

The Banks County Board of Commissioners held their regular meeting August 11, 2009 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Milton Dalton, Vice Chairman Joe Barefoot and Commissioner Rickey Cain.

1. Call to Order

Ch. Dalton called the meeting to order.

2. Approval of Agenda

Ch. Dalton stated the agenda needed to be amended. Comm. Cain made a motion to amend the agenda. Vice Ch. Barefoot seconded motion. Regina Gailey, County Clerk stated the items that needed to be added were 6. 7/15 Minutes, 10. Casey Lewis, Eagle Scott Project, 11. Change the name of the US Census Bureau speaker from Diana Rosado to Kenneth Copper, 12. Courthouse Renovation Change orders e. #108 f. #109 & g. #110, 17. Employee Insurance and the items will be renumbered to correspond to the added items. Comm. Cain made a motion to amend the agenda as stated. Vice Chairman Barefoot seconded motion. Two aye votes and motion passed.

3. Prayer

Ch. Dalton led a moment of silent prayer.

4. Pledge to the American Flag

Ch. Dalton led the Pledge to the American Flag.

5. Approval of Invoices

Comm. Cain made a motion to approve the invoices. Vice Ch. Barefoot seconded motion. Two aye votes and motion passed.

6. Approval of Minutes – 7/14, 7/17, 7/15

Vice Ch. Barefoot made a motion to approve the minutes as furnished. Comm. Cain seconded motion. Two aye votes and motion passed.

7. Public Comment - None

8. Public Hearing to Consider Planning Commission Recommendations

a. CU-09-06 – Vicki Harris – Conditional use application for a medical clinic at 416 Pottery Factory Drive.

Ch. Dalton closed the meeting and opened the public hearing and asked Atty. Frost to conduct the public hearing. Atty. Frost stated there would be a report from the Planning Commission and then each side would have five minutes to speak in favor or opposition. Atty. Frost stated this was a conditional use application for a medical clinic. Code Enforcement Officer Keith Covington stated the property owner was Vicki Harris and the applicant was CF Health Management, Inc. The existing zoning is C-2 and the existing use is retail space that is vacant. The proposed use is a medical physician's office – clinic. The site is at 416 Pottery Factory Drive and is 1.04 acres, tax map and parcel B55-003. Officer Covington stated the Planning Commission recommended approval.

Victoria Camburako spoke in favor of the application. Ms. Camburako stated she lived at 3332 Grand Villa Loop, Gainesville, GA 30503 and was a partner in the clinic. The clinic will be a medical office that specialized in pain management and will have two procedure rooms used for chronic pain and acute pain. They are looking at physical therapy and possibly an MRI unit. They also have a Gainesville and Demorest Office and they are state certified. Vice Ch. Barefoot asked what Ms. Camburako's credentials are? She stated she started in a pharmaceutical background and had a degree from GA State College and had about 12 years experience.

Ch. Dalton closed the public hearing and reopened the meeting. Vice Ch. Barefoot made a motion to approve CU-09-06. Comm. Cain seconded the motion. Two aye votes and motion passed.

b. CU-09-05 – John T. Seigler – Conditional Use Permit for a truck parking lot.

Ch. Dalton closed the meeting and opened the public hearing and asked Atty. Frost to conduct the public hearing. Atty. Frost stated there would be a report from the Planning Commission and then each side would have five minutes to speak in favor or opposition of the application. Atty. Frost stated John Seigler had applied for a conditional use permit for a truck parking lot. Officer Covington stated John T. Seigler was the property owner and the applicant. The existing property is ARR and use is truck parking lot. The proposed use is truck parking lot and is on 5 acres. The location of the property is 2603 Yonah Homer Road, map and parcel B27-022A and the Planning Commission recommended disapproval of this application.

