

The Banks County Board of Commissioners held their regular meeting on April 10, 2018 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

**Members Present**

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

**Members Absent**

Chairman Jimmy Hooper

**Staff Present**

County Clerk Regina Gailey  
Assistant County Clerk Erin Decker  
Finance Officer Randy Failyer  
Personnel/HR Officer Arlene Ivey  
Code Enforcement Officer Paul Ruark  
County Attorney Randall Frost

**Media**

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

**1. Call to Order**

Vice Ch. Reece called the meeting to order.

**2. Approval of Agenda**

Vice Ch. Reese stated Item 18d. Cigna Health Insurance Renewal and Personnel during Executive Session needed to be added to the agenda.  
Motion to approve the agenda as amended: David Duckett  
Second: Sammy Reece  
Vote: 4:0  
All aye votes and the motion passed.

**3. Moment of Reflection**

Vice Ch. Reece stated the day was beautiful.

**4. Pledge to the American Flag**

Vice Ch. Reece led the Pledge to the American Flag.

**5. Approval of Invoices**

Motion to approve the invoices: David Duckett  
Second: Danny Maxwell  
Vote: 4:0  
All aye votes and the motion passed.

**6. Approval of Previous Minutes – 3/13, 3/29**

Motion to approve the minutes: Danny Maxwell

Second: David Duckett

Vote: 4:0

All aye votes and the motion passed.

## **7. Proclamations:**

### **a. Child Abuse Prevention Month**

#### **Michelle Black**

WHEREAS: Children are critical to Banks County's future success, prosperity, and quality of life, Children are our most valuable resource, and they are also our most vulnerable. Our children have a right to be safe and provided the opportunity to thrive,

WHEREAS: Childhood is precious. Growing up in a loving home, with a nurturing family, surrounded by a safe community gives our children the best opportunity to realize their full potential. Sadly, mistreatment by parents and caregivers can threaten a child's sense of worth and hinder their success in the home, in the classroom, as a future member of the workplace and in future relationships; and

WHEREAS: Child abuse and neglect can be prevented by supporting and strengthening our families, thus preventing the far-reaching effects of maltreatment and providing the opportunity for children to develop healthy, trusting family bonds and consequently, building the foundations of the community; and

WHEREAS: Effectively intervening in the lives of children affected by abuse is a shared community responsibility. Child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, health community, faith-based organizations, businesses and law enforcement agencies. The Banks County Department of Family and Children Services, Banks County Family Connection, Piedmont CASA, The Tree House, The Banks County School System, and Peace Place are committed to preventing child maltreatment and promoting positive parenting;

WHEREAS: The Banks County Board of Commissioners does hereby proclaim the month of April 2018 as Child Abuse Prevention Month, urging all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Vice Chairman Reece stated the Banks County Board of Commissioners declared April 2018 as Child Abuse Prevention Month.

*(Copy of Proclamation filed in Attachment to Minutes Book #9-9)*

### **b. Lifelink National Donate Life Month**

County Clerk Regina Gailey presented a proclamation stating,

WHEREAS, one of the most meaningful gifts that a human being can bestow upon another is the Gift of Life; and

WHEREAS, more than 121,000 men, women, and children await life-saving or life-enhancing organ transplants, of which over 5,900 reside in Georgia; and

WHEREAS, the need for organ, eye and tissue donation grows daily as a new patient is added to the national waiting list for an organ transplant every 10 minutes; and

WHEREAS, the critical donor shortage remains a public health crisis as an average of 22 people die daily due to the lack of available organs; and

WHEREAS, organ, eye, and tissue donation can provide families the comfort of knowing the gift of donated organs and tissue endows another person with renewed hope for a healthy life; and

WHEREAS, more than 4.7 million Georgians have already registered their decision to give the Gift of Life at [www.donatelifegeorgia.org](http://www.donatelifegeorgia.org) or when getting or renewing their driver license or state identification card at a driver license office; and

WHEREAS, LifeLink of Georgia is the non-profit, community service organization dedicated to the recovery of high quality organs and tissues for transplantation therapy; and

WHEREAS, Banks County supports the life-saving mission of LifeLink of Georgia; and

NOW, THEREFORE, I, Banks County Commissioners, Banks County do hereby proclaim April 2018 as Donate Life Month.

