

The Banks County Board of Commissioners held their regular meeting on November 12, 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
Interim Fire Chief Robert Wilkins
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 approve the agenda: Danny Maxwell

Second: Charles Turk

Vote: 5:0

Unanimous vote and motion passed.

3. Prayer

Ch. Hooper stated Veteran's Day is important to him because of men and women that dedicated their lives for our independence. Ch. Hooper led a moment of silent prayer.

4. Pledge of Allegiance to the American Flag

Ch. Hooper led the Pledge of Allegiance to the American Flag.

5. Approval of Invoices

Ch. Hooper stated in 2001, Grove Level Baptist Church had an expansion in which a water meter had to be replaced and now, a billing error had been found. The County refunded Grove Level Baptist Church in the amount of \$82,028 in the first week of November 2013.

Motion to approve the invoices: Sammy Reece

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

6. Approval of Previous Minutes – 10/8/2013 & 10/23/2013

Motion to approve the minutes of 10/8/2013 and 10/23/2013: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

7. Recognitions:

a. Great American Cleanup

Leslie George

Leslie George with Keep Our Mountains Beautiful stated the Banks County Interact Club cleaned up garbage on John Morris Road as part of the Great American Cleanup. The Commissioners thanked the group for their work and presented the following members with a certificate of appreciation:

Max Sanders	Caitlin Parker	Samantha Naylor	Jimmy Cochran
Andrew Hall	Lorin Andrews	Jackson Hensley	Austin Hensley
Krystal Naylor	Ahava Boyer	Hunter Cochran	Rip Sanders
Hannah Jarrad	Grayson Smith	Jackie Sutton	

b. Cross Country State Finalist: McKayla Hewell

Kelly McDuffie

Kelly McDuffie, Cross Country Coach for Banks County High School stated Makayla Hewell placed 7th Fastest Girl in the State of Georgia. The Commissioners presented Makayla a certificate for placing 7th in the State.

8. Public Comment: Abandoned Mobile Homes and Structures

Charles Thacker

Mr. Thacker stated he lived on Hwy 98 near Maysville and his complaint was the litter on the highway and the abandoned mobile homes and houses that are vacant and dilapidated. Ch. Hooper stated he had researched how other counties handle this situation and had also asked the Tax Assessors Office, 911 and the Planning Department to identify abandoned dwellings.

9. Planning Commission Recommendations:

Motion to close the meeting: Charles Turk

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

a. CU-13-04 – CBT, A Division of SCBT – A conditional use for a commercial tunnel carwash at 40091 Hwy 441S.

County Attorney Randall Frost opened the public hearing and stated he would read the application and then each side would have five minutes to speak for or against the application. Economic Developer Brad Day stated the conditional use permit is for a commercial tunnel carwash at 40091 US HWY 441S. The current use is a vacant lot and the proposed use is a car wash. The Planning Commission recommended approval. Kevin Wood, 3475 Antioch Church

Road, Mt. Airy, Georgia spoke in favor of the application. Mr. Wood stated he felt the business would be an asset to the County and it would employ five to six people. He also would use a reclaimed water system that reclaims eighty percent of the water that will be used per wash.

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

Motion to approve the application: Charles Turk

Second: Sammy Reece

Vote: 5:0

Unanimous vote and motion passed.

b. CUP-13-04 – Chad Johnson – A conditional use permit for a sporting goods store as part of JJ’s Deer Processing at 974 Hwy 105.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing. Mr. Day stated the existing use is a deer processor and the proposed use is a deer processor with a sporting goods store. The Planning Commission recommended approval. Chad Johnson 974 Hwy 105 Baldwin, GA, stated currently they were just a deer processor and only operated during deer season. He would like to add a sporting goods store that would carry hunting supplies and it would also only be open during deer season. He stated he would like to eventually be able to sell rifles and ammo. Attorney Frost closed the public hearing and Ch. Hooper opened the meeting.

Motion to approve the application: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

c. 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.

Attorney Frost stated this would be a redraft of the code section. He stated before this was approved it needed more preparation on the criteria for granting conditional uses.

Motion to table the item until December 10, 2013 meeting: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

d. 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”.

Motion to table the item until December 10, 2013 meeting: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

10. Sunday Alcohol Sales

Brad Day & Paul Patel

Mr. Patel stated Sunday Alcohol Sales for consumption on premises would improve tourism and economic development for Banks County and he was asking the Commissioners to consider placing

Sunday Alcohol Sales on the referendum. Vice Ch. Turk stated there needed to be support from the restaurant owners and Comm. Maxwell stated the people needed to be educated.
Motion to place Sunday Alcohol Sales for consumption on the premises on the ballot and also to use the same 60/40 food/alcohol ratio criteria restaurants currently use: Jimmy Hooper
Second: Sammy Reece
Vote: 5:0
Unanimous vote and motion passed.

