

The Banks County Board of Commissioners held their regular meeting on January 12, 2010 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Milton Dalton, Vice Chairman Joe Barefoot, Commissioner Rickey Cain, Commissioner Ernest Rogers and Commissioner Charles Turk.

1. Call to Order

Ch. Dalton called the meeting to order.

2. Approval of Agenda

Ch. Dalton stated the agenda needed to be amended to include Item 14 Probation Services Agreement and make Executive Session Item 15 and Adjournment Item 16. Commissioner Cain made a motion to approve the agenda as amended. Vice Ch. Barefoot seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

The agenda was approved as amended.

3. Prayer

Ch. Dalton led a silent moment of prayer.

4. Pledge to the American Flag

Comm. Cain led the pledge to the American Flag.

5. Approval of Invoices

Comm. Cain made a motion to approve the invoices. Vice Ch. Barefoot seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

Four aye votes and motion passed.

6. Approval of Minutes – 12/8/2009

Vice Ch. Barefoot made a motion to approve the minutes as furnished. Comm. Cain seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Nay
Turk: Nay

Two nay votes and three aye votes and minutes were approved as furnished to the members.

7. Special Recognition – Greg Wells

Ch. Milton Dalton presented Greg Wells with a plaque from the Banks County Fire EMS in appreciation of the heroic life saving act performed on October 21, 2009. Mr. Wells pulled a teenage boy from a burning car.

8. Public Comment

a. Barefoot Circle – Courtney Dacus

Kenneth Dacus stated that Barefoot Circle has safety problems because it is so narrow. Mr. Dacus stated two school buses have gotten stuck in the ditch and there is constant erosion of the road. He stated the erosion from the road is eroding his property. He would like to get the road paved or at least the erosion stopped. Comm. Barefoot stated the road is in much better shape than it was 30

years ago and that there were budget constraints and it wasn't possible to pave the road but he would see what could be done about the erosion. Also there would have to be a 60 ft. ROW acquired for paving. Comm. Barefoot stated he was aware there was an issue with the road and would see what could be done.

b. Continuous Garage/Yard Sales – Brenda Duckett

Brenda Duckett stated she is a long time resident and grew up in Banks County and also lived in other counties within the state of Georgia and is observant from a clean and beautiful aspect. She has a concern for keeping a clean, neat and tidy appearance for our County, for our residents. She realizes the appearance of a property can influence the value for neighboring properties and can also be a deterrent for new prospects that are seeking to settle in our County. She stated she visited with Keith Covington in the Planning and Zoning Office and discussed with him the issue of properties being used on a continuous basis as a business for yard sales. He told her that the County no longer recognizes that this practice is unlawful. She was told that you could run a yard or garage sale in a continuous basis on a residential piece of property without a business license and without paying any income tax or income derived from the sale of this merchandise. She said she hoped the board of commissioners will review this practice and it seems this is unfair to the residents and businesses that have to apply for business license and for tax payers in Banks County that have to abide by the guidelines that are set forth. She stated there was a business at the corner of Apple Pie Ridge and Old 441. Zoning Officer Covington told her he had visited this location and talked to the resident about the operation of this business and told them that they could not operate this business at the corner. After she observed no changes in the status she was told they were going to be allowed to stay and operate that business without paying penalties. She stated it was a mess and the debris continues to multiply. Not only is the property owner operating a salvage yard, but he is using the road right of way. He had a shed installed without a permit and does not meet the proper set backs. She is beginning to see that this generates other type businesses because down the street on OLD 441 there is a potential business that may start up because they are picnic tables lining the road. She is sure she could report additional ones that could become an ice ore for our community. She hopes the commissioners will consider the concerns that she is brining before them tonight. She said she is a real estate agent in the Banks County area and times are tough economically and it is very hard to sell property right now and to have an unsightly piece of property is a real problem for those who are trying to sell their property. She would like for the commissioners to investigate this issue.

