

The Banks County Board of Commissioners held their regular meeting on January 13, 2009 at 6:30 p.m. in the board room of the Banks County Courthouse Annex with Chairman Milton Dalton, Commissioner Joe Barefoot and Commissioner Rickey Cain present. County Attorney Randall Frost, Finance Officer Randy Failyer, Administrative Officer Angela Sheppard and Personnel Officer Judy Greer were also present.

**1. Call to Order**

Chairman Milton Dalton 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. Moment of Silence**

Ch. Dalton asked for a moment of silence.

**4. Pledge to the American Flag**

Ch. Dalton led the Pledge of Allegiance.

**5. Consent Agenda:**

*a. Approval of Invoices*

*b. Approval of Minutes – 12/1, 12/9, 12/10, 12/23*

Comm. Cain made a motion to approve the items listed on the consent agenda. Comm. Barefoot seconded. Two aye votes and motion carried.

**6. Vice Chairman Designation**

Ch. Dalton stated the need for a vice chairman to preside in his absence. Comm. Cain made a motion to appoint Comm. Barefoot as vice chairman. Ch. Dalton seconded. The vote was as follows:

Cain: Aye

Dalton: Aye

Barefoot: Abstained from voting

Two aye votes and motion carried.

**7. Public Hearings to Consider Planning Commission Recommendations:**

**a. CU-08-09 – Kyoung Burges – Application for a conditional use for an acupuncture clinic.**

Ch. Dalton 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 owner was Mr. Burges and the applicant was Richard Shin. He said the existing zoning is C-2 with the existing use being retail space and proposed use being an acupuncture clinic. He also stated this was located on Highway 51 South and consisted of .40 acres at 30604 US441S on Tax Map/Parcel B54D-015. The Planning Commission recommended approval of the application. Mr. Shin stated he planned to employ 2 people. He stated the business would be for acupuncture only. Ch. Dalton reopened the meeting and called for a vote on the application. Comm. Barefoot made a motion to follow the recommendation of the Planning Commission and approve the application. Comm. Cain seconded. Two aye votes and motion carried.

**b. CU-08-11 – Regions Bank – Application for a conditional use permit for a physician's office.**

Ch. Dalton 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 Regions Bank was the owner and the applicant was Lionel Meadows, MD FACOG. The building is located at 30931US441S and consists of 2 acres on Tax Map/Parcel B55-025. He stated the current use was an abandoned bank and the proposed use was for conditional use #20 Physicians Office. The Planning Commission recommended approval of the application. Katherine Meadows, wife of applicant, who is also a register nurse spoke in favor of

the application by stating the plan was for a women's clinic. The clinic would operate 5 days a week as a primary office to employ 20 people. Surgeries would be performed at BJC Hospital. Ch. Dalton reopened the meeting and called for a vote on the application. Comm. Cain made a motion to approve the application. Comm. Barefoot seconded. Two aye votes and motion carried.

**c. V-08-06 – Charles & Brenda Nix – Application for a variance for setbacks from a poultry house.**

Ch. Dalton 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 this was located on Highway 51 South and consisted of 23.6 acres on Tax Map/Parcel B19-003. He said the existing zoning was ARR and the application was for a variance since the owner wished to sell 14 acres to a family member and could not meet the 200 ft setback from the new property line if the property is sold. The Planning Commission recommended approval of the application. Ms. Nix spoke in favor of the application by stating they wished to sell 14 of the 100 acre farm to a family member. Ch. Dalton reopened the meeting and called for a vote on the application. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. Two aye votes and motion carried.

**d. Litter Control Ordinance Amendment Resolution**

Ch. Dalton asked Atty Frost to conduct the public hearing. Atty Frost opened the public hearing and stated this was to provide the requirement of a covering for any garbage hauled on county roads. The Planning Commission sent the resolution on to the commission board for consideration. Comm. Barefoot asked if this resolution addressed chicken litter. Officer Covington said no. Ch. Dalton reopened the meeting and called for a vote on the resolution. Comm. Cain made a motion to approve the application. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2009-01*

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

*Postponed: 12/9/2008*

Ch. Dalton stated a public hearing had been held at a previous meeting. Comm. Cain made a motion to untable this item. Comm. Barefoot seconded. Two aye votes and motion carried. Comm. Cain made a motion to approve the variance. Comm. Barefoot seconded. Two aye votes and motion carried.

**9. BJC Hospital Authority Member**

Ch. Dalton expressed concern that a replacement for David Payne had not been made by the authority from a list of nominations the county had sent previously. Comm. Cain recommended asking Authority Chairman Charles Blair and Banks County representative Jimmy Hooper to attend the work session/meeting planned for January 19, 2009 to discuss the position. All commissioners agreed.

