

The Banks County Board of Commissioners held their regular meeting on May 8, 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. Cain made a motion to approve the agenda as printed. Comm. Barefoot 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. Barefoot made a motion to approve the invoices for payment as of today. Comm. Cain seconded. Two aye votes and motion carried.

6. Approval of Previous Month Minutes – 4/10, 4/26, 4/27, 4/28

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

7. Employee Recognition

Jane Hubbard

The Commissioners and Public Utilities Director Steve Reece recognized Deborah Jane Hubbard, Class 1 operator at the Banks County water treatment plant for attaining recognition as Water plant Operator of the Year by the Georgia Association of Water Professionals, District 2. She will be competing with other districts at the state competition.

8. Public Hearings to Consider Planning Commission Recommendations

a. Z-07-04 – Brant Dove – Application for rezoning property on Sims Harris Road from ARR, Agricultural, Rural-Residential to CAD, Commercial Agricultural District-Intensive.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the applicant was Brant Dove and this was a 28.46 acre tract located on map/parcel B8-34 on Highway 98. The current use is a poultry farm with the proposed use being a poultry farm with an additional poultry house. He stated the location fell within the 200 ft property line setback and would not need a conditional use for the poultry house. The Planning Commission recommended approval of the application. Mr. Dove spoke in favor of the application by stating one poultry house had burned and that he wished to replace the house with another pullet house and build another one. He said pullet houses produce less smell and litter than broiler houses. Adjacent landowner Michael Poole spoke against the application by stating concerns with smell, the direction the fans will be blowing, the distance to existing residences and water runoff that could cause contamination of wells. Mr. Dove stated the approximate distance to Mr. Poole's house was 407 ft. Ch. Hart closed the public hearing. Comm. Cain made a motion to approve the application. Comm. Barefoot seconded. Two aye votes and motion carried.

b. V-07-02 – RREMC, LLC - Application for a variance for an advertising sign for Denny's at Hwy 441 South to exceed 40 feet in height.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the applicant was Robin Bates and the existing zoning was C-2 with the proposed use being C-2 and this was a 1.29 acre tract located on map/parcel B55-27 on Highway 441 South at the old Shoneys' restaurant. The Planning

Commission recommended approval of the application. Joanne Tomlinson, General Manager of Denny's spoke in favor of the application by stating this sign would be placed on the existing Shoney's pole which is 60 ft. in height. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. Two aye votes and motion carried.

c. V-07-03 – Charles Henry Cheatham - Application for a variance for a home occupation for an auto paint and body shop on 1.82 acres on Duncan Road.

Ch. Hart opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the property owner was Mary C. Cheatham and the applicant was Charles Henry Cheatham. The current zoning is ARR with the proposed use being ARR. The existing use is a home site and the proposed use is a home site with a home occupation of a paint & body shop. The variance is needed because the requirement of a 2 acre lot size cannot be met. The location is 1852 Duncan Rd on map/parcel B85E-58. The Planning Commission recommended approval of the application. Henry Cheatham spoke in favor of the application by stating he is retired and would like to do this on the side for extra money. Ch. Hart stated the lot already had several structures and asked if there would be enough room for an additional structure. Mr. Cheatham stated the paint booth would be located in an existing attached garage on the shop. 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. Commerce Public Library Funding Request - \$75,000

Tricia Massey

Tricia Massey, volunteer fundraising chairperson stated they were trying to raise \$583,036 by June 30, 2007 in order to obtain a 50% match for a \$1,988,392 grant to expand the library in Commerce and asked for a \$75,000 donation from Banks County toward this project. She stated Banks County citizens made up 17% of the patrons. Ch. Hart stated they were currently working on FY2008 budgets and they would consider this request.

10. Roads:

a. Thomas Rd/CR61 Abandonment Public Hearing & Consideration

Ch. Hart opened the public hearing and asked for public input toward the abandonment of the road. He stated this road had not been maintained by the county for several years and currently serves no apparent public purpose. There was no public comment. Ch. Hart stated it was not passable at the current time and it would affect 2 parcels of land which have access to other roads. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to abandon the road because it is no longer needed for public road purposes. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of location map filed in Attachment to Minutes Book #8-2)**

b. N County Line Rd - Striping

Ch. Hart stated this road had been resurfaced by Townley Construction Company through an EIP grant received by Banks County. He said the work was complete except for striping. He said he had received a change order from Townley Construction Company in the amount of \$5,000 for striping. He said Chestatee Chattahoochee RDC could also do the striping for a lower price at \$275.00 per line per mile. The road is only 4,000 ft in length. Ch. Hart recommended not signing the Townley Construction Company change order. Comm. Cain made a motion to authorize the Chairman to have Chestatee Chattahoochee RDC do the striping when they are in the area. Comm. Barefoot seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to deny the change order with Townley Construction Company for the striping. Comm. Cain seconded. Two aye votes and motion carried.