c. Charity Road – David Tolar

Mr. Tolar stated he was coming before the board to discuss the deplorable condition of Charity Road. For the past 10 years the road has the same holes, same sorry grading and complete lack of maintenance. He had spoken with Mr. Andrews some years past regarding cutting deep enough on the road to cut the pot holes out and he said he had everything under control. The condition the road is in it nearly took a four wheel drive to make it down the road and once again the residents had to come and demand relief. He stated the last time Charity Road has been graded was the week before the election in 2008. He said he called the Commissioner's Office on Dec. 14, 2009 and said the road was so bad that someone would get hurt or wreck if you did not get out here and grade it. Erin said she would report it to Mr. Andrews and that night a lady ran her car through the Martin's fence. Upon several of us complaining, there was a bit of grading done on December 16th. The grading job did not even fill the holes and he presented the Commissioners with pictures. The next day I called again and spoke with Erin and requested that she get in touch with Mr. Andrews and tell him not to put down gravel until he graded the potholes out. Rock went down on most of the road except in front of my house. Water was still standing in holes in front of my driveway as well as in several other holes. Mr. Tolar said he was told by Erin the contractor placing the stone was told to only place the stone where they thought it was needed. He said clearly there was mud on the road, mud in front of my property and mud down the slope to Mr. Flynn's property. Clearly Mr. Andrews did not follow up on his subcontractor to insure they met any semblance of quality control and he takes this as a direct insult. He said for over 10 years he has held quiet with the exception of a call or two when the road is in deplorable condition. Now

he thinks it is time the County demand performance from all their employees and accountability.
(Copy of complaint filed in Attachment Book #9-2)

d. Planning Commission – Melinda Cochran

Ms. Cochran stated she was concerned with the proposal to abolish the Planning Commission Board. She stated Banks County is a great place to live, has lots of potential and low taxes. She thinks it is important to have this body to make decisions on the growth of our County. Comm. Turk stated he wasn't in office when this happened and he was shocked.

9. Public Hearing to Consider Planning Commission Recommendations:

a. CU-09-07 – Curtis & Susan Pruitt – Conditional Use Permit for a truck terminal for a towing service.

Ch. Dalton closed the meeting and opened the public hearing. Attorney Randall Frost stated the ground rules for the hearing was first there would be a report from the Planning Commission and then those who wish to speak in favor of the application and those who wish to speak in opposition of the application will be given five minutes to speak.

Zoning Officer Keith Covington stated Curtis and Susan Pruitt were the applicants. The existing zoning is ARR, the existing use is a detail shop. The proposed use is a detail shop and towing. The site is 2 acres at 1378 Yonah Homer Road, tax map and parcel is B39-85 and the Planning Commission recommended approval.

Mr. David Jones, 202 Hansen Ridge, Homer, GA represented the application. Mr. Jones stated the business is a detail shop and wrecker service and has been in business for years and hasn't caused any problems with the neighbors. It is a detail shop and wrecker service and hasn't caused any problems with the neighbors. Mr. Jones stated this is not a truck or tractor trailer terminal, but an emergency service like a fire truck. It is a localized business that has not caused any trouble. Ms. Doris Hubbard, 1399 Yonah Homer Road, who has been living across from the Pruitt's since 1986 has only had trouble when there were tractor trailers, but now that it is a wrecker service she has no problem with the wreckers and they do not keep her and her husband awake at night. She says no one has ever complained to her about the business. Mr. Covington stated that someone had complained about the safety issue because when they came around the curve a wrecker was stopped in the road to turn in because a dumpster was at the top of the drive when they were turning in. Mr. Covington stated that if the dumpster had been moved, the wrecker could have made the turn without stopping in the road. Ms. Hubbard stated that the dumpster had been moved. Mr. Carl Ball, 1388 Yonah Homer Road, stated his property adjoined Curtis and Susan Pruitt on three sides and he doesn't have any problem with the towing business as it is today. Any problems he had, he talked to Curtis about them and they were resolved. Mr. Ball stated he didn't think this devalued his property in any way if the business stayed as it was now. Mr. Jones stated small business is what made us what we are today and you can not compare this to a trucking company, this is emergency service and we need to help small business owners.

Attorney Frost closed the public hearing and Ch. Dalton opened the commissioners meeting. Comm. Rogers made a motion to approve the application. Vice Ch. Barefoot seconded the motion with a condition the dumpster doesn't reappear and interfere with the turnoff. Comm. Turk wanted to reassure there were no tractor trailers. Mr. Pruitt stated the dumpster had been moved and there were no tractor trailers. The vote was as follows:

Barefoot:	Aye
Cain:	Aye
Dalton:	Aye
Rogers:	Aye
Turk:	Aye

Four aye votes and the application was approved with a condition the dumpster doesn't reappear and interfere with the turnoff.

b. CU-09-08 Barrow 141 on 316, LLC – Conditional Use Application for a flea market.

