

The Banks County Board of Commissioners held their regular meeting on December 10, 2013 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

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

Staff Present

County Attorney Randall Frost
Economic Developer Brad Day
Financial Officer Randy Failyer
Public Utilities Director Steve Reece
County Clerk Regina Gailey
Assistant County Clerk Erin Decker

Media Present

Banks County News - Alex Pace
Access North Georgia - Rob Moore

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Motion to add executive session concerning potential litigation: Charles Turk

Second: Sammy Reece

Vote: 5:0

Unanimous vote and motion passed.

Motion to approve the agenda as amended: Danny Maxwell

Second: Charles Turk

Vote: 5:0

Unanimous vote and motion passed.

3. Prayer

Ch. Hooper stated he read in the paper that Americans don't trust each other anymore. He stated the reasons were that people don't do what they say and people have taken advantage of other people. He stated he hoped the next generation would be built on trust.

Ch. Hooper led a moment of silent prayer.

4. Pledge to the American Flag

Ch. Hooper led the pledge to the American Flag.

5. Approval of Invoices

Motion to approve the invoices: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

6. Approval of Previous Minutes – 11/12

Motion to approve the minutes 11/12/2013: Charles Turk

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

7. Planning Commission Recommendations:

a. CU-13-05 – Hayward S. Ivey – A conditional use for a pallet repair shop as a home occupation at 519 Garrison Shoals Road.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing. Economic Developer Brad Day stated the application was for a conditional use permit for a pallet repair shop as a home occupation at 519 Garrison Shoals Road. The Planning Commission recommended approval with two conditions as follows:

1. No tractor trailers larger than a 24ft. straight bed truck and
2. No tractor trailers hauling pallets in or out of the facility.

Harold Ivey, 175 Ivey Lane, Lula, stated his brother was applying for a conditional use permit for a home occupation for a pallet repair shop. Mr. Ivey stated the home occupation would cease when Hayward Ivey ceases operating the business.

Charles Hyder, 592 Garrison Shoals Road spoke in opposition of the conditional use home occupation permit. He stated his family owned the adjoining property and his main concern was the nightmare with the constant tractor trailer traffic with the current pallet mill. A narrow road is not a place for a commercial business and also it will decrease the property values. He stated the current pallet mill had negative issues and was afraid this proposed mill would grow larger and cause more problems.

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

Motion to approve the conditional use permit for a pallet repair shop at 519 Garrison Shoals Road with the following two conditions:

1. No tractor trailers larger than a 24ft. straight bed truck and
2. No tractor trailers hauling pallets in or out: Sammy Reece

Second: Charles Turk

Vote: 5:0

Unanimous vote and motion passed.

8. Ordinance to delete Section 1105 in its entirety and create a new Section 1105 of the zoning ordinance entitled "Criteria to Consider for Conditional Uses". *Tabled: 11/12/2013*

Motion to bring the item off the table: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

Motion to approve the ordinance with an effective date of January 1, 2014: Charles Turk

Second: Sammy Reece

Vote: 5:0

Unanimous vote and motion passed

(Copy of resolution filed in Attachment to Minutes Book #9-5) 2013-24

9. Ordinance to delete Section 1109 in its entirety and create a new Section 1109 of the zoning ordinance entitled "Criteria to Consider for Special Uses". *Tabled 11/12/2013*

Motion to bring the item off the table: Danny Maxwell

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed

Motion to approve the ordinance with an effective date of January 1, 2014: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

Unanimous vote and motion passed

(Copy of resolution filed in Attachment to Minutes Book #9-5) 2013-25

10. Public Comment: Water/Sewer Tap Fees **Wade Rhodes and Rick Wood**

Wade Rhodes, Norton Agency, 855 Washington Street, Gainesville. Mr. Rhodes stated the gentleman would be investing approximately \$2 Million to improve a vacant lot and in this economy a partnership between private and public is necessary. His request is to look at fees and make it a reasonable amount to create a business friendly community.

Rick Wood stated he didn't understand the meter rates because a water and sewer line was already in the location. He thought usage should be considered when setting a price.

