

The Banks County Board of Commissioners held their regular meeting on September 14, 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 Ernest Rogers and Commissioner Charles Turk. Commissioner Rickey Cain was absent.

1. Call to Order

Ch. Dalton called the meeting to order.

2. Approval of Agenda

Ch. Dalton stated Steve Clapp, Restoration Healthcare (BJC Hospital) and Executive Session needed to be added to the agenda. Vice Ch. Barefoot made a motion to approve the agenda to add Restoration Healthcare and Executive Session. Comm. Turk seconded. All aye votes and the agenda was amended and approved.

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. Rogers made a motion to approve the invoices. Comm. Barefoot seconded. Four aye votes and the motion passed.

6. Approval of Previous Minutes – 8/3, 8/3, 8/9, 8/10, 8/10, 8/31

Comm. Turk stated that on the 8/31 minutes the Volunteer Firefighters vote was a unanimous vote and he would like to know when it was changed because the minutes reflect there were only four ayes and on the tape he heard no nay's or abstentions. He also stated he wanted to hold the tape of the meeting. Assistant County Clerk Erin Decker stated that Comm. Cain had called her the Wednesday morning following the meeting and stated he did not vote for the volunteer firefighters. Mrs. Decker stated she had listened to the tape and did not hear any certain voice when the vote was taken, but she didn't hear anyone say no or abstain either. Vice Ch. Barefoot made a motion to approve all minutes except 8/31 and to put a hold on the tape of the 8/31 meeting. Comm. Turk seconded. Four aye votes and all minutes except the 8/31 minutes were approved as furnished.

7. Public Hearings to Consider Planning Commission Recommendations:

a. Z-10-03 – Ken Owens – Rezoning application for property at the intersection of McCoy Bridge Road and Hwy 441 from ARR, Agricultural, Rural Residential to C-2, General Commercial, Proposed use: Farm Equipment

Ch. Dalton closed the commission meeting. County Attorney Randall Frost opened the public hearing. Zoning Officer Keith Covington stated the applicant and owner was Ken Owens and the existing zoning is ARR and the proposed zoning is C-2. The property is located on the corner of McCoy Bridge Road and US Hwy 441. The existing use is a vacant lot and the proposed use is a feed and seed and farm use equipment sales facility. The tax map parcel is B51-25B and consists of twenty-two (22) acres. The planning commission recommended approval with two conditions. Condition One: A 50-foot vegetative buffer on all property lines that are zoned ARR. Condition Two: Any change must come before the planning commission for recommended approval and to the commissioners for final approval. The approved use at this time is for a feed, seed and farm equipment sales facility.

Ken Owens, Toccoa, Georgia spoke for the application. He stated his business, Owen's Farm Equipment, was located on the old 441 and he wanted to move since the new 441 bypass was built around Homer. He stated there was already a natural buffer at the property lines.

Walt Jones, Suwanee, Georgia spoke against the application. He stated Mr. Owens property did not conform to the current Land Use Plan and this business would adversely affect his property

value. Mr. Jones also stated that he didn't want change and didn't know the property beside him would be turning commercial when he bought his property.

Attorney Frost closed the public hearing and Ch. Dalton reopened the commission meeting. The commissioners stated that the property was in the land use plan for commercial and Mr. Jones had been given the wrong information. Comm. Rogers made a motion to approve the application with the condition of planting trees if there is any break in the tree line, prior to any development. Comm. Turk seconded. Four aye votes and the motion was approved.

8. Restoration Healthcare – Steve Clapp, CEO

Steve Clapp, CEO Restoration Healthcare stated he wanted to thank the County for the cooperation during the sale of the hospital facility. Mr. Clapp stated several changes had been made including adding a bone density machine and a sleep lab. He said things are going well from a financial stand point and they are in the process of changing the name of the hospital.

9. Eagle Scout Project Brandon Linn

Brandon Linn said the Eagle Scout Project he had chosen was remodeling an 8'x12' building at the back of the amphitheater, located at the Uchee Lodge. He stated he would make some improvements to the building. Comm. Rogers made a motion for Brandon Linn to do the Eagle Scout Project. Comm. Turk seconded. Four aye votes and the motion passed.

10. Variance Request David McNeal

David McNeal stated he had been before the commissioners in the past where he was granted a variance for some trailers on the rental property with the condition that the replacement structures have the same footprint as the existing structure. Mr. McNeal stated he couldn't find any mobile homes that fit the size that was there, so he was asking if he could replace them with some that are larger. Comm. Turk made a motion to deny the request to make the footprint larger. Comm. Rogers seconded. Four aye votes and the motion passed.

