

The Banks County Board of Commissioners held their regular meeting on February. 13, 2007 at 6:30 p.m. in the courtroom of the Banks County Courthouse. 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

Comm. Barefoot made a motion to add an item to the agenda #16. Waive the bid process to purchase a light-all and move Adjournment to item #17. Ch. Hart seconded the motion. Two aye votes and motion passed.

3. Moment of Silence

Ch. Hart called for a moment of silence.

4. Approval of Invoices

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

5. Approval of Minutes

Ch. Hart said there were five meeting minutes in January that needed to be approved. Comm. Barefoot said there were no changes that needed to be made. Comm. Barefoot made a motion to approve the minutes as previously furnished to members. Ch. Hart seconded the motion. Two aye votes and motion approved.

6. Planning Hearings to Consider Planning Commission Recommendations

a. Z-07-01 Tim Simmons – Application for rezoning property from ARR to CAD.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the first item. Officer Covington said the existing use is agriculture and the proposed use is the same. The acreage consisted of 72 acres, 39 acres, 33.576 acres and 28.588 acres. Tax map and parcel numbers are B46/003A, B46/002A, B46/017A and B46/015. The Planning Commission recommended approval. Tim Simmons spoke in favor of the application stating his brother has chicken houses and he wanted to continue to spread litter without anyone being able to change his way of life. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve this application for rezoning. Ch. Hart seconded. Two aye votes and motion approved.

b. Z-07-02 – Sapphire Properties Group, Inc.- Applicant Patton- Boyer, Inc. – Application for rezoning from ARR to R-1.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated that the existing zoning is ARR and the proposed rezoning is to R-1 single family homes. The acreage is 36.89 acres on tax map and parcel B67/043. The planning commission recommended approval. Chris Patton spoke in favor of the application. He stated there would be 3 roads, 26 lots and the houses would cost approximately \$210,000 and would have restrictive covenants. Mr. Patton also stated that there was an existing driveway that goes through one of the lots and the property that the driveway is going through already has an easement of record for ingress and egress to the property.

George Prince spoke in opposition of the application. He stated that he owned the property by the lot that had the driveway going thru. He was concerned also with his well. He stated that when the two terraces that protected his well from storm water runoff were taken down during construction that his well would be contaminated from storm-water runoff.

Ch. Hart closed the public hearing. Comm. Barefoot made a motion to postpone any action until the March 13, 2007 regular Commissioners meeting in order to allow the gentleman additional time to reconcile their differences. Ch. Hart seconded the motion. Two aye votes and motion approved.

c. Z-07-03 – Tim Simmons – Application for rezoning property from C-2 General Commercial to C-1 Neighborhood Commercial

Ch. Hart opened up the public hearing and asked Officer Covington to present the application. Officer Covington stated that this was a rezoning from C-2 to C-1. The existing use is vacant and the proposed use is a warehouse. The acreage of the site is 3.03 acres and the tax map and parcel are B59/097. The Planning Commission recommended approval. Tim Simmons spoke in favor of the application stating that he purchased the property with intention of building a shop. He was building a warehouse 80' x 120' and another warehouse 60' x 80'. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the rezoning as requested. Ch. Hart seconded the motion. Two aye votes and motion approved.

d. CU-07-01 Banks County Development Authority – Applicant Scott Ledford – Application for Conditional Use Permit for fabrication /manufacturing.

Ch. Hart opened the public hearing and asked Officer Covington to present the application. Officer Covington stated the existing zoning is general commercial and the existing use is a vacant lot and the proposed use is fabrication and manufacturing which requires a conditional use number 13. The acreage is 14.35 acres with the location of the property being Industrial Park Blvd and located on tax map and parcel B66/041. The Planning Commission recommended approval. Scott Ledford spoke in favor of the application stating that he plans on putting an 80' x 325'. metal fabrication facility for the construction of communication towers and in the future put another 40' x 100' building for hot dip galvanizing. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the application contingent upon the acreage declared at closing and shown by the deed and only for that property that is shown by the deed and for the purpose requested. Ch. Hart seconded the motion. Two aye votes and motion approved. Ch. Hart stated the amount of acreage will be clarified in the March 13, 2007 meeting.

e. CU-07-02 –Joe Craven – Commerce Chrysler D/B/A Rock Bottom Auto Outlet – Applicant – Application for a conditional use permit for an auto dealership.