Ch. Dalton closed the meeting and Attorney Frost opened the public hearing. Zoning Officer Covington stated this was conditional use CU-09-08 and Barrow 141 on 316, LLC is the property owner. The applicant is I Son Chen (Sam). The existing zoning is C-2 general commercial and the existing use is vacant. The proposed use is a flea market and the square footage is 90,000 sq. ft. inside the building. It is located at 100 Pottery Drive, tax map and parcel B55-6. The Planning Commission recommended denial.

Nina Yakubov, Doraville, Georgia presented a map with the plan. She said her company's request to use 90,000 sq. ft. of the former Craven Pottery to open a flea market was denied and she believed it was denied because of her poor lack of planning. She stated the company was unfamiliar with the concerns of the Banks County citizens and their neighbors at Commerce Crossing; therefore the company has made some changes to the plan. She said her company cares about every ones concerns and they don't want to put any business in jeopardy, but they strongly believe leaving the property vacant is a danger. They hired several security officers and within the short period of time they have arrested several during the time they were employed. They arrested gentleman shooting paintballs at the property in October, they arrested five teenagers with the charge of trespassing and possession of alcohol by a minor in November and prior to that, Ron Parson with North Georgia K-9 Unit had the Sheriff's Office arrest a person starting a fire in the building and the list goes on. She said the goal is to strive to keep a good reputation by opening a family friendly flea market with a gated play ground and a park with a pond, gazebo and walk way so our customers will have a place to come and rest. Once the permit is approved, we will hire two full time Banks County residents which will have access to the flea market in case of emergencies. These employees will be responsible for keeping the property clean at all times. Also, once the permit is approved, they will get permits to construct 138 10x20, 36, 12 ½ x 20 and 19 18 x 20 booths. In addition to booths, they will build an 800 sq. ft. food court and restrooms. She said the minimum lease is one year for vendors. The property is 177 acres and they will have more than enough space to attract well known tenants such as Kroger, Target or Lowes. She said in the event that a well established tenant wished to build using the whole entire property they would build provisions into the flea market lease in order to terminate the leases if necessary. She said when her company purchased the property, the intention was to put a Kroger, Target or Lowes in, but with the economic downturn everything came to a complete stop. She said her company's goal is to bring income into Banks County.

Alicia Andrews, Manager of Commerce Crossing stated the flea market would be a detriment to the industry and commercial property. She has three tenants that have already notified her that if the flea market comes they will move out of the existing mall. She is very concerned with the element that it might bring and more public safety that will be needed to keep everything from happening down there. She didn't think the flea market would benefit our sales tax revenue. Look at the other flea markets within 20 miles of here and nothing has developed around them. It will stunt the growth of Banks County and will eliminate businesses in Banks Crossing and she hopes the commissioners consider denying the application.

Kelly Davis-Spears owns a business called Bullfrogs and Butterflies in Commerce Crossing and is opposed to the flea market.

Ms. Yakubov said she completely understood Ms. Andrews's concerns but the four tenants that moved out last month probably moved out because of the economy. She stated she also manages a shopping center in Sandy Springs called City Walk which is only 85% occupied. She said the flea market is not going to be a permanent thing. If the economy picks up within two to three years they will do everything within their powers to bring in well established businesses into the property.

Attorney Frost closed the public hearing. Ch. Dalton opened the meeting. Vice Ch. Barefoot made a motion to follow the recommendation of the Planning Commission and deny the application. Comm. Turk seconded. The vote was as follows:

Barefoot: Aye

Dalton: Aye
Cain: Aye
Rogers: Aye
Turk: Aye

Four aye votes and motion passed and the application for the flea market was denied.

c. CU-09-09 – National Hot Rod Association, Dan Moore – Conditional use Application for a go-cart track.

Ch. Dalton closed the meeting and Attorney Frost opened the public hearing. Code Enforcement Officer Covington stated the permit CU-09-09 was a conditional use and National Hot Rod Association is the property owner with Dan Moore as the applicant. The existing zoning is C-2 and the existing use is a racetrack. The proposed zoning is C-2 and proposed use is an addition of a go-cart track on 321.6 acre tract at 500 E. Ridgeway Road, Tax map and parcel B54-079 and the Planning Commission recommended approval.