11. Public Utilities: **Steve Reece**

a. Commercial Water/Sewer Tap Fees

Ch. Hooper stated at the time when the rates were set, the county had a GEFA loan and part of the loan requirements were to adjust the rates according to their standards. After some further discussion concerning the commercial water and sewer rates, the following rates were considered:

Motion to approve the following rates with an effective date of January 1, 2014: Charles Turk

<i>Commercial Water Tap Fees</i>		<i>Commercial Sewer Tap Fees</i>	
6" Connection Fee	\$32,000	3" Connection Fee	\$10,000
4" Connection Fee	\$24,000	4" Connection Fee	\$20,000

3" Connection Fee	\$16,000	6" Connection Fee	\$30,000
2" Connection Fee	\$10,000		

Second: Sammy Reece

Vote: 5:0

Unanimous Vote and motion passed.

b. Wastewater Plant Pond Drain Covers - \$2,489

Public Utilities Director Steve Reece stated the drain covers had been in place since the plant was built. The cost of the drain covers would be \$2,489 and he was requesting the purchase be paid from 2012 SPLOST funds.

Motion to approve the purchase from 2012 SPLOST funds: Charles Turk

Second: Sammy Reece

Vote: 5:0

Unanimous vote and motion passed.

c. Engineering for Wastewater line and pump from Lift Station #1 to Lift Station #3 – Carter & Sloope

Mr. Reece stated the cost would only be for engineering and not construction for a wastewater line for diversion from Lift Station #1 to Lift Station #3. The cost for the engineering would be \$11,700.

Motion to approve the engineering from the 2012 SPLOST funds: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

d. Engineering for Wastewater Aerators at the Industrial Park Plant – Carter & Sloope

Motion to approve engineering for wastewater aerators at the Industrial Park Plant: Jimmy

Hooper

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

e. City of Commerce Water Purchase Agreement

Ch. Hooper stated there were some changes Attorney Frost had to make to the agreement and no action would be made.

12 Contracts & Agreements:

a. 2015 Regional Aerial Photography Flyover Letter of Participation – GMRC

County Clerk Jenni Gailey stated in early 2015, the Georgia Mountains Regional Commission is coordinating another regional flyover. Depending on the number of counties participating in the flyover, the cost could be as low as \$15,000.

Motion to draft a letter of participation: Danny Maxwell

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

b. FY2014 Gravel Hauling Bid Award

Assistant County Clerk Erin Decker stated two bids were received as follows:

Triple H Transport	Maysville, GA (Jackson County)	\$4.81/ton
Shubert Hauling	Commerce, GA (Banks County)	\$4.98/ton

She also stated Shubert Hauling was a local vendor and had a 3% Local Vendor Preference but Triple H Transport still remained the lowest bid.

Motion to approve Triple H Transport as the lowest bidder at \$4.81/per ton for gravel hauling:

Jimmy Hooper

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

c. 2014 Indigent Defense Services Agreement -

Tabled 11/12/2013

Piedmont Judicial Circuit Public Defender Office - \$105,901

Motion to approve the 2014 Indigent Defense Services Agreement in the amount of \$105,901:

Sammy Reece

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

Term of agreement January 1, 2014 – December 31, 2014. *(Copy of agreement filed in Attachment to Minutes Book #9-5)*

d. 2014 Juvenile Court IGA – Piedmont Judicial Circuit - \$50,607

Motion to approve the 2014 Juvenile Court IGA Agreement in the amount of \$50,607: Jimmy

Hooper

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

Term of agreement January 1, 2014 – December 31, 2014. *(Copy of agreement filed in Attachment to Minutes Book #9-5)*

13. Fire Chief Position

Ch. Hooper stated Robert Wilkins had been in the interim fire chief position for approximately 90 days and further stated that he felt it was time to move him to full-time status. Vice Ch. Turk stated he did not want to move him to the fulltime fire chief position yet. Some of the reasons were that he would like to see the chief live closer to Banks County or in Banks County, there wasn't any lettering on the car and he needed to improve his conduct. Comm. Reece stated that he thought there had not been enough time to determine who the fire chief should be.

Motion to hire Robert Wilkins as the full-time Fire Chief: David Duckett

Second: Danny Maxwell

The vote was as follows:

Chairman Hooper: Aye

David Duckett: Aye
Danny Maxwell: Aye
Sammy Reece: Nay
Charles Turk Nay
Vote: 3/2 and motion passed.

