

The Banks County Board of Commissioners held their regular meeting on March 13, 2018 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

**Members Present**

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

**Staff Present**

County Clerk Regina Gailey  
Assistant County Clerk Erin Decker  
Finance Officer Randy Failyer  
Code Enforcement Officer Paul Ruark  
County Attorney Randall Frost

**Media**

Cindy Edge, Banks County News  
Rob Moore, Access North Georgia

**1. Call to Order**

Ch. Hooper called the meeting to order.

**2. Approval of Agenda**

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

**3. Moment of Reflection**

Ch. Hooper stated there were 17 elected officials. He stated when the candidates were running for election he thought it was more important that the candidate tell you what they were going to do to improve the quality of life. Not run a revenge campaign or one to accomplish a certain agenda. He stated it was important for the candidate to tell you what they were going to do to improve the community.

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

**6. Approval of Previous Minutes – 2/13, 2/14, 2/27**

Motion to approve the minutes: David Duckett

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

### **7. Executive Session – Litigation**

Motion to enter into executive session concerning litigation: Charles Turk  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the executive session began at 6:32 p.m.

Motion to close the executive session: David Duckett  
Second: Sammy Reece  
Vote: 5:0  
All aye votes and the executive session ended at 6:48 p.m.  
*(Copy of Affidavit filed in Attachment to Minutes Book #9-9)*

Motion to approve a resolution authorizing, approving and directing the employment of certain law firm to represent the County in potential litigation against contributors of opioid addiction crisis: Charles Turk  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the motion passed.  
*(Copy of resolution filed in Attachment to Minutes Book #9-9) 2018-06*

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

#### **a. CU-18-01 – Conditional use application to change the use of proposed building from a storage facility to a used vehicle dealer located at 194 Faulkner Road, Commerce**

Ch. Hooper closed the meeting and County Attorney Randall Frost opened the public hearing. Patrick Sparks – 530 Oakridge Drive, Maysville, GA 30558 – Stated the State of Georgia has a set of vehicle guidelines for a used motor vehicle license and his intent is to only deal with motorcycles and different types of motorsports and not used cars. He will have a broker's office and he would be able to get to the auctions he wanted to go to. Ch. Hooper asked if he would be held to the same standards as a used car dealer. Mr. Sparks stated yes. Ch. Hooper states restrooms and signage are required when getting license to be a used vehicle dealer. Vice Ch. Reece stated if going from a storage building to a commercial business the building needed to be inspected. Attorney Frost closed the public hearing. Ch. Hooper opened the meeting.

Motion to approve the application with the conditions of adding a public restroom and getting dealer license with in the next six months: Jimmy Hooper  
Second: Sammy Reece  
Vote: 5:0  
All aye votes and the motion passed.  
*(Copy of Conditional Use filed in Attachment to Minutes Book #9-9)*

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

### **10. Ordinance Establishing a Historic Preservation Commission**

Rick Billingslea and Glenn Diamond discussed the possibilities of a Historic Preservation Committee. They said the purpose of creating the committee would be to preserve the historical, cultural and

aesthetic heritage of Banks County. By having this committee designated by the Commissioners, the committee could apply for grants that could stimulate revitalization of business districts and historic neighborhoods.

Motion to approve the ordinance establishing a historic preservation commission: Jimmy Hooper

Second: Danny Maxwell

Vote: 3:2

Jimmy Hooper: Aye

Danny Maxwell: Aye

David Duckett: Aye

Sammy Reece: Nay

Charles Turk: Nay

Majority vote and the motion passed.

*(Copy of Ordinance filed in Attachment to Minutes Book #9-9) 2018-07*

### **11. Senior Center: Materials Testing Proposal – Southern Geotechnical Consultants**

County Clerk Jenni Gailey stated BM&K Construction recommended Southern Geotechnical Consultants for materials testing at the Senior Center. The quote for the testing was \$4,450.

Motion to approve the quote from Southern Geotechnical Consultants in the amount of \$4,450: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

### **12. Public Utilities:**

**Randy Failyer**

#### **a. Water Department Air Compressor**

Finance Officer Randy Failyer stated an air compressor that was used 24/7 at the Waterplant went out and qualified for an emergency purchase so the bid process was waived. The amount of the new compressor was \$9,581.85 and recommended to be purchased from Contingency.

Motion to approve the emergency purchase in the amount of \$9,581.85 from Contingency:

Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

#### **b. GEFA Loan - \$310,000**

Mr. Failyer stated this had been approved at a previous meeting pending county attorney approval and now it has been approved by counsel. This loan was for meter replacements that would be funded from 2017 SPLOST.

Motion to approve the GEFA Loan in the amount of \$310,000: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

### **13. Jail Dishwasher \$9,581.85**

Motion to purchase a commercial dishwasher in the amount of \$9,581.85 out of Contingency: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

**14. CY2019 Piedmont Judicial Circuit Indigent Defense Contract**

**Randy Failyer**

Mr. Failyer stated the contract was annual with an increase of 1.6% and he needed authorization for the Chairman to sign the contract.

Motion to authorize the Chairman to sign the contract: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

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

**15. Roads & Bridges:**

**a. Authorization to Advertise Bids for Resurfacing: Sims Harris Rd, Gardiner Rd, Bertha Gragg Rd**

Motion to authorize the advertisement of bids: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

**b. On Call Engineering – KCI Technologies, Inc.**

**\$7,700**

Comm. Duckett stated this was on-call engineering on an hourly basis not to exceed an amount \$7,700 and not for a specific project.

Motion to approve the work authorization: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

**c. Sims Harris Rd & Gardiner Rd Preliminary Engineering for resurfacing – KCI Technologies, Inc. \$16,342**

Motion to approve the preliminary engineering for resurfacing Sims Harris Road and Gardiner

Road: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

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

**d. Faulkner Rd Preliminary Engineering for resurfacing – KCI Technologies, Inc. \$4,996**

Motion to approve the preliminary engineering for Faulkner Road: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

**16. Development Authority Member Replacement – Jerry Baker resignation**

Ch. Hooper stated we wanted to thank Jerry Baker for being on the Development Authority but he had resigned.

Motion to appoint Wei Huygen to the Development Authority for the remaining of the term that expires on February 28, 2020: Sammy Reece  
Second: Jimmy Hooper  
Vote: 5:0  
All aye votes and the motion passed.

**17. Adjournment**

Motion to adjourn the meeting: Jimmy Hooper  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the meeting was adjourned at 7:19 p.m.

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Chairman

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Assistant County Clerk

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