**10. Boards & Authorities:**

- a. *Planning Commission – 4 year term - Albert Ward* *Postponed: 12/9/2008*
- b. *Planning Commission – 4 year term - Sammy Reese* *Postponed: 12/9/2008*
- c. *Joint Development Authority – 4 year term - Bobby Lewallen* *Postponed: 12/9/2008*
- d. *Joint Development Authority – 4 year term - Gene Hart* *Postponed: 12/9/2008*
- e. *Recreation Advisory Board – 3 year term - Michael Williams* *Postponed: 12/9/2008*
- f. *Recreation Advisory Board – 3 year term - Jan Parks* *Postponed: 12/9/2008*
- g. *Recreation Advisory Board – 3 year term - Martha Crane* *Postponed: 12/9/2008*

h. *Chestatee Chattahoochee – RC&D – 1 year term - Leslie George*

*Postponed: 12/9/2008*

i. *Chestatee Chattahoochee – RC&D – 1 year term - Rickey Cain*

*Postponed: 12/9/2008*

Comm. Barefoot made a motion to reappoint all members for the specified terms with the exception of the replacement of Gene Hart by Milton Dalton on the Joint Development Authority in order to keep the current chairman on the board. Ch. Dalton seconded. Two aye votes and motion carried.

## **11. Contracts & Agreements:**

### **a. Courthouse/Annex Construction Contingency Release**

*Angela Sheppard*

Ms. Sheppard stated the project was at a point where the Turner Construction contingency could be partially released and the decision would need to be made as how to use the funds. She stated there were several options to consider with one being allowing the contingency to go back into the bank for other projects. She also stated the owner contingency at this point is \$225,000 and could be considered for other projects as well. She stated the decision must be made in a timely matter since the scheduled move-in date is currently late March 2009 – early April 2009 and in order to not delay construction. Comm. Cain asked that the pricing be available for consideration at the January 19, 2009 work session/meeting and made a motion to postpone the decision until that date. Comm. Barefoot seconded. Two aye votes and motion carried.

### **b. Courthouse Change Orders**

*Angela Sheppard*

**CO #60**

***Sheetrock added to Sheriff's office***

***\$420***

Ms. Sheppard stated the change order was for adding sheetrock to the Sheriff's office to cover cinder block. Comm. Cain made a motion to approve the change order. Comm. Barefoot seconded. Two aye votes and motion carried.

**CO #62**

***Power reduction in the elevator and some deductive pricing from Bulletin #6***

***\$432***

Comm. Cain made a motion to approve the change order. Comm. Barefoot seconded. Two aye votes and motion carried.

**CO #63**

***Prisoner/Attorney visitation area added hard security ceiling***

***\$676***

Comm. Barefoot made a motion to approve the change order. Comm. Cain seconded. Two aye votes and motion carried.

**CO #61**

***Replacement of corroded pipes***

***\$5,183***

Comm. Cain made a motion to approve the change order. Comm. Barefoot seconded. Two aye votes and motion carried.

## **12. Resolutions:**

### **a. 2009 Public Transportation Application Resolution**

Ch. Dalton stated this was for the yearly grant application. 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 #9) 2009-02*

### **b. Local Emergency Operations Plan Approval Resolution**

*Deidra Moore*

Ms. Moore stated this plan was updated every 4 years. The plan describes the management and coordination of resources and personnel during periods of major emergency. This would also be adopted by each municipality. 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 #9) 2009-03*

## **13. Historic Courthouse Repair**

Ch. Dalton stated the roof was leaking and in bad shape and needed replacement. Since the building is on the National Register for Historic Places, Chip Wright, who is the Historic Preservationist with Georgia Mountains Regional Development Center came and assessed the situation. He recommended replacing the cedar shakes with metal roofing called TAMKO. He said the metal looks exactly like authentic shakes but is guaranteed 50 years. He will be getting pricing and information about possible grant funding for the replacement if available. He estimated the price to be \$135.95 per square which consists of 100 square feet.

**14. Severe Weather Awareness Week 2009 Proclamation**

Ch. Dalton stated this would declare February 1<sup>st</sup> through February 9, 2009 as “Severe Weather Awareness Week”. Ms. Moore stated various activities will be going on that week concerning preparation for severe weather. Comm. Barefoot made a motion to approve the proclamation. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of proclamation filed in Attachment to Minutes Book #9)*

**15. Executive Session: Land Acquisition & Personnel**

Comm. Barefoot made a motion to go into executive session to discuss land acquisition and personnel at 7:14 p.m. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session at 8:50 p.m. Comm. Cain seconded. Two aye votes and motion carried.

**16. Adjournment**

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 8:51 p.m.

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Chairman

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County Clerk

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