Ch. Hart opened the public hearing and asked Officer Covington to present the application. Officer Covington stated the existing zoning is C-2 and the existing use is for a parking lot and the proposed use is a pre-owned car dealership and a new car dealership. The acreage is 15.04 acres and the location is Craven pottery which is tax map and parcel B55/006. The Planning Commission recommended approval. Mr. Joe Craven spoke in favor of the application stating that the parking lot is located across from the Outback Steakhouse. The car dealership will have new and used cars for sale. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the rezoning as requested. Ch. Hart seconded the motion. Two aye votes and motion approved.

8. Commerce Water Sale Agreement (tabled)

Comm. Barefoot made a motion to bring the item off the table. Ch. Hart seconded the motion. Two aye votes and motion approved. Steve Reece, Public Utilities Director presented the item. Ch. Hart stated the agreement was for two meters, one at Banks Crossing and one at Ft. Lamar Road with a minimum charge of \$3,000 per meter each month. Mr. Reece stated he wanted to open up the Ft. Lamar Road meter because he had done research on twenty-two customers and they use around 913,000 gallons of water a month and that was under the minimum charge. Ch. Hart stated we needed to maintain the meter because the Ft. Lamar Road area does not have adequate pressure in case of a fire. Mr. Reece said this would solve two problems, first it would solve the low pressure problem and second it would be an additional water supply for the county. Comm. Barefoot made a motion to authorize the chairman to sign this agreement with the City of Commerce and to approve the agreement. Ch. Hart seconded the motion. Two aye votes and motion approved. **(Agreement filed in Attachment to Minute Book #8.)**

9. Bids

a. Water Settling Pond Solid Waste Removal

Mr. Reece stated that currently the County has two settling ponds that need sludge removal. He said the ponds were just about maxed out. Ch. Hart stated that two bids were received, one from

JE Brooks Construction Company in the amount of \$59,500 and one from Environmental Remedies, LLC in the amount of \$12,895 + 52.50 per ton which totals \$47,020. Ch. Hart stated he had concerns if the low bid went over because the tons of sludge being removed could possibly be more than anticipated. Mr. Reece stated they had measured the ponds so in the bid application he quoted a few more tons than what was measured. Comm. Barefoot made a motion to accept the low bid with the condition that if the cost actually exceeded \$47,020 the commission be approached for the approval of any expenditure over \$47,020. Ch. Hart seconded the motion. Two aye votes and motion approved.

b. Gravel Hauling Bids Contract (tabled)

Comm. Barefoot made a motion to bring the item off the table. Ch. Hart seconded. Two aye votes and motion approved. Ch. Hart stated two companies bid on the contract which will be from February 15, 2007 thru December 31, 2007. Shubert Hauling submitted a bid in the amount of \$4.77 per ton and Triple H Transport, Inc. submitted a bid of \$4.49 per ton. Comm. Barefoot made a motion to accept the low bid in the amount of \$4.49 per ton from Triple H Transport, Inc. Ch. Hart seconded the motion. Two aye votes and motion approved.

10. Roads

a. Charity Road – Winford Pophan

Mr. Winford Pophan addressed the Commissioners asking the County to adopt the remainder of Charity Drive down to the end of the water line. Mr. Pophan stated that the property owners along that portion of road understand there are certain guidelines before the County will accept the road but before they do the upgrade they want to make sure the County would accept the road after the work was completed. Ch. Hart stated that he couldn't promise anything but if it was brought up to the standards set forth by the County he didn't know why it wouldn't be accepted.

b. Garrison Road Partial Abandonment Public Hearing and Consideration

Ch. Hart opened the public hearing. Those speaking in opposition of closing the road were as follows:

Roy Gowder – stated he had never seen any County equipment on the road and the current property owners will be landlocked if the road is abandoned.

