

The Banks County Board of Commissioners held their regular meeting on March 10, 2009 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex with Vice Chairman Joe Barefoot and Commissioner Rickey Cain present. Chairman Milton Dalton was absent due to sickness. County Attorney Randall Frost, Finance Officer Randy Failyer and Administrative Officer Angela Sheppard were also present.

**1. Call to Order**

Vice Chairman Joe Barefoot called the meeting to order.

**2. Approval of Agenda**

Comm. Cain made a motion to amend the agenda to add “5.c. National Professional Social Work Month 2009 Proclamation” and to add “Possible Litigation” to “19. Executive Session: Personnel”. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**3. Prayer**

Comm. Cain asked Reverend Charles Crabbe to lead in prayer.

**4. Pledge to the American Flag**

Vice Chairman Barefoot led the Pledge of Allegiance.

**5. Consent Agenda:**

*a. Approval of Invoices*

Comm. Cain made a motion to approve the invoices for the month. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

*b. Approval of Minutes – 2/4, 2/10, 2/25*

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

*c. National Professional Social Work Month 2009 Proclamation*

Vice Chairman Barefoot read the proclamation recognizing professional Social Workers and expressed appreciation. (*Copy of proclamation filed in Attachment to Minutes Book #9*)

Comm. Cain made a motion to approve the consent agenda. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**6. Public Comment: NONE**

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

**a. V-09-02 – Leonard & Betty Hart – Application for a variance for an accessory building to be built on the front of a lot at 765 Wilkinson Road.**

Vice Chairman Barefoot 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 existing zoning was ARR – home site with the proposed zoning being ARR-home site with garage in front. He stated the property consisted of 4.3 acres on Tax Map/Parcel B70-003. The Planning Commission recommended approval of the application. Leonard Hart spoke in favor of the application by stating he wished to build a garage in front since his home sat on the back of the property. He stated he would still meet the 200 setback. Atty Frost closed the public hearing. Vice Chairman Barefoot reopened the meeting and called for a vote on the application. Comm. Cain made a motion to approve the application. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**b. CU-09-02 – Kelley & Vickie Harris, Dr. Keith Ash, MD – Conditional Use application for an urgent care medical clinic.**

Vice Chairman Barefoot 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 current zoning on the property was C-2 – vacant office space with the proposed zoning being C-2 – urgent care clinic. He stated the property consisted of 1.04 acres at 423 Pottery Factory Drive and was located on Tax Map/Parcel B55-003. The Planning Commission recommended approval of the application. Dr. Ash spoke in favor of the application by stating it would be a walk-in basis clinic and no major procedures would be performed. Vice Chairman Barefoot asked what hours would be maintained. Dr. Ash stated it would be a 7 day per week clinic and open from 10:00 a.m. to 7:00 p.m. Atty Frost closed the public hearing. Vice Chairman Barefoot reopened the meeting and called for a vote on the application. Comm. Cain made a motion to approve the application. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

#### **8. Moore's Wingz & Thingz Restaurant – Beer Consumption License**

Vice Chairman Barefoot stated this was a malt beverage consumption only license. Comm. Cain made a motion to approve the license. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

#### **9. Boy Scout Recognitions**

Scout Master John Mitchell stated Troop 106 was attending the meeting in order to earn the Citizenship & Community Merit Badge. Several scouts from Troop 106 were present.

#### **10. Marion Cape Rd – non-county portion acceptance request**

*Forrest Kellogg*

Mr. Kellogg stated the road had been rerouted through an old logging road and upgraded. He also stated he was willing to have that portion surveyed and grant an 80 ft right-of-way to the county for maintenance if accepted, down to where the road crosses the river. Comm. Cain stated he had seen the road and stated it was in fine condition. He then made a motion to accept that portion of the road. Vice Chairman seconded. Two aye votes and motion carried.

#### **11. Banks County Literacy Council, Inc.**

*Mellisa Dalton*

Ms. Dalton stated several statistics gathered by the University of Georgia Center for Agri-business and Economic Development concerning poverty and illiteracy. In 2004, 18.4% of children in Banks County between the ages of 0 and 17 years of age are below the poverty line. The report also stated that 34.6% of citizens 25 years and older did not receive a high school diploma. She stated Banks County was behind in several literacy levels. She stated the Banks County Literacy Council, Inc. is dedicated to the belief that literacy is the right of every citizen and they intend to fight tirelessly to improve the statistics of failure that is present in Banks County. She presented a fact sheet to the Commissioners and stated the council had been granted 501C-3 status as a non profit entity. She asked for the support of the Commission board. Each Commissioner pledged support for the efforts.