Janet Seigler spoke in favor of the application stating she lived at 2603 Yonah Homer Road 30554. She said they had applied for a rezoning under C-2 and the Board of Commissioners asked them to reapply for a conditional use permit which is permitted in ARR. She said she has looked up different sections and it does fall under ARR Zoning Code 602.5 603.12 as well as Appendix A, Zoning Section 404 for Non Conforming uses, under Appendix A, Zoning Section 614 variances, under Amendment 12, Section 1103 and 1103-1. All the Criteria were met under Section 1104 A-K. She said the conditions to consider for conditional use under the same zoning appendix, Section 1105, under A1 and it meets the Criteria A6, A7 & B. She said she knows her opinion differs with the county attorney but the business has been in existence in ARR.

L.C. Parks spoke in opposition of the application. He stated he lived at 2503 Yonah Homer Road and thanked the commissioners for giving him the opportunity to talk to them tonight and explain his position. He stated whether we like zoning or not, it is here. He thinks people should be conscious of zoning when they buy tracts of land, that the zoning is going to be there and the surrounding property is going to be there. He said the applicant knew the zoning was ARR when he bought the property 6 or 7 years ago and now he is trying to disturb the whole neighborhood by rezoning the tract without consideration of those around him. Mr. Parks stated that there was precedence in Banks County to turn down an application such as this. He stated June 2008 the Commissioners turned down a conditional use permit on Moccasin Gap Road and presented the Commissioners a copy of minutes from the June 2008 meeting. He stated the Yonah Homer Road site was much worse than the one turned down on Moccasin Gap Road because there is a lot more traffic on Yonah Homer Road so he asked that the Commissioner's turn down the application.

Nancy Hobson spoke in opposition of the application. Ms. Hobson stated that she lived at 1428 GA Hwy 51N and was a local realtor. She thinks that the county needs to go by the land use plan and map to keep commercial business in commercial areas. She said her clients don't want to purchase a tract of land for their home in a residential area and then have commercial move in the area.

Amos Smith spoke in opposition of the application. He stated he lived at 4607 Yonah Homer Road and his property adjoins Mr. Seigler's property. One of his main concerns is that he just added on to his house and if he tries to resale, what will this application do to his value. He has 3 daughters and the youngest one came in and said she saw a truck driver urinate as he was getting out of the truck because there are no restrooms on the premises. He said he has had truck drivers make comments toward him and his wife while they were sitting outside on the front porch. He presented pictures of what the property looked like before the trucks and how it looked now. He said he would appreciate if the commissioners turned down the application

Gloria Kimsey spoke in opposition of the application. She stated that she lived at 2561 Yonah Road next door to the Seigler's and has been living there since 1967 and wanted the neighborhood to stay the same. She said the trucks wake them up at 3:00 a.m. and some of the elderly neighbors can not go back to sleep because of the noise. Ms. Kimsey said that in a 5 year time Mr. Seigler has accumulated 10 trucks and what's to say he won't have 20 in a few years. The trucks enter and exit at a dangerous location and if a truck comes out on the highway and a speeding car comes

there would be a catastrophe. She stated that her husband's parents were killed several years ago on Yonah Homer Road. She didn't want to see anyone else get killed. Ms. Kimsey also stated that at the Planning Commission meeting Mr. Seigler said that he didn't have a restroom for the truck drivers and if nature calls they could go to the woods. She said the woods they are going to was her property and she didn't appreciate his truckers dumping on her property.

Ch. Dalton closed the public hearing and reopened the meeting. Comm. Cain made a motion to approve the application with conditions. The motion died for lack of second. Ch. Dalton made a motion to deny the application. Vice Ch. Barefoot seconded the motion. Two aye votes and motion passed. Comm. Cain abstained from voting.

9. Recognition – Deidra Moore – GEMA

Mr. Charles Dawson, director of operators of GEMA, presented Ms. Deidra Moore, E911 and EMA Director, with a certificate for Master Certified Emergency Manager. He stated Ms. Moore had worked very hard to achieve this status and that only 78 other people in the state of Georgia have received this level of achievement. To obtain this distinction Ms. Moore completed over 18 courses from FEMA, 6 courses in residence at the Georgia Public Safety Training Center, 5 field delivered courses, over 5 years experience in Emergency Management and in addition she had to complete 150 additional hours of additional training in which 100 has to be directed to emergency management and 50 can be related to public safety, and 5 contributions to the profession of emergency management which includes making public appearances and producing articles.