11. Recreation Facility Usage Request Mackie Etris

Mr. Etris stated he was a member of the Commerce Lions Club, which also serves Banks County and they would like to host a softball tournament on November 20, 2010 to raise money to buy more glasses for the needy. Mr. Etris also asked the commissioners to waive the ball field usage fee. Ch. Dalton stated from now on all recreation department usage requests would go through the recreation department. Comm. Turk made a motion to approve the request and to waive the \$50 refundable deposit. Vice Ch. Barefoot seconded. Four aye votes and the motion passed.

12. Recreation Facility Usage Request Dave Gaddis

Dave Gaddis stated he was a member of the Lula Farms Sons of the American Legion and wanted to hold a benefit softball tournament on November 13, 2010 to raise funds to help veterans' families. Comm. Rogers made a motion to approve the request. Vice Ch. Barefoot seconded. Four aye votes and the motion passed.

13. Rattletrap Road Don Hamrick

Mr. Hamrick stated he purchased the land in 1988 and later tried to get signatures together in order for the County to maintain the road. He said several property owners lived out of town and it was difficult to get signatures and also the change in commissioners had been a challenge. Mr. Hamrick stated about four weeks ago, his neighbor's husband was dying and it was very hard for the ambulance to travel the road. Comm. Rogers stated he had been down the road before, it was narrow and the utilities were right on the side of the road. Comm. Rogers told Mr. Hamrick that if Mr. Hamrick could contact the power company and have the utilities moved then maybe the county could consider maintaining the road as is.

14. Contracts & Agreements:

a. Town of Alto Water Purchase Sale Agreement

Comm. Turk stated there was no minimum purchase amount included in the agreement, it was \$3.00 per thousand and each year the agreement would be renegotiated. Comm. Rogers stated he would like to make the agreement for a five year term. Comm. Rogers made a motion to approve the agreement with a change

of \$3.00 per thousand for a term of five years. Vice Ch. Barefoot seconded. Four aye votes and the motion passed. Vice Ch. Barefoot made a motion that the agreement start date be effective when the connection is completed. Comm. Rogers seconded. Four aye votes and motion passed.

15. Executive Session

Comm. Turk made a motion to enter into executive session. Vice Ch. Barefoot seconded. Four aye votes and the executive session began at 7:30 p.m. Vice Ch. Barefoot made a motion to close the executive session. Comm. Turk seconded. Four aye votes and the executive session closed at 8:18 p.m. *(Copy of executive session affidavit filed in Attachment Book #9-2)*

16. County Fees

Ch. Dalton stated this was discussed last commissioner’s meeting. The proposed fees are as follows:

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| Conditional Use | \$150 | Variance | \$250 |
| Rezone to CAD | \$150 | Rezone to R-1 &R-2 | \$250 |
| Rezone to C-1 & C-2 | \$300 | Rezone to M-1 | \$500 |
| Zoning Verification Letter | \$20 | Plat Review 1-3 lots | \$10 |
| Copies | \$0.25 | Each Additional Lot | \$10 each |
| Beer Package | \$800 | Wine Package | \$600 |
| Beer Consumption | \$1000 | Wine Consumption | \$1000 |
| Distilled Spirits Comsp. | \$4000 | | |
| Business License Tier I | \$25 | Administration Fee | \$30 |
| Employee over the base number of each Tier - | \$5 each | | |

Comm. Rogers made a motion to approve the above mentioned fees. Comm. Turk seconded. Four aye votes and the motion passed.

17. Boards and Authorities:

a. Public Safety Board

Ch. Dalton stated there were currently two vacancies on the board. Comm. Turk made a motion to table the item until the Sept. 28, 2010 meeting. Comm. Rogers seconded. Four aye votes and the motion passed.

b. Board of Tax Assessors Resolution

Attorney Frost stated this was a resolution of the Board of Commissioners of Banks County to provide that staff and employees of the Banks County Board of Tax Assessors be positions of employment covered by the Banks County Personnel Policies and Procedures and for other purposes. Vice Ch. Barefoot made a motion to approve the resolution. Comm. Turk seconded. Four aye votes and the motion passed.

(Copy of resolution filed in Attachment Book #9-2)2010-13

18. Adjournment

Comm. Rogers made a motion to adjourn the meeting. Vice Ch. Barefoot seconded. Four aye votes and the meeting was adjourned at 8:29 p.m.

Reopen Meeting

Vice Ch. Barefoot made a motion to reopen the meeting. Comm. Rogers seconded. Four aye votes and the meeting was reopened.

Comm. Rogers made a motion to make the effective date for the new fees to be January 1st, 2011. Comm. Rogers resended his motion and made a motion to make the effective date of the fees on renewal. Vice Ch. Barefoot seconded. Four aye votes and the motion passed.

Adjournment

Vice Ch. Barefoot made a motion to adjourn the meeting. Comm. Rogers seconded. Four aye votes and the meeting was adjourned at 8:33 p.m.

Chairman

Assistant County Clerk