Larry Cagle represented Dan Moore. He stated the cart track would be a 3,900 feet long and 27 feet wide asphalt paved with professional carts used for racing. There will also be some rental carts. He also proposes to build a 4,000 sq. ft. building for cart sales and service. The carts weigh about 150 lbs. a piece with a Honda four stroke engine with five to thirty horse power and mufflers and range from about 72 inches long and 50 inches wide.. He stated Mr. Moore's primary business is to create a world class cart facility in Banks County. He will work hard to be a good neighbor to the community and will enforce things to limit noise. Any racing cart that does not meet noise requirements will not be allowed to run. Recycling stations will be provided for waste fluid generated by this facility. Whenever possible, they will employ local people to build and maintain the facility and run the operation. Starting off employment will be 5 – 20 employees. Comm. Rogers stated that he went to church and had a problem with them operating on Sundays. Mr. Moore stated the operating hours have been revised Sunday 1p.m. – 6 p.m. with the exception of a race weekend. He stated that it wasn't an absolute to operate on Sundays. He said during race weekends they would need to run earlier on Sundays, but if it would make everyone happy, they wouldn't run on Sundays. Mr. Moore thinks that no one will even know the go-carts are there. Comm. Rogers asked if they will furnish med units. Mr. Moore stated it depends on the event, but they are required to have first aid and rescue capability and ambulance on the site if it is a sanctioned race. He stated the carts are not much bigger than what you would see at Funopolis, just a much bigger track. Comm. Barefoot asked what would be the daily hours. Mr. Moore replied the daily hours would be Monday – Thursday 9:00 a.m. – 9:00 p.m., Friday and Saturday 9:00 a.m. – 10:00 p.m., and Sunday 1:00 p.m. – 6:00 p.m. On race weekends, which would only be 4 – 6 times per year, there would be more days involved and they propose the hours to be Friday - Saturday, 8:00 a.m. – 10:00 p.m. and Sundays 8:00 a.m. to 6:00 p.m. Comm. Turk stated this would still interfere with the church across the road and he wanted to know what the decibel reading was on a race. Mr. Moore stated he would have to see what the Banks County regulations are on the decibel levels and the carts are not glass packs but mufflers like you would find on lawnmowers. Comm. Turk stated you would be operating seven days a week. Mr. Moore replied yes and Sunday is only an issue during church is hours if it is a race weekend. Comm. Turk stated the church across the street sometimes doesn't get out until after 1:00 p.m. on Sundays so there is still a noise problem. Mr. Moore stated if it is a condition that they not operate on Sundays he can live with that. He stated there are similar tracks around the country doing the same thing that he is trying to do and he received information from the CVB in Indiana and that cart track brought in 4.2 million dollars as an economic impact in a county.

Thomas Gailey, 189 Grove Level Road stated Mr. Moore talked about 7 days a week, 12 – 14 hour days last week at the Planning Commission meeting. He stated he had a problem with the notice sign being posted 404 ft. on the other side of a locked gate. He stated more than one go-cart at a time running was going to be very noisy and has never seen a racing go-cart with a muffler. There would also be extra expense with the County having to provide public safety to the area. He stated that entertainment can not charge sales tax so the only money the County would be getting is from the hotel motel tax and restaurant tax and this would be used to provide public safety for

the go-cart track or the tax payers will be shedding out the money to help the go-cart track. Mr. Gailey stated the value of the real estate property has gone down.

Pastor Bailey, Flat Creek Baptist Church, stated the church was straight across from the track and they didn't get a letter, didn't have a sign and he didn't think it was right. He said his church members are citizens of the County and there was already the drag strip and they tolerate that, but if you put the cart track over there, it is going to be noisy and he knows what a lawnmower sounds like because he runs one and knows how much noise it makes. The more carts they are, the louder they will be. He said Mr. Moore said they will not operate on Sunday, but it will slip by and they will start operating on Sunday because he has seen it.

Ch. Dalton opened the meeting. Comm. Cain stated he had a problem with the sign. Officer Covington stated that the sign has to be placed in a conspicuous place within 300 ft. of the parcel. Comm. Cain said the drag strip property surrounded it so he would only have to post it at the drag strip. Officer Covington stated that he only had to send out letters to properties that touched the parcel.

Douglas Borders spoke stating that the church didn't get a letter and didn't know anything about the go-cart track until Mr. Gailey talked to him about it and it wasn't right. Officer Covington stated the automated system takes the parcel number and generates labels for all the properties that the parcel touches.