*(Copy of Proclamation filed in Attachment to Minutes Book #9-9)*

**c. National Telecommunicators Week – April 8 – April 14, 2018**

911/EMA Director Deidra Moore stated the week of April 8 – April 14, 2018 had been designated by Governor Deal as Nation TeleCommunicators Week in Georgia. She presented a proclamation to the Commissioners that stated,

Whereas emergencies can occur at any time that require police, fire or emergency medical services; and,

Whereas when an emergency occurs the prompt dispatch from 911 for a prompt response of public safety responders is critical to the protection of life and preservation of property; and,

Whereas the safety of our public safety responders is dependent upon the quality and accuracy of information obtained from citizens by the Banks County E-911 Communications Center; and,

Whereas Public Safety Telecommunications are the single vital link for our public safety responders by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas Public Safety Telecommunications of the Banks County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas each Dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore, Be It Resolved that the Banks County Commissioners reaffirm that the week of April 8 through 14, 2018 is recognized as National Public Safety Telecommunicators Week in Banks County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

Ms. Moore stated she would like to recognize the dispatchers for the outstanding job they do. She stated they serve selflessly and do a thankless job.  
*(Copy of Proclamation filed in Attachment to Minutes Book #9-9)*

#### **8. Planning Commission Recommendations:**

**a. Z-18-01 – Randall Cochran – A rezoning application for property located at 2128 Highway 198 Baldwin, GA 30511 from ARR Agricultural Rural Residential to CAD Consolidated Agricultural District.**

Vice Ch. Reece closed the meeting. County Attorney Randall Frost opened the public hearing. Atty. Frost stated zoning application Z-18-01 – Randall Cochran was for rezoning property located at 2128 Highway 198 Baldwin that is currently zoned ARR Agricultural Rural Residential to CAD Consolidated Agricultural District. Zoning Officer Paul Ruark stated the Planning Commission recommended approval.

Comm. Duckett stated he had spoken with Mr. Cochran and Mr. Cochran had asked Comm. Duckett if he could present the application if possible. Zoning Officer Ruark stated Comm. Duckett could represent the application but he could not vote on the request.

Comm. David Duckett – 4373 Old Hwy 441N, Alto, GA – Represented the application.

Atty. Frost closed the public hearing. Vice Ch. Reece opened the meeting.

Motion to approve the rezoning application: Charles Turk

Second: Sammy Reece

Abstained: David Duckett

Vote: 3:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book #9-9)*

**b. V-05-02 – Jonathan Gosnell – A variance to reduce the required setbacks for two poultry houses located at map/parcel #B39/068**

Vice Ch. Reece closed the meeting. County Attorney Randall Frost opened the public hearing stating V-05-02 was a variance to reduce the required setbacks for two poultry houses. Zoning Officer Paul Ruark stated the Planning Commission recommended denial of the application.

Jonathan Gosnell – 304 Marion Cape Road – Stated he wanted to build two chicken houses at the end of Marion Cape Road and originally was going to move in a double wide trailer but has now decided to build a permanent house to leave in.

Alex Dominquez – 4155 Treadour Bay Lane, Norcross, GA – Stated he opposed the application and he owned a parcel that was adjacent to Mr. Gosnell. He stated he used the land for recreational purposes. He asked the Commissioners to consider that the land and everything on

Marion Cape Drive is restricted against any manufactured homes and homes under a certain square footage and acreage. He stated this area was clearly intended for residential use and he feels a variance granted will be detrimental to his property and greatly impact his property value. He also stated the truck traffic would increase on the well maintained county road and would erode the roadway. He stated he was requesting the Commissioners to consider the Planning Commission denial and that we all follow the good rules that were set in place. Comm. Turk stated Mr. Dominquez property was zoned ARR. Mr. Dominquez stated that he had no opposition of the use but just the setbacks. Vice Ch. Reece stated the setback was 200 feet from the property line and four hundred feet from the nearest house. Mr. Dominquez said the letter he received in the mail stated 400 feet. Comm. Reece stated the letter should have been written as a conditional use instead of a variance. Comm. Maxwell asked Zoning Officer Ruark why a variance was asked for rather than a conditional use. Mr. Ruark stated Mr. Gosnell made an application for a variance. Mr. Ruark stated he was at training the week Mr. Gosnell applied and a variance suited the property better than a conditional use. Mr. Ruark stated he could have applied three different ways, a conditional use, rezone to CAD or ask for a variance. Mr. Ruark stated he wasn't here to tell the applicants what to do but give people the rules and let them do what they see fit. Mr. Gosnell chose to apply for a variance. Vice Ch. Reece stated the Planning Department was set up to help people and for most of the people that come in, it's their first time and they have to have guidance.

