhouse and Ruby Tuesday have beer/wine/mixed drink pouring license. He stated Beef Baron and Longhorn Steakhouse had not gotten their license in yet. Comm. Barefoot made a motion to approve all beer/wine/mixed drink pouring license and approve Longhorn Steakhouse and Beef Baron pending receipt of completed application.

Ch. Hart stated Atlanta Drag way, Sonny's BBQ and Pizza Hut had beer pouring only. Comm. Barefoot made a motion to approve beer pouring only license for Atlanta Drag way, Sonny's BBQ and Pizza Hut. Ch. Hart seconded the motion. Two aye votes and the motion passed.

Ch. Hart stated County Line Package, Racetrac, BP Food Mart #3, Phillips 66, Travel Center, Wal-Mart, Chevron Food Mart, Homer Chevron, Shell Food Mart, 4 Way Stop and Lewallen's Grocery had beer/wine package only. Comm. Barefoot made a motion to approve the beer/wine package only. Ch. Hart seconded the motion. Two aye votes and the motion passed.

17. Superior Court Senior Judge Status Compensation – Judge Robert W. Adamson

Ch. Hart stated the County received a letter from the Tenth Judicial Administrative District requesting retiring Judge Robert W. Adamson receive pay for his senior judge salary. Ms. Judy Greer stated the amount would be \$200 a month. Comm. Barefoot made a motion to approve \$200 a month. Ch. Hart seconded the motion. Two aye votes and the motion passed.

18. Waste Management Landfill Host Fees

Ch. Hart stated Waste Management sent a letter to the County wanting to increase the county contract from \$14,400 to \$40,000 or starting January 1, 2009 they will start charging a \$10 gate fee for the first 10 bags and weigh all the other for the citizens of Banks County to take there household garbage to the landfill. Ch.

Hart stated the County never received the letter and the budget has already been set so there wasn't any more money allocated for the additional cost of the landfill contract.

19. TBS Proposal

Leonard Burris Technology Administrator stated he had a proposal from TBS to replace the Tax Commissioner's software in the amount of \$29,266.50. This is an upgrade and was included in the technology budget for this year but because of the amount he wanted to get final approval. Comm. Barefoot made a motion to approve the software upgrade. Ch. Hart seconded the motion. Two aye votes and the motion passed.

20. GIS Resolution - Amendment

Ch. Hart stated this has already been passed however this amendment would change how fees for materials are set. Comm. Barefoot made a motion to approve the amending resolution. Ch. Hart seconded the motion. Two aye votes and the motion passed. *(Copy of resolution filed in Attachment to Minutes Book #9)2008-35*

21. December 23, 2009 Meeting

Ch. Hart recommended canceling the December 23, 2009 meeting. Comm. Barefoot made a motion to cancel the December 23, 2009 meeting unless there was a need. Ch. Hart seconded the motion. Two aye votes and the motion passed.

22. Executive Session : Land Acquisition

Comm. Barefoot made a motion to go into executive session concerning land acquisition at 7:29 p.m. Ch. Hart seconded the motion. Two aye votes and motion passed.

Comm. Barefoot made a motion to come out of executive session at 7:54 p.m. Ch. Hart seconded the motion. Two aye votes and the motion passed.

23. Adjournment

Comm. Barefoot made a motion to adjourn the meeting. Ch. Hart seconded. The meeting was adjourned at 7:55 p.m.

Chairman

Assistant County Clerk