#### **12. Volunteer Firefighters**

*Tabled: 2/10/2009*

Comm. Cain made a motion to untable this item. Vice Chairman Barefoot seconded. Two aye votes and motion carried. Comm. Cain made a motion to approve the resolution creating the Public Safety Board. Vice Chairman Barefoot seconded. Two aye votes and motion carried. Comm. Cain clarified that the county attorney drew the resolution and stated this would provide a six member board with five members serving 4 year staggered terms. The board members would be made up of two Fire/EMS affiliated members, but not employed by the Fire/EMS department, three members of the general public and the Public Safety Director. He then recommended James Lyle as a Fire/EMS affiliated member. Vice Chairman Barefoot recommended Jim Fuller as a Fire/EMS affiliated member. Comm. Cain then recommended Wayne Abernathy and Bobby Caudell as citizen members. Vice Chairman Barefoot recommended Martha Threatt as a citizen member. Comm. Cain made a motion to appoint the members as recommended. Vice Chairman Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2009-04*

#### **13. E911 CAD Upgrade Proposal**

*Deidra Moore*

Ms. Moore stated one CAD station was currently out of service and felt in order to insure uninterrupted service an upgrade would be necessary. She stated the cost of the upgrade would be a one time fee of

\$96,336.00 with a continuing maintenance agreement cost of \$1,976.00. This would be a decrease in maintenance fees in the amount of \$1,555.00. She stated this could be funded through the Emergency Telephone Fund without using any general fund money. She stated the county attorney had reviewed the agreement. Comm. Cain made a motion to approve the upgrade. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**14. Resolutions:**

**a. E911 Charge on Voice Over Internet Protocol Connections Public Hearing and Approval**

Vice Chairman Barefoot opened the public hearing and asked Deidra Moore to conduct the public hearing. Ms. Moore stated this would provide the service to any citizen that needs the service and the resolution would provide authorization for an additional charge of \$1.50 for the service. Vice Chairman Barefoot closed the public hearing. Comm. Cain made a motion to approve the resolution. Vice Chairman Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2009-05*

**b. Wrecker Resolution Extension**

*Deidra Moore*

Ms. Moore stated the need to extend the current resolution until the April 14, 2009 meeting to allow more preparation time for the new resolution. Comm. Cain made a motion to extend the current resolution until the April 14, 2009 meeting. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**c. Call for an Election – Commission Posts 2 & 4**

Vice Chairman Barefoot stated this would be for the election of the two additional commissioners. Comm. Cain made a motion to approve the resolution. Vice Chairman Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2009-06*

**15. Commission Posts 2 & 4 Qualifying Fees**

Vice Chairman Barefoot stated the qualifying fees required would be 3% of the base salary of the position or \$450.00 each position. Comm. Cain made a motion to approve the \$450.00 qualifying fees for each post. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**16. Energy Tax Credit for Pieper, O’Brien & Herr Architects**

*Tabled: 2/25/2009*

Comm. Cain made a motion to bring the item from the table. Vice Chairman Barefoot seconded. Two aye votes and motion carried. Comm. Cain made a motion to deny the request. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**17. Contracts & Agreements:**

*Angela Sheppard*

**a. Courthouse Construction Change Orders – Turner Construction**

Comm. Cain stated there was various change order mainly for ADA compliance as listed:

<b>CO#</b>	<b>AMOUNT</b>
084	\$ 1,211.00
085	\$ 7,270.00
086	\$ (3,906.00)
087	\$ 3,595.00
088	\$ 1,816.00
089A	\$ 844.00
090	\$ 738.00
091	\$ 1,465.00
092	\$ 2,316.00
093	\$ 1,650.00
<b>TOTAL</b>	<b>\$16,999.00</b>

Comm. Cain made a motion to approve the change orders as listed. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**b. Engineering Proposals – GEFA Water Project Motion Amendment** *Angela Sheppard*

Ms. Gailey stated the loan was secured at an interest rate of 2% and the loan was originally for \$858,725. Some deductive change orders were done as well as some other changes in the contract which resulted in a balance of \$283,342.75 after the Hwy 105 project was completed. She stated in the last meeting, Ms. Sheppard had stated she would check with GEFA to see if the additional work would have to be bid out. She did check with Ken Bryan of GEFA who stated the additional projects would have to go through the bid process. Ms. Gailey also stated the engineering for the projects was approved in the last meeting with the bid process not included. Comm. Cain made a motion to amend the previous motion to include the engineering for a total cost of \$54,270. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**c. ACCG-IRMA Loss Control & Safety Incentive Discount Program**

Ms. Gailey stated in order to receive a 5% reduction in insurance premiums, a safety coordinator and liability insurance contact must be appointed. She recommended Judy Greer as safety coordinator and Jenni Gailey as liability contact. Comm. Cain made a motion to approve the recommendation. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**18. Surplus Property**

Vice Chairman Barefoot stated the listed items no longer served a public purpose and needed to be surplus.

<u>YEAR</u>	<u>MAKE</u>	<u>VIN</u>
1994	Ford Crown Victoria	2EALP71W9RX181575
1998	Wheeled Coach Ambulance	1FDXF46F8XFA99000
1995	AEV F-450 Ambulance	1FDWF46F1XEA94267
1978	American LaFrance Fire Engine	C5146104
	4 each - twin size mattresses	

Comm. Cain made a motion to surplus the items listed. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

**19. Executive Session: Personnel & Possible Litigation**

Comm. Cain made a motion to go into executive session to discuss personnel and possible litigation at 7:14 p.m. Vice Chairman Barefoot seconded. Two aye votes and motion carried. Comm. Cain made a motion to come out of executive session at 8:35 p.m. Vice Chairman Barefoot seconded. Two aye votes and motion carried. *(Copy of affidavit filed in Attachment to Minutes Book #9)*

**13. Adjournment**

With no further business, Comm. Cain made a motion to adjourn the meeting. Vice Chairman Barefoot seconded. Two aye votes and meeting adjourned at 8:35 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Clerk

\*\*\*\*\*