Edward Garrison – stated he was concerned about his property being landlocked.

Stan Lawson, Attorney for London Legacy, LP – states this road is serviced by eleven tracts of land and his clients are opposing the abandonment. They are asking the Commissioners to reconsider the abandonment and to table this item until the next meeting.

Vernon London- States he purchased the property in 1972 and was told by the seller that it was a county road and says the County is being unjust to him if they abandon the road. Stated that he has never asked for improvements but now he is being forced to because the County is wanting to abandon the road.

Ch. Hart closed the public hearing. Comm. Barefoot made a motion to postpone the abandonment of this road until the March 13, 2007 meeting until further research can be done. Ch. Hart seconded the motion. Two aye votes and motion approved.

C. Harmony Valley Drive & Peeble Creek Lane

Ch. Hart stated this is a subdivision road and they have built the two roads according to our subdivision regulations. Comm. Barefoot made a motion to accept the roads as they meet all the requirements. Ch. Hart seconded the motion. Two aye votes and motion approved. **(Map page filed in the Attachment to Minute Book #8)**

11. Server Client Access License Purchase

Mr. Leonard Burris, Technology Administrator for Banks County presented the item. Mr. Burris stated he had three bids and they were as follows: Microsoft \$16,770, CDWG \$12,567 and Dell Computers \$11,527. Mr. Burris said one advantage of this new e-mail system is that our current e-mail provider kicks out a lot of e-mails from government agencies and this new server client access license would provide in-house e-mail and computer data backup. The County has already purchased the server and the software. Mr. Burris recommended purchasing the license from Dell Computers. Comm. Barefoot made a motion to accept the proposal from Dell Computers in the amount of \$11,527. Ch. Hart seconded the motion. Two aye votes and motion approved.

12. Piedmont CASA – Victim’s Assistance Fund

Ch. Hart stated Ms. Raymond with Piedmont CASA was not present so they moved to the next item.

13. Family Connections Fiscal Agent

Ch. Hart stated the agreement states that the Banks County Board of Commissioners agrees to serve as the fiscal agent for the Banks County Family Connection for a period of July 1, 2007 – June 30, 2008. Comm. Barefoot made a motion to continue to act as fiscal agent for Banks County Family Connection. Ch. Hart seconded the motion. Two aye votes and motion approved.

14. Subdivision Water Line Installation Resolution

Ch. Hart stated this resolution is to require standards for water line installation in subdivisions. Mr. Reece said these standards come from AWWA. Comm. Barefoot made a motion to postpone this item until March 13, 2007 to allow him to do a little more research on the item. Ch. Hart seconded the motion. Two aye votes and motion approved.

15. Senior Magistrate Judge Training Reimbursement

Ch. Hart said Senior Magistrate Judge Henry Banks has asked for his travel expenses for a training held once a year be increased because the current amount of the reimbursement is \$300 which does not even cover the cost of the hotel. Comm. Barefoot made a motion to pick up the cost of his motel bill for this trip. Ch. Hart seconded the motion. Two aye votes and motion approved.

16. Waive Bid Process for Light-All

Mr. Reece stated that he would like the Commissioners to waive the bid process for purchasing a light-all. Mr. Reece stated that if we advertise for this piece of equipment unless you go way out you will not receive any bids. He has five quotes which are as follows:
United Rentals: \$6,691.29
North GA Tractor with three: \$7,423.95, \$8,584.70, and \$7,780.50.
Comm. Barefoot made a motion to waive the sealed bid process on this purchase but also wants to ask Mr. Reece to receive from one additional vendor, a bid and when that bid is received, allow him to go ahead and purchase the low bid. Ch. Hart seconded the motion. Two aye votes and motion approved.

17. Adjournment

Comm. Barefoot made a motion to adjourn the meeting. Ch. Hart seconded the motion. Two aye votes and the meeting was adjourned at 7:58 p.m.

Chairman

Assistant County Clerk
