

The Banks County Board of Commissioners held their regular meeting on April 10, 2007 at 6:30 p.m. in the courtroom of the Banks County Courthouse with Chairman Gene Hart, Commissioner Rickey Cain and Commissioner Joe Barefoot present. Attorney Randall Frost was also present.

1. Call to Order

Chairman Gene Hart called the meeting to order.

2. Approval of Agenda

Comm. Barefoot made a motion to approve the agenda as printed. 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. Approval of Invoices

Comm. Cain made a motion to approve the invoices for payment as of today. Comm. Barefoot seconded. Two aye votes and motion carried.

6. Approval of Previous Month Minutes – 3/1, 3/12, 3/13, 3/19, 3/28

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

7. Employee Recognition

Perry Dalton

The Commission board presented a plaque in appreciation of and recognizing former Fire Chief Perry Dalton for 7 years of dedicated service as Fire Chief of Banks County Fire/EMS. Chief Dalton had resigned effective March 31, 2007 after having served from 2000 - 2007. Chief Dalton stated the department had come a long way since the department was created. He further stated he would be glad to help the county in any way needed in the future.

8. Public Hearings to Consider Planning Commission Recommendations

a. CU-07-06 – H.D. Greenway – Conditional use permit for an auto shop on Highway 98.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the applicant was William R. Lamar and this was a 1 acre tract located on map/parcel B31-15 on Highway 98. The current use is a vacant fire station with the proposed use being an auto shop. The Planning Commission recommended approval of the application. Mr. Lamar spoke in favor of the application by stating he would be working on small and large engines. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. Two aye votes and motion carried.

b. CU-07-07 – William H. Mayes – Conditional use permits for firearm sales at 30862 Highway 441 South.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the applicant was Jerry Shuler and this was a .41 acre tract located on map/parcel B55-6A on Highway 441 South in the old Stringers building beside Taco Bell. The existing use was a vacant restaurant with the proposed use being a sporting goods store including firearms which is conditional use #15. The Planning Commission recommended approval of the application. Mr. Shuler spoke in favor of the application by stating the main focus of sales would be fishing and hunting. The hours would be 10:00 a.m. to 8:00 p.m. daily. Ch. Hart closed the public hearing. Comm. Cain made a motion to approve the application. Comm. Barefoot seconded. Two aye votes and motion carried.

c. CU-07-08 – Baugh Enterprises, Inc. – Conditional use permit for motosport apparel and

parts sales and engine services.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the applicant was Indian Creek Cycles and this was a .41 acre tract located on map/parcel B55-18 at 40081 Highway 441 South. The existing use is a vacant field with the proposed use being a motosport shop on the lower level of the building and leased space on the remainder of the building. The Planning Commission recommended approval of the application. Hubert Baugh, owner of Baugh Enterprises as well as Indian Creek Cycles spoke in favor of the application by stating there would be minimal service done on the cycles on premises. He said it would mostly be for the sale of parts and accessories. He further stated they would be involved in the community in the way of fundraisers for charities through charity rides, etc. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. Two aye votes and motion carried.

9. V-07-01 – Leonard & Arline Learst – Application for a variance to create a building lot to be less than two acres.

Postponed – 3/13/07

Ch. Hart stated this application had been postponed at the March regular meeting for further research. He also stated the Planning Commission had recommended denial of the application. Comm. Barefoot made a motion to open the item for discussion. Comm. Cain seconded. Two aye votes and motion carried. Ch. Hart said he had consulted the county attorney and that a hardship only applied if it was created by the topography of the property, which in this case did not apply. Comm. Barefoot stated that given the opinion of the county attorney, the recommendation of the Planning Commission and the fact that the board needed to stay in compliance with the zoning ordinance he made a motion to deny the application. Comm. Cain seconded. Two aye votes and motion carried.

10. Old Jail Roofing Bids

Ch. Hart stated they had received two bids toward the reroofing of the historic jail as follows:

Kaity's Carpentry	\$ 7,609.14
Quality Roofing	\$34,220.00

He further stated he recommended awarding the bid to Kaity's Carpentry as low bidder and stated the projected completion date is 30 days beyond notice to proceed. Comm. Cain made a motion to award the bid to Kaity's Carpentry as low bidder for the project. Comm. Barefoot seconded. Two aye votes and motion carried.

11. Subdivision Water Line Installation

Postponed 3/13/07

Comm. Barefoot made a motion to open the item up for discussion. Comm. Cain seconded. Two aye votes and motion carried. Comm. Cain stated he needed more time to look at the resolution and made a motion to postpone the item until the May 8, 2007 meeting. Comm. Barefoot seconded. Two aye votes and motion carried.