Attorney Frost closed the public hearing again. Comm. Cain made a motion to send the application back to the Planning Commission for Officer Covington to do the appropriate work that needs to be done as far as the signage and getting out the appropriate letters and then it can be brought back before the board. Comm. Barefoot seconded. The vote was as follows:

Barefoot:	Aye
Cain:	Aye
Dalton:	Aye
Rogers:	Aye
Turk:	Aye

Four aye votes and the motion passed to send the application back to the planning commission.

d. CU-09-10 – National Hot Rod Association, Robert Rodgers – Conditional Use Permit for a fuel distribution depot

Ch. Dalton closed the meeting. Attorney Frost opened the public hearing. Officer Covington stated this was a Conditional Use Permit, CU-09-10, property owner is National Hot Rod Association, applicant is Robert Rodgers with VP Racing Fuel, the existing zoning is C2, general commercial, the existing use is a racetrack, the proposed use is a fuel distribution depot, acreage is 2.04 acres at 300 E. Ridgeway Road, Commerce, Georgia, tax map and parcel number is B54A-079 and the Planning Commission recommended approval.

Robert Rodgers, Regional Manger for VP South, stated they have a long standing relationship with NHRA and have been operating a retail fuel sale facility on the other side of the tract. There proposed location for the fuel distribution is the 441 side of the tract with access via Outlet Drive. They will have 8 – 10 full time employees with the average wages being \$45,000 a year with benefits including 401K and health benefits. They wholesale to dealers who in turn sell it for profit. They only sell the fuel in 5 – 50 gallon drums; they are no big bulk storage tanks. The product will be brought in on tractor trailers from their home office in Texas. He stated they will be using approximately 2 acres and put a 120 x 30 dock high concrete slab with a roof over it. There will also be an office trailer located on the premises with a 7ft.high fence that will have barb wire. They have been talking with the fire marshal office and will do grading to prepare the site for the fuel storage. Ch. Dalton asked how the fuel would be stored and Mr. Rodgers replied in 5 – 50 gallon drums and no storage tanks. There will be no production capabilities just simply storing materials. Comm. Barefoot stated that no materials will be used on site. Mr. Rodgers said

they operate a retail facility on the other side of the track and that is where the racers will come to buy fuel.

Brenda Duckett Banks County said she wasn't opposed to this but why would you need this petroleum location when you already have one on the other side of the track and what is the hazard and effect if there is a leak in the area and who is going to be policing that to make sure there is no hazard. Mr. Roberts said the need for the facility is simply a storage facility because their main facility is in Texas and this location is centrally located. Ch. Dalton asked how high the fence would be. Mr. Rodgers stated it would be seven foot with shredder wire on top. Comm. Cain stated they would be regulated by the fire marshal. Mr. Rodgers said the employees receive hazardous materials training bi-annually no matter what their job duties are.

Comm. Cain made a motion to approve the application. Comm. Turk seconded. The vote was as follows:

Barefoot:	Aye
Cain:	Aye
Dalton:	Aye
Rogers:	Aye
Turk:	Aye

Four aye votes and the application was approved.

e. CU-09-11 Barbara Gail Lane, A.J. Purcell – Conditional Use Application for an automobile repair & service shop.

Officer Covington stated this was CU-09-11, Barbara Gail Lane is the property owner, A.J. Purcell and Kim Orr is the applicant. The existing zoning is general commercial and the existing use has been a repair shop, the proposed use is a automobile repair and service, conditional use 4 and is .58 acres on the corner of HWY 164 and Hwy 441 at 115 Hwy 164, tax map and parcel B53F-021 and the Planning Commission recommended approval of the application.

Kim Orr represented the application stating that her son A.J. Purcell is asking for a conditional use permit for a repair shop. She stated for a long time her husband has owned a repair shop in Gainesville and AJ has been working for him about seven or eight years. Her husband has retired and she stays with her parents a lot and because of the proximity of the shop is only a mile from her house. She would do the book work and AJ would do the diesel repair. AJ Purcell stated he was born and raised in the County but has been working in Gainesville and been trained in diesel engines. He said this is a great location and he will do a great job and save people a lot of money. Ms. Orr said she would keep the place clean. Mr. Purcell said he had been trained on the new diesel engines it would not just be tractor trailers. Ms. Orr stated the lease said no junk vehicle parts and no junk vehicles are to be left on the property. The hours of operation are going to be 8 – 5 unless someone is going to pick up a vehicle. Ch. Dalton stated there was a shop there before.

Ch. Dalton closed the public hearing. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. The vote was as follows:

Barefoot:	Aye
Cain:	Aye
Dalton:	Aye
Rogers:	Aye
Turk:	Aye

Four aye votes and the application passed.