14. Board & Authorities

a. Chestatee Chattahoochee RC&D – 1 year term

Jimmy Hooper

Motion to reappoint Jimmy Hooper to the Chestatee Chattahoochee RC&D Board from January 1, 2014 – December 31, 2014: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

b. Chestatee Chattahoochee RC&D – 1 year term

Leslie George

Motion to reappoint Leslie George to the Chestatee Chattahoochee RC&D Board from January 1, 2014 – December 31, 2014: Sammy Reece

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

c. Board of Health – 4 year term

Rita Bush

Motion to reappoint Rita Bush to the Board of Health from January 1, 2014 – December 31, 2017: David Duckett

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

d. Board of Health – 4 year term

Robert

Marshburn, MD

Motion to reappoint Robert Marshburn, MD to the Board of Health from January 1, 2014 – December 31, 2017: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

e. Board of Health – 4 year term

Dock Sisk

Motion to reappoint Dock Sisk to the Board of Health from January 1, 2014 – December 31, 2017: David Duckett

Second: Sammy Reece

Vote: 5:0

Unanimous vote and motion passed.

f. Board of Tax Assessors Resolution – 6 year term

Len Dalton

Motion to reappoint Len Dalton to the Board of Tax Assessors from January 1, 2014 – December 31, 2019: Danny Maxwell
Second: Charles Turk
Vote: 5:0
Unanimous vote and motion passed. *(Copy of resolution filed in Attachment to Minutes Book 9-5) 2013-26*

g. Joint Development Authority – 4 year term **Sammy Reece**
Motion to reappoint Sammy Reece to the Banks, Habersham and Rabun Joint Development Authority from January 1, 2014 – December 31, 2017: Charles Turk
Second: Danny Maxwell
Vote: 5:0
Unanimous vote and motion passed.

h. Recreation Board – 3 year term **Jason Hensley**
Motion to reappoint Jason Hensley to the Recreation Board from January 1, 2014 – December 31, 2016: Charles Turk
Second: Sammy Reece
Vote: 5:0
Unanimous vote and motion passed.

i. Recreation Board – 3 year term **Vince Lehotsky**
Motion to reappoint Vince Lehotsky to the Recreation Board from January 1, 2014 – December 31, 2016: Charles Turk
Second: Sammy Reece
Vote 5:0
Unanimous vote and motion passed.

j. Recreation Board – 3 year term **Eric Rogers**
Motion to reappoint Eric Rogers to the Recreation Board from January 1, 2014 – December 31, 2016: Charles Turk
Second: Sammy Maxwell
Vote: 5:0
Unanimous vote and motion passed.

15. 2013 Koji Japanese Steakhouse Distilled Spirits Consumption License

Motion to approve the 2013 distilled spirits consumption license for Koji Japanese Steakhouse: Charles Turk
Second: Sammy Reece
Vote: 5:0
Unanimous vote and motion passed.

16. 2013 Outback Steakhouse Alcohol License Transfer

Motion to approve the alcohol license transfer for Outback Steakhouse: Sammy Reece
Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

17.2014 Alcohol License Renewals

Motion to approve the following alcohol license: Charles Turk

Beer/Wine/Mixes Drink Pouring

Applebee's	El Azteca
La Hacienda Mexican Restaurant	Longhorn Steakhouse
Outback Steakhouse	Ruby Tuesday
Koji Japanese Steakhouse	Pizza Hut
Beer Pouring Only	
NHRA/Atlanta Drag way	
Sonny's BBQ	

Beer/Wine Pouring Only

Funopolis

Beer/Wine Package

4 Way Country and Grocery	BP Food Mart
TA Operating LLC	Express Food Mart
Royal Food Store #65	Homer Grocery
Patel's Grocery	Quik Trip #828
Racetrac #284	Royal Foods Chevron #4
Wal-Mart Supercenter #3	

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

18. 2014 Qualifying Fees Resolution

Ch. Hooper stated the qualifying dates have not been set yet but stated the 2014 Qualifying Fees needed to be set. The fees are as follows:

Commissioner – District #1	\$450.00
Commissioner – District #3	\$450.00
Board of Education – Post #3	\$43.50
Board of Education – Post #5	\$43.50

Motion to approve the 2014 Qualifying Fees Resolution: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

(Copy of resolution filed in Attachment to Minutes Book #9-5) 2013-27

19. Executive Session – Potential Litigation

Motion to enter into executive session concerning potential litigation: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and the executive session began at 7:30 p.m.

Motion to close the executive session: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

Unanimous vote and the executive session ended at 7:41 p.m.

(Copy of affidavit filed in Attachment to Minutes Book #9-5)

20. Adjournment

Motion to adjourn the meeting: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

Unanimous vote and the meeting ended at 7:42 p.m.

Chairman

Assistant County Clerk
