

The Banks County Board of Commissioners held their regular meeting on November 12, 2019 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

Chairman Jimmy Hooper
Vice Chairman David Duckett
Commissioner Danny Maxwell
Commissioner Sammy Reece
Commissioner Charles Turk

Staff Present

County Attorney Randall Frost
County Clerk Jenni Gailey
Code Enforcement Officer Paul Ruark
Assistant County Clerk Erin Decker
Finance Officer Randy Failyer
Public Utilities Director Horace Gee

Media

Angela Gary, Banks County News
Rob Moore, Access North Georgia

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Ch. Hooper stated the following items needed to be changed or added to the agenda:

- 18. Materials contract for Senior Center
- 19. City of Homer Elections Resolution
- 20. Change wording to Senior Center Mediation, Settlement and Release
- 11a. English Road Waterline
- 21. Gainesville Mechanical Contract
- 22. Executive Session
- 23. Adjournment

Motion to approve the agenda as amended: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and motion passed.

3. Moment of Reflection

Ch. Hooper stated Jeopardy was his favorite game show. The state or quality of being dedicated to a cause or activity. What is commitment? How does commitment apply to us? Commitment equals family, friends and faith.

4. Pledge to the American Flag

Ch. Hooper led the Pledge to the American Flag.

5. Approval of Invoices

Motion to approve the invoices: Charles Turk
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.

6. Approval of Previous Minutes – 10/8, 10/28

Motion to approve the minutes: David Duckett
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.

7. Proclamations:

a. 2019 State of Georgia 4th Place Cross Country – Banks County High School Cross Country Team

The Commissioners presented the Banks County Highschool Cross Country Team with a proclamation honoring them for receiving the 2019 State of Georgia Cross Country Championship Placement Team award.

(Copy of Proclamation filed in Attachment to Minutes Book #10-2)

b. 2019 State of Georgia Individual Cross Country Champion – Banks County High School Cross Country – Griffin Stephens

The Commissioners presented Griffin Stephens-Banks County Cross Country team member with a proclamation honoring him for receiving the 2019 State of Georgia Individual Cross Country Champion.

(Copy of Proclamation filed in Attachment to Minutes Book #10-2)

c. 2019 State of Georgia Ladies Fast Pitch Softball Champions

The Commissioners presented the Banks County Highschool Ladies Fastpitch Softball Team with a proclamation honoring them for becoming the 2019 State of Georgia Ladies Fast Pitch Softball Champions.

(Copy of Proclamation filed in Attachment to Minutes Book #10-2)

8. Planning Commission Recommendations:

a. V-19-02 – Stephanie Meiburg – Variance application to allow the separation of property into 2 equal parcels to 1.99 acres on property located on map/parcel B47/062 at 348 Daily Rd., Alto, GA.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing and explained the rules for zoning public hearings.

Paul Ruark Code Enforcement Officer stated the Planning Commission recommended approval.

Shane Meiburg – 348 Daily Road – Stated he currently lived on the property and was asking for the split because his father was terminally sick and he wanted to take care of his mother.

Attn. Frost closed the public hearing and Ch. Hooper opened the meeting.

Motion to approve the application: Jimmy Hooper
Second: David Duckett
Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution attached to Attachment to Minutes Book #10-2)

b. Z-19-09 Green River Builders – Rezoning for property located at map/parcel B54/044 located at US441 at Banks Crossing, Commerce, GA from C2 General Commercial to R2 Multi-Family Housing.

Ch. Hooper closed the meeting and Atty. Frost opened the public hearing.

Paul Ruark Code Enforcement Officer stated the Planning Commission recommended denial.

Mike Chapeau – Green River Builders – Stated he had met with Commissioner Duckett and Maxwell and they suggested changing the plan to make it more palatable and give them time to have a public meeting with citizens about the concerns they have about the apartments.

Atty. Frost closed the public hearing and Ch. Hooper closed the meeting.

Motion to table the request until December 10, 2019 Commissioners meeting: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

c. Z-19-10 – Thai Bui – Rezoning for property located at map/parcel B52/109 located on Felton Circle, Commerce, GA from ARR Agricultural Rural Residential to CAD Consolidated Agricultural District to allow proposed poultry houses.

Ch. Hooper closed the meeting and Atty. Frost opened the public hearing.

Paul Ruark Code Enforcement Officer stated the Planning Commission recommended denial.

Susan Hart, Realtor – Royston – Stated her client's acreage was currently zoned ARR but they were asking for the property to be zoned CAD. She stated the rezoning would allow them to place the six chicken houses further back on the property and possibly build two more chicken houses in the future.