10. Personnel Policy Amendments

Judy Greer, personnel officer stated elected officials and department heads were concerned that breaks times and smoke breaks are being abused by some employees. Ms. Greer stated she had come up with three additions to the personnel policy and they were as follows:

18.1 Employee breaks and meal periods

19.100 Use of cell phones within the workplace

20.100 Use of computer internet

Comm. Cain made a motion to approve this recommendation. Comm. Turk seconded. The vote was as follows:

Barefoot: Aye

Cain: Aye

Dalton: Aye

Rogers: Aye

Turk: Aye

Four aye votes and the motion passed.

(Copy of amendments filed in Attachment Book #9-2)

11. Maysville Water Agreement

Ch. Dalton stated that the board needed to give him permission to sign the contract. Vice Ch. Barefoot made a motion to approve the contract and give Ch. Dalton permission to sign the agreement. Comm. Cain seconded. The vote was as follows:

Barefoot: Aye

Cain: Aye

Rogers: Aye

Turk: Aye

The terms of the contract are to sell the City of Maysville water for \$3.00 per thousand gallons for the first year starting on January 4, 2010 and each year the cost will be renegotiated. Four aye votes and the motion passed. *(Copy of agreement filed in Attachment Book #9-2)*

12. Resolutions

a. FY2011 Public Transportation Grant Application Authorization Resolution

Regina Gailey, County Clerk, stated this was a resolution for a continuing grant received for the 5311 van for public transportation. This resolution gives the County permission to apply for the grant through the GDOT. Comm. Cain made a motion to approve the resolution. The vote was as follows:

Barefoot: Aye

Cain: Aye

Dalton: Aye

Rogers: Aye

Turk: Aye

Four aye votes and the motion passed.

(Copy of resolution filed in Attachment Book #9-2) 2010-01

b. Local Bid Preference Resolution

Attorney Frost stated this resolution allowed a preference with restrictions for a local vendor for contracts for supplies, materials, equipment and services. It stated the Board of Commissioners has the authority to contract with individuals, private firms and corporations to provide supplies, materials, equipment and services for Banks County. The local vendor's bid had to be within 3% of the lowest responsive bid. The local vendor preference policy doesn't apply to any purchases of supplies, materials, equipment or services in excess of \$150,000.

Comm. Turk made a motion to approve the resolution. Vice Ch. Barefoot seconded. The vote was as follows:

Barefoot: Aye

Cain: Aye

Dalton: Aye

Rogers: Aye

Turk: Aye

Four aye votes and the motion passed.

(Copy of resolution filed in Attachment Book #9-2) 2010-02

13. Qualifying Fees

Ch. Dalton stated the qualifying fees needed to be set for Commissioner District 1 and District 3 and Board of Education Post 3 and Post 5. He stated qualifying fees were 3% of the base salary and for the Commissioners the fee was \$450 and Board of Education Post 3 was \$35 and Post 5 was \$39. Comm. Cain made a motion to set the qualifying fees. Vice Ch. Barefoot seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

Four aye votes and motion passed.

14. Probation Services

Ms. Gailey stated this agreement was with the state for Ms. Wanda Eubanks to do probation services for the Banks County Magistrate and Probate Court. This is a yearly contract with the term of 1/1/2010 – 12/31/2010. Vice Ch. Barefoot made a motion to authorize Ch. Dalton to sign the contract pending approval of the Probate and Magistrate Judge. Comm. Rogers seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

Four aye votes and the motion passed.

(Copy of agreement filed in Attachment Book #9-2)

15. Executive Session

Comm. Cain made a motion to enter into executive session to discuss potential litigation and personnel. Vice Ch. Barefoot seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

Four aye votes and the executive session started at 8:00 p.m.

Ch. Dalton stated that the attorney was bringing the new commissioners up to date on the lawsuits.

Ch. Barefoot made a motion to adjourn the executive session. Comm. Cain seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

Four aye votes and the executive session ended at 8:55

(Copy of affidavit filed in Attachment Book #9-2)

16. Adjournment

Comm. Cain made a motion to adjourn the meeting. Vice Ch. Barefoot seconded. The vote was as follows:

Barefoot: Aye
Cain: Aye
Dalton: Aye
Rogers: Aye
Turk: Aye

Four aye votes and the meeting was adjourned at 8:57 p.m.

Chairman

Assistant County Clerk