10. Casey Lewis – Eagle Scout Project

Mr. Lewis stated that he lived in Banks County and he was working to get his Eagle Scout Project completed. His project would consist of improving a dangerous curve. His plan was to move the curve sign and add reflectors to it. He will also be adding reflective curve signs. He stated he would be working with Mr. Andrews, the power and telephone companies to insure that all lines are marked before he starts the project. He stated the work will be done by Troop 210 and they will use all safety precautions. Ch. Dalton stated he had spoken with Mr. Andrews and all the materials that were needed the County would supply. Ch. Dalton made a motion to approve the project. Comm. Cain and Comm. Barefoot seconded the motion. Three aye votes and motion passed.

11. US Census Bureau – Kenneth Cooper

Kenneth Cooper, US Census Bureau, spoke about how important it is to get a count of everyone in the 2010 Census. The Census count will start in April 2010. All information given is confidential at the highest level.

12. Zoning Appeals Board – 4 yr. term – Gene McDuffie

Mr. Dalton stated the term of Gene McDuffie was up and he had asked to be replaced but the commissioners had received an application from Johnny Lewallen. Comm. Cain made a motion to reappoint Gene McDuffie to the zoning appeals board for a 4 year term. Vice Ch. Barefoot seconded the motion. All aye votes and motion passed. The four year term will expire 7/31/2013.

13. Contracts

a. FY2010 Family Connections – Robin Trotter - \$46,075

Robin Trotter, Family Connections coordinator, stated Family Connections was experiencing budget cuts like other departments in the State of Georgia. She said they would still be serving families as long as they can. Comm. Cain made a motion to approve the FY2010 contract in the amount of \$46,075 and to give Ch. Dalton permission to sign the contract. Vice Ch. Barefoot seconded the motion. Two aye votes and motion passed. The contract is from July 1, 2009 to June 30, 2010.

b. FY2010 GA Dept of Correction - \$39,500

Ch. Dalton stated this contract was for the prison detail guard's salary for July 2009 – June 2010 in the amount of \$39,500. Comm. Cain made a motion to approve the contract. Vice Ch.

Barefoot seconded the motion. Two aye votes and motion passed. The term of the contract is July 1, 2009 to June 30, 2010.

c. FY2009 Letter of Engagement – Duncan & Kitchens

Mr. Failyer stated he needed authorization for the Chairman to sign the letter of engagement with Duncan & Kitchens for audit services for FY2009. Vice Ch. Barefoot made a motion to authorize the chairman to sign the letter of engagement. Comm. Cain seconded the motion. Two aye votes and motion passed.

d. FY2010 City of Baldwin Fire Services - \$22,238

Ch. Dalton stated the fire contract with the City of Baldwin was up for renewal in the amount of \$22,238. Vice Ch. Barefoot stated that it was an ongoing annual contract. Vice Ch. Barefoot made a motion to approve the contract for the period of July 2009 to June 2010 in the amount of \$22,238. Comm. Cain seconded the motion. Two aye votes and motion passed. The term of the contract is July 1, 2009 to June 30, 2010.

e. Turner Construction – COR #108

Ms. Gailey stated change order 108 was a deduction in the amount of \$24,300. This was a result of contingencies and items completed at a lower cost. Comm. Cain made a motion to approve change order 108. Vice Ch. Barefoot seconded the motion. Two aye votes and motion passed.

f. Turner Construction – COR #109

Ms. Gailey stated that change order 109 was an addition in the amount of \$7,780, which was for additional testing at the courthouse renovation site. Vice Ch. Barefoot made a motion to approve change order 109. Comm. Cain seconded the motion. Two aye votes and motion passed.

g. Turner Construction – COR #110

Ms. Gailey stated that change order 108 was an addition in the amount of \$388 and it was for additional door hardware. Vice Ch. Barefoot made a motion to approve change order 110. Comm. Cain seconded motion. Two aye votes and motion passed.