Opposition

Jerry Loftice – Dogwood Drive, Commerce – Stated he lived approximately ½ mile from the potential construction. He stated his property value would decrease because of the odor and was also concerned with the pollutants that could contaminate the water. Mr. Loftice stated the long-term plan for Banks County did not include the area as ARR but rather commercial. He also stated the area was currently residential and was asking the Commissioners to please not disrupt their way of life by approving the request.

Billy Parson – Forsyth – Stated he owned property on McDonald Circle that adjoined the property in question. He stated over the years he had been approached by several people about selling but they have turned them down because he wanted the property kept as family land. He stated his brother in law lives on the property with a wife that has COPD and Stage 4 cancer and that chicken houses would create lots of dust and odor.

Winnie Allen – US 441, Commerce – Stated she was the adjoining property owner on two sides. She stated there are too many houses in the small community to approve CAD. Ms. Allen stated she hoped the seller would consider the residents when flipping property. She also stated the traffic was bad enough because of the schools in the area and the proposed driveway was actually a bus stop. She stated the land had always been pasture and she didn't think chicken houses were a good fit.

Atty. Frost closed the public hearing and Ch. Hooper opened the meeting.

Ch. Hooper asked Commissioner Reece what could be built on the property now the way it was currently zoned. Comm. Reece stated that with a Conditional Use Permit six chicken houses could be built with the property being zoned ARR.

Ch. Hooper wanted to clarify that the only thing that is being voted on tonight was CAD zoning and not building six chicken houses.

Motion to deny the zoning request: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book #10-2)

9. Public Comment: County Officials, Police, little issues, nuisance issues and limitation of Commission meeting participation, public library

Laurie Wasilewski – 927 Hwy. 51 North, Homer – Stated she had several concerns with the County including interactions with County officials, litter and nuisance ordinances. She also stated she was pleased with the services they received from the Sheriff's Office and was concerned with the limitations of the current method of citizen participation at Commissioners meetings.

10. Senior Center & Public Transportation

a. FY2020 Public Transportation Budget & Application

Motion to approve the Public Transportation Resolution and Application for the annual transit grant and authorize the Chairman to sign: Danny Maxwell

Second: Charles Turk

Vote: 5:0

All aye votes and motion passed.

(Copy of Resolution filed in Attachment to Minutes Book #10-2) 2019-13

b. FY2020 Addendum #2 Contract – Nutrition Program

Motion to approve the FY2020 Addendum #2 to the Legacy Link Nutrition Program: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

(Copy of Addendum filed in Attachment to Minutes Book #10-2)

11. Public Utilities: Water & Sewer Rates

Horace Gee

Horace Gee Public Utilities stated water and sewer rates for industrial use needed to be adjusted. He proposed the following rates:
\$6.25 per 1,000 gallons - Water
\$7.13 per 1,000 gallons – Sewer
\$13.41 per 1,000 gallons – Total

Comm. Turk wanted to reiterate that these fees were not for residential or commercial but only for industrial use.

Motion to approve the industrial water/sewer rates: Jimmy Hooper
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.

11b. English Road Waterline Bid Approval

Horace Gee

Mr. Gee stated there were two bids received for the waterline installation on English Road. Griffin Brothers at \$66,500 and Cedar Farms and Construction, Inc. at \$51,750. He recommended the approval of the Cedar Farms and Construction, Inc. bid in the amount of \$51,750.00.

Motion to approve the Cedar Farms and Construction, Inc. bid in the amount of \$51,750: Jimmy Hooper
Second: Charles Turk
Vote: 5:0
All aye votes and the motion passed.

12. Grants:

a. Hwy 59 Roundabout – OneGeorgia Authority \$500,000 Equity Grant Application & Administration – GMRC

County Clerk Regina Gailey stated this an agreement for GMRC to apply and administer a grant for a roundabout at Hwy 59 where RAI would locate.

Motion to approve the agreement with GMRC: Jimmy Hooper
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.
(Copy of Agreement filed in Attachment to Minute Book 10-2)

b. Senior Center - \$500,000 Community Development Block Grant Administration – GMRC

Ms. Gailey stated the agreement for grant administration with GMRC needed to be extended and the amount would not exceed \$2,000.

Motion to approve the extension with GMRC: Jimmy Hooper
Second: Sammy Reece
Vote: 5:0
All aye votes and the motion passed.
(Copy of Agreement filed in Attachment to Minute Book 10-2)

c. 2020 GDOT Local Maintenance Improvement Grant Project List – 5.82 miles

Assistant County Clerk Erin Decker stated this was an annual grant in the amount of \$502,997.01. The following roads would be resurfaced:

Mountain View Road - .26 miles
Garland White Road - 1.89 miles
Bellamy Road - 1.47 miles
Sample Scales Road - 2.20 miles

Motion to approve the grant application: Jimmy Hooper
Second: David Duckett
Vote: 5:0
All aye votes and the motion passed.

