

The Banks County Board of Commissioners held their regular meeting on September 25, 2007 at 3:30 p.m. in the conference room of the Banks County Courthouse with Chairman Gene Hart, Commissioner Rickey Cain and Commissioner Joe Barefoot present. Also present were Administrative Officer Angela Sheppard and Finance Officer Randy Failyer.

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

3. Public Hearing to Consider the Proposed Settlement Agreement in Civil Action No. 07-CV-082X in the Superior Court of Banks County which pertains to the rezoning of 230.56 acres owned by Joe Craven on Hwy 52 and Bold Rd which has been rezoned from ARR, Agricultural Rural-Residential to PUD, Planned Unit Development District.

Atty. Randall Frost conducted the hearing. Atty. Frost opened the public hearing and asked Attorney Robert Chandler who represents Banks County in the matter to present the Settlement Agreement. Atty. Chandler stated there were several things addressed in the agreement that imposes a number of responsibilities and obligations on the developer of the property that was not included in the original zoning application. He further stated the responsibility of the county was confined to continued maintenance of Bold Rd as exists in present condition until such time as certain future events happen; that being opening of a new Bold Rd or the expiration of five years. If the development does not occur as anticipated or proposed the county is not locked in for an extended period of time. The county has no additional expense in the agreement. He recommended approval of the agreement by the board. Developer Neil Hughes spoke in favor of the settlement agreement. Two letters of support for the agreement were received from Ms. Susan Cameron and Cliff Jolliff & Elaine Gerke. There was no opposition to the agreement. Atty. Frost closed the public hearing. Comm. Barefoot made a motion to approve the agreement. Comm. Cain seconded. Two aye votes and motion carried.

4. CU-07-10 – David Kim – Conditional Use permit for a health spa. *Postponed: 9/11/07*

Ch. Hart stated this had been postponed at a previous meeting. Comm. Barefoot stated he had not had enough time to look into the matter and made a motion to postpone the application until the October 9, 2007 regular meeting to allow more time to research the matter. Comm. Cain seconded. Two aye votes and motion carried.

5. Environmental Remedies Invoice *Postponed: 9/11/07*

Ch. Hart stated this had been postponed at a previous meeting. Ch. Hart stated there was a delay in work which caused additional charges for cleaning the wastewater sludge pond. He stated a letter opposing the invoice was sent and a reply was received with only a \$1,000 reduction. Comm. Cain stated he felt the county should not pay the invoice because he felt the company should have checked the sludge before the work began. Comm. Cain made a motion to deny payment of the invoice above the original estimated price. Atty. Frost stated the bid was not a contract but was an estimate with no guarantee of price and that litigation over the matter could be more expensive than the amount of the dispute. Comm. Barefoot seconded. Two aye votes and motion carried.

6. Scott Ledford Fill Dirt Request *Postponed: 9/11/07*

Ch. Hart stated other arrangements had been made and the request was withdrawn.

7. Public Transportation Security Policies

Jenni Gailey, County Clerk stated this plan was required by the Department of Transportation in the Public Transportation Policy Manual. Comm. Barefoot made a motion to approve the security plan. Comm. Cain seconded. Two aye votes and motion carried.

8. GEFA Loan Resolution

Ch. Hart stated this was a resolution to apply for a loan with the Georgia Environmental Facilities

Authority for the water line on GA Hwy 105 in the amount of \$858,725 which includes engineering fees and environmental testing. 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) 2007-31**

9. Surplus Property

Ch. Hart stated this was various items that were surplusd at a previous meeting but had not yet been sold. He stated the Young Farmers Sale in Franklin County is coming up the first Saturday in October and would be a good place to sell the surplusd items. Comm. Barefoot made a motion to approve selling the items at the auction. Comm. Cain seconded. Two aye votes and motion carried.

10. Georgia State Patrol Post Discussion

Development Authority Chairman Wayne Abernathy said he had spoken with the State Patrol Colonel who recommended drafting a letter to the Governor in support of the post and copying the letter to the State Patrol Colonel. He also recommended making a visit to the Governor as well. He said Burke County had offered \$3 million to support a post in their county. He said at present manpower to fill a new post is the problem but new patrols will graduate sometime mid 2008. Comm. Barefoot stated he would like to proceed with the process. Ch. Hart asked where the funding would be taken from. Mr. Abernathy stated the county would help build the post and then turn over control to the Georgia State Patrol.

11. ACCG-IRMA Liability Insurance Renewal - 10/1/2007 – 9/30/2008

Ms. Gailey stated there were two options for renewal as follows:

Option 1: Leave the deductible at current amount of \$1,000 with the premium in the amount of \$143,966

Option 2: Increase the deductible to \$2,500 with the premium in the amount of \$137,082

She further stated \$150,000 was budgeted for the premium payment. Comm. Cain made a motion to approve option #1 and issue the check for the yearly premium. Comm. Barefoot seconded. Two aye votes and motion carried.

12. Alcohol Resolution Amendments

Ch. Hart stated this was for the Package Store License only and that it dealt with furnishing alcohol to a minor. Atty. Frost stated this would make the Consumption on the Premises License ordinance and the Package Store License ordinance more consistent and flexible in the way violations are handled. Comm. Cain made a motion to approve the resolution. Ch. Hart seconded. The votes were as follows:

Comm. Cain Aye

Comm. Barefoot Nay

Ch. Hart Aye

Two aye votes and motion carried. **(Copy of resolution filed in Attachment to Minutes Book #8-2) 2007-32**

13. Executive Session: Land Acquisition & Personnel

Comm. Barefoot made a motion to enter into executive session to discuss Land Acquisition and Personnel at 4:20 p.m. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session and to reconvene the meeting at 5:05 p.m. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of affidavit filed in Attachment to Minutes Book #8-2)**

14. Adjournment

With no further business, Comm. Cain made a motion to adjourn the meeting. Comm. Barefoot seconded. Two aye votes and meeting adjourned at 5:05 p.m.

Chairman

Clerk