11. Boy Scout Explorer Post

Interim Fire Chief Robert Wilkins

Interim Fire Chief Robert Wilkins stated in order to start the Explorer Post program there must be five advisors on a board. He also stated the volunteer and paid staff are in agreement with the program. Foy Todd with the Boy Scouts of America stated this was a co-ed program for ages 16 – 20 in which they train with the fire department and also the Boys Scouts of America provide a liability insurance policy that covers the participants of the program. Ch. Hooper stated the consensus of the board is to proceed with the program.

12. Public Utilities: Water Rates

Director Steve

Reece

Utilities Director Steve Reece stated an increase needed to be made to the water rate. There would be \$1 increase to the base rate and .25/thousand gallon increase. The effective date of the increase is January 1, 2014.

Motion to approve the increase: Charles Turk

Second: Sammy Reece

Vote: 5:0

Unanimous Vote and motion passed.

13. Jail Septic Repair

Ch. Hooper stated the Jail/Sheriff's Office had an emergency situation in which they had to call a plumbing company that charged an excessive amount for repairs. If a situation like this arises again, they have been instructed to call Maintenance Supervisor Kenny Crumley and let him advise them what to do in an emergency situation. Finance Officer Randy Failyer stated this would be paid out of contingency.

14. Contracts & Agreements:

a. Prisoner Health Services Agreement Ratification – Southern Health Partners, Inc.

Ch. Hooper stated this would be an endorsement that the Commissioners would make to a contract the Sheriff has already signed for health services with Southern Health Partners. The term of the contract is October 1, 2014 to June 30, 2014.

Motion to ratify the contract for Southern Health Services: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed. *(Copy of the contract filed in Attachment to Minute Book 9-5)*

b. Clerk of Superior Court Digital Document Management Services Agreement – Mainstreet Technologies, Inc.

CSC Tim Harper

Timothy Harper, Clerk of Superior Court stated he was changing vendors for his software. The change would allow other departments to access documents much easier. The contract will be with Mainstreet Technologies, Inc. The term of the agreement is through December 31, 2013 and then will automatically renew until December 31, 2017.

Motion to approve the contract: Danny Maxwell

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed. *(Copy of the contract filed in Attachment to Minute Book 9-5)*

15. D.O.T. Drug & Alcohol Policy

County Clerk Jenni Gailey stated the policy deals with our transit employees and is required by the State.

Motion to approve the policy: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

Unanimous vote and motion passed. *(Copy of the resolution filed in Attachment to Minute Book 9-5) 2013-22*

16. Personnel Policies Amendment Resolution: Grievance Procedures

Ch. Hooper stated when an employee has been terminated and wishes to file an appeal, there are steps to follow in the appeal process. The first step includes the Chairman hearing the grievance. The next step would be an appeal before the entire Commission Board, in which case the Chairman would also be a voting member, this could cause a conflict of interest. The advice of the County Attorney was to name a Grievance Officer other than the Chairman. Ch. Hooper stated at this time he was asking to modify the Personnel Policy so the County Clerk would be named Grievance Officer and then if the hearing was appealed to the full board, the Chairman would be able to vote without a conflict of interest.

Motion to modify the Personnel Policy to state the County Clerk as the Grievance Officer: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed. *(Copy of the resolution filed in Attachment to Minute Book 9-5) 2013-23*

17. 4 Way Country and Grocery Beer & Wine Package Store License Transfer

Motion to approve the license transfer: Sammy Reece

Second: Charles Turk

Vote: 5:0

Unanimous vote and motion passed.

18. Boards and Authorities:

a. Development Authority Member Appointment

b. Industrial Building Authority

Ch. Hooper stated Dennis Brown resigned from the Development Authority and he needs to be replaced for the remainder of his term.

Motion to appoint Jerry Baker to the Development Authority to finish out the term of Dennis Brown which ends on 2/28/2016 and appoint Larry Sparks to the Industrial Building Authority to finish out the term of Dennis Brown which expires 9/30/2017: Charles Turk

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

19. Adjournment

Motion to adjourn the meeting: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

Unanimous vote and the meeting ended at 7:25 p.m.

Chairman

Assistant County Clerk