11. Resolutions:

a. E911 Advisory Board

Deidra Moore

E911/EMA Director Deidra Moore asked that the resolution be updated to increase the number of voting members to 13 members and to change the meeting dates and times. 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 #8-2) 2007-16**

b. Subdivision Pipe Installation Resolution

Postponed-4/10/07

Ch. Hart stated some changes had been made and that the resolution was ready for approval. 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 #8-2) 2007-17**

12. Contracts:

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

Postponed-4/10-07

Ch. Hart stated this item had been postponed in order to check annexed areas by the city that may not have been considered. Fire Chief Steve Nichols stated the areas had been checked and the contract was ready for approval. The contract is for the period of July 1, 2007 through June 30, 2008. Comm. Cain made a motion to approve the contract in the amount of \$17,971.40. Comm. Barefoot seconded. Two aye votes and motion carried.

b. PR000-S009-00(743) Nix Rd, Poole Rd & N Mangum Bridge Rd

DOT

Ch. Hart stated a change had been made in the contract to allow triple surface treatment on Nix Rd and Poole Rd and asphalt on N Mangum Bridge Rd. Comm. Cain made a motion to authorize the Chairman to sign the contracts. Comm. Barefoot seconded. Two aye votes and motion carried.

c. Public Transportation Capital Contract – 5% - \$1,650 Additional Van

DOT

Ch. Hart stated this was for one additional van. County Clerk Jenni Gailey stated the total cost of the mini van was \$33,000 with the state portion being \$31,350 and the county portion being \$1,650. Comm. Barefoot made a motion to approve the contract. Comm. Cain seconded. Two aye votes and motion carried.

d. Public Transportation January - June 2007 Operating Contract – 50% - \$9,905

DOT

Ch. Hart stated this is a 6 month contract in the amount \$19,810 with the county portion being \$9,905. Comm. Cain made a motion to approve the contract. Comm. Barefoot seconded. Two aye votes and motion carried.

e. Rindt McDuff & Associates Engineering Service Contract & Work orders

Ch. Hart stated Rindt McDuff had been chosen in a previous meeting for engineering services. He stated this was the contract for services as well as work orders for specific projects. He also stated the county attorney had not reviewed the contract. Comm. Barefoot made a motion to approve the contract contingent upon the county attorney's approval. Comm. Cain seconded. Two aye votes and motion carried. Ch. Hart stated there were 3 work orders to consider for approval regarding projects as presented below by Mike Lott, Team Leader of the municipal section of Rindt McDuff & Associates:

Work order #2A - Decommission the Industrial Park Land Application System and pump over to the Atlanta Dragway Treatment Plant and to include the installation of a 300,000 gallon storage tank to be used for race weekends. He stated the Industrial Park site could be sold when closed. He further stated this would increase the capacity of the Atlanta Dragway plant.

Work order #3 – Install a sewage pump station gravity flow sewer to serve the Martin Bridge exit then pump back to Atlanta Dragway Treatment Plant. A force main to the lift station would be included in this work order. These work orders would provide a quick solution.

Work order #4A – Watershed Protection Plan while waiting on the wastewater application permit which takes approximately 9 months to a year to acquire.

He stated everything included in the work orders may be reutilized when the new wastewater treatment is constructed at the Martin Bridge exit. Administrative Officer Angela Sheppard stated this could be funded through 2006 Bond proceeds as well as Industrial Development funds.

Comm. Barefoot made a motion to authorize the Chairman to sign the 3 work orders. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of the contract and work orders filed in the Attachment to the Minutes Book #8-2)**

13. Surplus Property

Ch. Hart stated there were some items that needed to be surplused and sold on GovDeals.com to the highest bidder. Comm. Cain stated the generator that was listed should be checked for correct ownership before surplusng. The list is as follows:

1. Scag Mower

Model# STHM 220V
Serial# 14750866

2. Generator

Ex military 32 cubic inch 4 cylinder gas air cooled
Mfg 1/69

3. Lockers

4 sets of 6
5 ½ ft wide x 6 ft tall x 2 ft deep

4. Vehicle

1994 Ford Crown Victoria
VIN# 2FALP71W3RX149088

5. Vehicle

1988 Dodge Ram Pickup
VIN# 1B7HW14Y4JS607709

Comm. Barefoot made a motion to surplus items #1, 3, 4 & 5. Comm. Cain seconded. Two aye votes and motion carried.

14. Executive Session – Personnel

Ch. Hart stated the need to go into executive session to discuss personnel. Comm. Cain made a motion to go into executive session at 7:34 p.m. Comm. Barefoot seconded. Two aye votes and motion carried. Comm. Cain made a motion to come out of executive session and to reconvene the meeting at 8:04 p.m. Comm. Barefoot seconded. Two aye votes and motion carried. **(Copy of affidavit filed in Attachment to Minutes Book #8-2)**

15. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 8:05 p.m.

Chairman

Clerk