George Varzaly – 7471 Shady Glenn Drive, Flowery Branch, GA – Stated he owned 46 acres adjacent to Jonathan Gosnell and the property he owned had restrictions not to build any poultry houses, raise hogs or have dog kennels. He stated right where the 3 properties meet was where Mr. Gosnell wanted to build the poultry houses. Mr. Varzaly stated Mr. Gosnell's father had just cleared 30 acres on the back of the property for pasture land and that would be a much more suitable place to put the poultry houses.

Vice Ch. Reece stated he had visited the property and you could already see 12 chicken houses around the area. Atty. Frost closed the public hearing. Vice Ch. Reece opened the meeting.

Motion to approve the variance: Sammy Reece

Second: Charles Turk

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book #9-9)*

#### **9. Public Comment: NONE**

#### **10. Surplus Radios & Equipment**

**Deidra Moore**

Ms. Moore stated she had radios and communication equipment that needed to be surplus. She also stated there was a company that was interested in purchasing the surplus equipment.

Motion to surplus the equipment: Charles Turk

Second: Sammy Reece

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Equipment List filed in Attachment to Minutes Book #9-9)*

#### **11. Hotel/Motel Code Violations**

**Carlton Speed**

Sheriff Carlton Speed stated he would also like to thank the 911 dispatchers for the job each one of them do.

Sheriff Speed stated he was there to talk about a business in the County that has become a haven for illegal activity and a place where families are staying for months at a time. He said he was talking about the Scottish Inn at Banks Crossing. The resources Banks County extends on the establishment was very detrimental to our community as a whole. Some instances the Sheriff's Office had handled at the Scottish Inn were drug dealing, domestic disputes, and stabbings. He stated he came tonight not only as the Sheriff, but as a Taxpaying Citizen of Banks County asking the Commissioners to start looking at some things we can do to change that establishment and how they do business.

Katrina Willis, Investigator presented charts and graphs showing the resources that are spent at the Scottish Inn. There were more EMS calls, arrest warrants served, sex offender registry checks, civil papers served and suspicious activity calls than any other hotel in the area.

Lieutenant Scott Crane currently working at the Banks County Sheriff's Office was in Code Enforcement before working at Banks County and was also a State Fire Marshal and an Arson Investigator stated Banks County had passed an ordinance about hotels and extended stay. It was passed in June 2017 and will take in effect June 2018. Lt. Crane stated by just doing a walk-thru inspection there were many safety violations and those violations could cause a loss of life if not corrected.

Sheriff Speed stated he was asking for the County to come together as a group and see what could be done about the establishment and what can be done to get them up to code.

The Commissioners stated they would get together and help resolve the problem.

#### **12. Diana Food Pretreatment Facility Cost Overrun**

**DVA Scott      Ledford**

Development Authority Chairman Scott Ledford stated the Commissioners needed to approve an amendment for the increased cost of the pre-treatment plant which will be funded through the EDA Grant and the City of Commerce.

Motion to authorize the Vice Chairman to sign the amendment: Danny Maxwell

Second: David Duckett

Abstain: Sammy Reece

Vote: 3:0

All aye votes and the motion passed.

*(Copy of Amendment filed in Attachment to Minutes Book #9-9)*

#### **13. Public Utilities Change in Billing Cycle**

**Steve Reece**

Public Utilities Director Steve Reece stated he was requesting to change the billing cycle with the cutoff time from two months to one month. The change will take effect July 1, 2018.

Motion to approve the change: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the motion passed.

#### **14. Public Library Paint & Repair Bid Award**

County Clerk Regina Gailey stated 3 proposals for painting and repairs at the library were received. The proposals were from Edwin Patterson, Boswell Painting and Dixie Athens Enterprises. Edwin Patterson had the low proposal for \$10,750.00.

Motion to approve the proposal: Danny Maxwell

Second: Charles Turk

Vote: 4:0

All aye votes and the motion passed.