13. Banks County Employee Group Insurance

Finance Officer Randy Failyer stated the County would be changing from Anthem BC/BS to United Healthcare. The employees were notified of the change November 1.

Motion to change from Anthem BC/BS to United Healthcare: Jimmy Hooper
Second: Sammy Reece
Vote: 5:0
All aye votes and the motion passed.

14. Contracts & Agreements:

a. On-Call Engineering – KCI Technologies

David Duckett

Comm. Duckett stated KCI needed some time added on their On-Call Engineering contract for additional work on bridges and grading for Lot B at Grove Creek Business Park.
Motion to approve additional hours to the On-Call Engineering contract not to exceed \$20,000:
David Duckett
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.

b. Smart Fusion Computer Software ICloud Storage – Harris Computer

Motion to approve the Smart Fusion Computer Software ICloud Storage with Harris Computer:
Jimmy Hooper
Second: Charles Turk
Vote: 5:0
All aye votes and the motion passed.
(Copy of Agreement filed in Attachment to Minute Book 10-2)

c. Building Inspection/Erosion Control/Local Issuing Authority Management Agreement – Bureau Veritas North America, Inc.

Hal Chitwood with Bureau Veritas North America, Inc. stated that currently the County had an open contract for building inspections but since the County's building official resigned, he had contacted the County about extending the contract. He stated he had certified building inspectors and also handled erosion/sedimentation control. Commissioner Reece stated he would like to keep the same building inspectors in the County and Comm. Turk stated he was concerned that builders wouldn't be able to get in contact with the inspector. Mr. Chitwood stated Banks County would be assigned the same building inspectors and they would give their contact information to the builders.
(Copy of Agreement filed in Attachment to Minute Book 10-2)

d. Georgia Forestry Commission Agreement/Memorandum of Understanding Ratification

Ms. Gailey stated this was a ratification of the Chairman's signature. She stated it was for 2 – F250's, 1 – Tanker, and 1 – Pump Performer and the mou stated what was required by Banks County when using Georgia Forestry Commission equipment.

Motion to ratify the Chairman's signature and approve the MOU: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of Agreement filed in Attachment to Minute Book 10-2)

15. Mobile Home Placement Request – 398 Grant Mill Drive

Comm. Reece stated that Suzanne Harrison couldn't be there tonight because of health issues. He stated she had 1.75 acres and asked to move an additional mobile home in so she could take care of her mother.

Motion to approve the request with the condition that when the mother passes the mobile home would have to be moved from the property: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

16. 2018 Road and Bridge Tax Report

David Duckett

Comm. Duckett stated that since the Road and Bridge Tax had been collected plus LMIG grants, the County has resurfaced 17 miles of roadway and scraped and graveled 18 miles of roads. He stated these funds had been well spent and everyone should see results from the tax.

17. Speed Zone – OptoTraffic

Sammy Reece

Comm. Reece stated OptoTraffic will only enforce the school speed zones for one hour in the morning and one hour in the afternoon. The rest of the time a speeding ticket will be issued for anyone going 15 mph over the posted speed limit. The money generated from these tickets would be used for school safety and the contract would be for three years.

Motion to approve the contract pending attorney approval: Sammy Reece

Second: Jimmy Hooper

Vote: 5:0

All aye votes and the motion passed.

(Copy of Agreement filed in Attachment to Minute Book 10-2)

18. Materials contract for Senior Center

Ms. Gailey stated this was a materials contract order to repair beams at the Senior Center.

Motion to approve the contract: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

(Copy of Contract filed in Attachment to Minute Book 10-2)

19. City of Homer Elections Resolution

Motion to approve the special election for the City of Homer: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0
All aye votes and the motion passed.

20. Gainesville Mechanical Heating and Air Contract

Comm. Reece stated this was a contract for the Sheriff's Office/Jail to maintain the heating and air in the amount of \$7,136.00.

Motion to approve the contract with Gainesville Mechanical: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of Contract filed in Attachment to Minute Book 10-2)

21. Executive Session: Personnel & Litigation

Motion to enter into executive session concerning personnel and litigation: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the executive session began at 7:50 p.m.

Motion to close the executive session: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the executive session ended at 8:12 p.m.

(Copy of Affidavit filed in Attachment to Minute Book 10-2)

22. Senior Center Mediation, Settlement and Release

Atty. Frost stated the County had entered into an agreement with BM&K Construction in which the County had received sufficient funds to correct the construction injustices at the Senior Center.

Motion to approve the agreement and authorize the Chairman to sign: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

23. Adjournment

Ch. Hooper adjourned the meeting at 8:14 p.m.

Chairman

Assistant County Clerk