12. Contracts:

a. City of Baldwin Fire Contract 7/1/07 – 6/30/08

\$17,971.40

Ch. Hart stated the contract was based on the number of structures. Officer Covington asked if annexations by Baldwin had been considered when the contract was drawn. Ch. Hart stated he would check on this. Comm. Cain made a motion to postpone this item until the May 8, 2007 meeting in order to check into this matter. Comm. Barefoot seconded. Two aye votes and motion carried.

b. Law Clerk Contract 1/1/07 – 12/31/07

\$5,189.43 co portion

Ch. Hart stated this was a circuit contract for the positions with Banks County's portion being \$5,189.43 per clerk. Comm. Cain made a motion to approve the contract. Comm. Barefoot seconded. Two aye votes and motion carried. **Copy of contract filed in Attachments to Minutes Book #8-2**

13. Roads:

a. Road Acceptance Criteria

Ch. Hart stated he recommended adding a requirement of a 20 ft. roadbed width to the criteria. Comm. Barefoot made a motion to approve the addition to the criteria. Comm. Cain seconded. Two aye votes and motion carried. The criteria is as follows:

Criteria for accepting a road as a County road – DIRT

1. Must be at least 60ft. deeded to Banks County from all landowners for right of way purposes.
2. Must be at least two or more residents on the road and it must serve a public purpose.
3. Road must be more than ¼ mile in length and not be a single driveway.
4. Road will become a county dirt road and will not be considered for paving unless an 80ft. right of way is obtained.
5. Road must have a 3” gravel base.
6. Road must have proper drainage with cross-drains and driveway pipe under each driveway.
7. The width of the roadbed must be 20ft. wide.

Criteria for accepting a road as a County road – PAVED or for paving

1. At least 80ft. right of way from all landowners deeded to the county. An 80ft. right of way is required for state aid.
2. 26ft. wide road bed.
3. 18ft wide pavement (if paved)
4. 6” gravel base
5. 2ft x 2ft ditches
6. Sloped and grassed banks on both sides
7. At least 40ft of right of way cleared
8. Must be in use for one year.

b. Yonah Homer Rd Resurface Bids

Ch. Hart stated 4 bids had been received as follows:

ER Snell Contractors, Inc.	\$398,415.04
C.W. Matthews Contracting Co.	\$369,174.47
Allied Paving Contractors, Inc.	\$390,431.10
Tugalo Construction	\$349,694.74

He recommended Tugalo Construction as low bidder. Comm. Cain made a motion to approve Tugalo Construction as low bidder. Comm. Barefoot seconded. Two aye votes and motion carried.

14. Waterline Tap/Deposit Rates

Ch. Hart stated the current minimum tap fee is \$650 for a 1” line. He stated this is low compared to most surrounding counties. He recommended approving the increased tap fees after advertising the increase to be effective June 1, 2007. Comm. Barefoot made a motion to approve the tap fees effective July 1, 2007. Comm. Cain seconded. Two aye votes and motion carried. The proposed fees are as follows:

Banks County Water Fees

	Tap Fees	Deposit	Connection Fee	Total
3/4"	\$ 850.00	\$ 100.00	\$ 525.00	\$ 1,475.00
1"	\$ 850.00	\$ 100.00	\$ 750.00	\$ 1,700.00
2"	\$ 2,500.00	\$ 200.00	\$ 1,500.00	\$ 4,200.00
6"			\$ 40,000.00	\$ 40,000.00

8"

\$ 50,000.00 \$ 50,000.00

15. Commission Board Composition Discussion

Comm. Barefoot stated he wished to get this issue underway and asked the feeling of the other board members concerning the change in the form of government. He said he is proposing a 5 member board with 4 members elected by districts and 1 member elected at large. He stated a meeting should be arranged with the State Representative and State Senator with the County Attorney included. Comm. Cain stated a resolution would have to be drawn asking for a change in government by the commission board. Comm. Barefoot stated a study should be done to see which form of government is most feasible for Banks County. Atty. Frost stated the Justice Department is more favorable of electing commissioners in a designated district rather than countywide. Comm. Cain stated this would include a fulltime county administrator as well. Comm. Barefoot stated after legislation approves the change it would be placed on a referendum for the voters to consider.

16. Executive Session – Personnel & Possible Litigation

Comm. Cain made a motion to go into executive session to discuss personnel & possible litigation at 7:25 p.m. Comm. Barefoot seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session and reconvene the meeting at 8:00 p.m. Comm. Cain seconded. Two aye votes and motion carried. **Copy of affidavit filed in Attachment to Minutes Book #8-2**

19. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 8:01 p.m.

Chairman

Clerk