**15. Jackson Creative Annual Transportation Technical Proposal**

**Randy Failyer**

Finance Officer Randy Failyer stated the contract needed to be ratified. The contract was between Jackson Creative and Banks County Transit.

Motion to ratify the contract: Charles Turk

Second: Sammy Reece

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Contract filed in Attachment to Minutes Book #9-9)*

**16. Recreation Gymnasium Lighting**

**Randy Failyer**

Finance Officer Randy Failyer stated he had received 3 different proposals for replacing the gym lights.

They were as follows:

Arnold Electric	\$32,000	Garrison Electric	\$33,000
Georgia Electric	\$35,000		

He also stated the replacement of the lights would be paid for from the 2012 SPLOST fund.

Motion to approve the Arnold Electric low proposal in the amount of \$32,000 and paid for from the 2012 SPLOST Fund: Charles Turk

Second: Sammy Reece

Vote: 4:0

All aye votes and the motion passed.

**17. Roads & Bridges:**

**a. Chemical Application of Various County Roads**

**David Duckett**

Comm. Duckett stated he would like to have the roadside vegetation sprayed on as many dirt roads and around all bridges and guardrails as possible. He stated the cost would be approximately \$75 per mile and would not exceed \$10,000.

Motion to approve the roadside chemical application: Danny Maxwell

Second: Sammy Reece

Vote: 4:0

All aye votes and the motion passed.

**b. Bertha Gragg Road Preliminary Engineering – KCI Technologies, Inc.**

**\$5,694.00**

Assistant County Clerk Erin Decker stated the contract was for the preliminary engineering and construction supervision of the project.

Motion to approve the contract: Sammy Reece

Second: David Duckett

Vote: 4:0

All aye votes and the motion passed.

**c. CR92 Wrights Mill Road Bridge Replacement Memorandum of Understanding**

**GDOT**

Comm. Duckett stated he would like to table this item until he could get further clarification on the cost of the right-of-way acquisition.

Motion to table the item until the next meeting: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the motion passed.

## **18. Contracts & Agreements**

### **a. Department of Human Service Coordinated Transportation Services Agreement**

Mr. Failyer stated the contract was between Deanna Specialties and Banks County Transit. The contract period was for July 2018 through June 2019.

Motion to approve the contract and authorize the Vice Chairman to sign: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Contract filed in Attachment to Minutes Book #9-9)*

### **b. Senior Center CDBG Grant Administration Contract Extension**

**GMRC**

Ms. Gailey stated the addendum was to extend current contract with GMRC to administer the CDBG Grant. The addendum would extend the contract until September 30, 2019.

Motion to approve the addendum: Sammy Reece

Second: David Duckett

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Addendum filed in Attachment to Minutes Book #9-9)*

### **c. Legacy Link FY2018 Contract Addendum**

**Randy Failyer**

Mr. Failyer stated the addendum was for the contract which provides meals for the Senior Center.

Motion to authorize the Vice Chairman to sign the addendum: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Addendum filed in Attachment to Minutes Book #9-9)*

### **d. Cigna Health Insurance Renewal**

**Arlene Ivey**

Personnel Officer Arlene Ivey stated she had talked to Cigna and they are looking at an 11.6% increase in premiums. Ms. Ivey stated she hoped she could get it down to at least 10%. Ms. Ivey stated she was asking for permission to proceed with getting cost and authorizing the Vice Ch. to sign the new policy with the new effective rates.

Motion to proceed with the maximum of an 11.6% increase and give the Vice Ch. permission to sign: Charles Turk

Second: David Duckett

Vote: 4:0

All aye votes and the motion passed.

## **19. Executive Session: Litigation, Real Estate & Personnel**



Motion to enter into the executive session concerning litigation, real estate and personnel: David Duckett

Second: Danny Maxwell

Vote: 4:0

All aye votes and the executive session began at 8:30 p.m.

Motion to close the executive session: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the executive session ended at 8:30 p.m.

Motion to lift the hiring freeze for Ms. Ivey to pursue hiring for a Technology Position.

Second: David Duckett

Vote: 4:0

All aye votes and the motion passed.

**20. Adjournment**

Motion to adjourn the meeting: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the meeting adjourned at 8:31 p.m.

\_\_\_\_\_  
Chairman

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

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