14. FY2010 General Fund Budget Resolution

Mr. Failyer asked Commissioners to approve the FY2010 budget in the amount of \$13,405,410 and stated a public hearing was held previously. Mr. Failyer stated this was a decrease from FY2009 and FY2008. Comm. Cain made a motion to approve the FY2010 General Fund Budget Resolution. Vice Ch. Barefoot seconded the motion. Two aye votes and motion passed. *(Copy of resolution filed in Attachment to Minutes Book #9-2) 2009-16*

15. Restore/Surplus Vehicles

Ch. Dalton stated there were two ambulances that needed to be restored to the county vehicle fleet and the sheriff's department had two Crown Victoria's to surplus. Comm. Cain made a motion to surplus two Crown Victoria's and restore two ambulances. Vice Ch. Barefoot seconded motion. Two aye votes and motion passed.

Restore

1998 Wheeled Coach Ambulance	1FDXF46F8XFA99000
1995 AEV F-450 Ambulance	1FDWF46F1XEA94267

Surplus

2003 Crown Victoria – Unit 207	2FAFP71W23X204814
2009 Crown Victoria – Unit 220	2FAFP71W93X204809

16. BJC Hospital Bond Resolution

Mr. Failyer stated that this resolution would restructure the hospital bond payment. This would not increase or decrease the amount of the payment in any way. A letter of credit also needs to be issued to Citibank for BJC Hospital. Vice Ch. Barefoot made a motion to give Ch. Dalton permission to sign the letter of credit. Comm. Cain seconded the motion. Two aye votes and motion passed. *(Copy of resolution filed in Attachment to Minutes Book #9-2) 2009-17*

17. Employee Insurance

Ms. Greer stated that our contract period for insurance is currently October to September but this year it will be October to June and then start a new year from July to June. This will be the same as our budget year. She stated that the HMO Employee Only Cost is currently \$289.40 and will increase to \$324.78, which is an increase of \$35.35 per month. PPO Employee Only Cost is currently \$312.97 and will increase to \$351.20, which is an increase of \$38.23 per month. The employee cost is totally paid by the County.

The HMO Employee +1 Dependant Cost is currently \$289.40 and will increase to \$324.76, which is an increase of \$35.36 per month. The HMO Employee + Family Cost currently is \$578.80 and will increase to \$649.51, which is an increase of \$70.71.

The PPO Employee + 1 Dependant Cost is currently \$312.97 and will increase to \$351.21 which is an increase of \$38.24 per month. The PPO Employee + Family Cost currently is \$625.94 and will increase to \$702.41 which is an increase of \$76.47

The Dependant and Family coverage for the HMO and PPO plans is totally paid by the employee.

Ms. Greer stated the increase was because of the amount of claims versus the premiums Banks County paid. She also stated Banks County has a lower insurance cost than a lot of other counties.

Vice Ch. Barefoot made a motion to approve the insurance contract for the period of October 1, 2009 to June 30, 2009. Comm. Cain seconded the motion. All aye votes and motion passed.

18. Executive Session – Potential Litigation and Personnel

Vice Ch. Barefoot made a motion to enter into executive session concerning potential litigation and personnel. Comm. Cain seconded the motion. Two aye votes and executive session started at 7:30 p.m. in the Mountain Creek Conference Room of the Banks County Courthouse Annex.

Vice Ch. Barefoot made a motion to adjourn the executive session. Comm. Cain seconded the motion. Two aye votes and executive session ended at 7:51 p.m.

Ch. Dalton stated the passage of the FY2010 budget lifted the hiring freeze on previously budgeted vacant safety sensitive positions and clarified that the position would be approved on a case by case basis. *(Copy of executive session affidavit filed in Attachment to Minutes Book #9-2)*

19. Adjournment

Comm. Cain made a motion to adjourn the meeting. Vice Ch. Barefoot seconded motion. Two aye votes and meeting adjourned at 7:55 p.m.

Chairman

Assistant County Clerk
