

The Banks County Board of Commissioners held their regular meeting on March 12, 2013 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Jimmy Hooper, Vice Chairman Charles Turk and Commissioners David Duckett, Danny Maxwell and Sammy Reece.

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Ch. Hooper stated “Public Health Body Art Establishments Fees” needs to be added to the agenda as Item 20. Comm. Reece made a motion to amend and approve the agenda. Comm. Maxwell seconded. All aye votes and the agenda was approved.

3. Prayer

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

Vice Ch. Turk made a motion to approve the invoices. Comm. Duckett seconded. All aye votes and the motion passed.

6. Approval of Previous Minutes – 2/12/2013, 2/21/2013

Comm. Reece made a motion to approve the minutes from 2/12/2013, 2/21/2013. Vice Ch. Turk seconded. All aye votes and the minutes were approved.

7. Planning Commission Recommendations: NONE

8. Recognitions:

a. Banks County High School Wrestling Team – State Champs

Ch. Hooper presented A Proclamation to the Wrestling Team for being the 2012-2013 GHSA AAA Wrestling Team Champions for the State of Georgia. *(Copy of Proclamation filed in Attachment to Minutes Book #9-4)*

b. Banks County Middle School Interact Club Sally Hensley

Sally Hensley with the Banks County Middle School Interact Club stated they had partnered with Keep Our Mountains Beautiful and collected two tons of paper in less than two months. The Commissioners presented a certificate to them for the accomplishments they have made.

Also the Commissioners presented Jacie Bowen, a 6th grader with a certificate recognizing her community service work for raising money for special needs students to go to the prom.

c. Keep Our Mountains Beautiful – President’s Circle Award – Leslie George

The Commissioners congratulated Leslie George and Ashley Rubio for receiving the "Presidents Circle Award" at the National Conference. Ch. Hooper also stated Ms. George was one of only eight certified directors in the State of Georgia.

d. Relay for Life "Survivor Sunday in Banks County, Georgia" Proclamation

Ch. Hooper stated the commissioners prepared a proclamation designating April 7, 2013 "Survivor Sunday in Banks County, Georgia". *(Copy of the Proclamation filed in Attachment to Minutes Book #9-4)*

9. Public Comment: 2nd Amendment Resolution

David Tolar

David Tolar stated he believed in the 2nd Amendment and did not like how our state and federal government are trying to infringe on our right to bear arms. Mr. Tolar requested that the Commissioners adopt a resolution supporting the 2nd Amendment. Ch. Hooper stated our attorney would have to review the resolution. Comm. Reece made a motion to table the resolution until the attorney has reviewed the document. Comm. Maxwell seconded. All aye votes and the motion passed.

10. Manor Drive, Manor Place, & Manor Court Acceptance Request: Morgan Manor Subdivision – Russ Sorge

Comm. Duckett made a motion to bring the item off the table. Comm. Maxwell seconded. All aye votes and the motion passed.

Mr. Russ Sorge, a property owner at 128 Manor Drive stated the original intent of the owner was to dedicate the roads to the County. The property owners are asking the County to take over the roads. Vice Ch. Turk asked who would maintain the sidewalks and Mr. Sorge stated the property owners would maintain the sidewalks. Vice Ch. Turk also questioned if a core test had been done in order to see if the road was constructed correctly. Mr. Sorge stated a test had not been done but the roads have been in use for seven years and are still in good condition. Comm. Maxwell made a motion to accept Manor Drive .2 miles, Manor Court .05 miles and Manor Place .2 miles in length. Ch. Hooper seconded. Ch. Hooper and Commissioners Maxwell and Duckett voted aye and Vice Ch. Turk and Comm. Reece voted nay. The motion passed by a majority vote. *(Copy of map filed in Attachment to Minutes Book #9-4).*

11. Chestatee-Chattahoochee RC&D Council

Frank Riley

Frank Riley stated Chestatee-Chattahoochee was created in 1962 as a non-profit organization. He stated the focus of the agency is land and water conservation and maintenance. He also talked about the many programs of the organization.

12. Termination Appeal Hearing

Richard Crowder

Comm. Maxwell made a motion to close the meeting and open the appeals hearing. Vice Ch. Turk seconded. All aye votes and the motion passed. County Attorney Randall Frost served as the Appeals Officer. Atty. Frost opened the appeals hearing and stated the hearing was being held on the decision to terminate Richard Crowder. Attorney Joey Homans was representing Mr. Crowder. He stated the basis of the appeal is that Mr. Crowder was primarily terminated for the contents of the form that was turned into the Firefighters' Standards and Training Council for certifications of firefighters. Mr. Crowder was the training officer and one of his duties was to make sure the certification was completed. The form was turned in and the certification was required before the year ended. Mr. Crowder knew a CPR course needed to be scheduled and it

was scheduled in December. The test was not graded until January 3rd so the form was turned in before the test was graded. The testing took place on December 11, 2012 before the CPR class on the Dec. 12th or 17th. He further stated it is not an uncommon practice to submit the form before the test scores are back. A similar process occurred last year in 2011. Mr. Homan stated Mr. Crowder was just trying to make sure the firefighters stayed certified and Banks County was in compliance.

Vice Ch. Turk stated in order to take Mod. 1, you have to have a CPR class. The test was on December 11th and the class was on the 13th. The CPR class must be taken before they take a MOD 1 class. Mr. Crowder stated the CPR class could be taken during the course of the MOD 1 class. Vice Ch. Turk said he had all the sign in sheets and Cody Jones only had 39 ½ hours of training. Mr. Crowder stated there were some sheets Vice Ch. Turk didn't have. Mr. Crowder said there were hundreds of hours of training records in his office. Mr. Crowder stated he had asked for a CPR class for three weeks. He said he had made several requests through emails and had given up on emails because he never received a response from Chief Eubanks.

Mr. Crowder stated he was just asking for a chance to resign. He admitted he had made a mistake.

Atty. Frost closed the hearing.

13. Executive Session: Personnel

Vice Ch. Turk made a motion to enter into executive session concerning personnel. Comm. Maxwell seconded. All aye votes and the executive session began at 7:25 p.m.

Comm. Reece made a motion to close the executive session. Comm. Maxwell seconded. All aye votes and the executive session ended at 8:00 p.m.

The Appeals Officer, Attorney Randall Frost stated based on the contents of the testimony his recommendation was to uphold the termination.

Ch. Hooper made a motion to uphold the termination of Richard Crowder. Comm. Reece seconded. Ch. Hooper, Commissioners Maxwell and Duckett voted aye. Comm. Reece and Vice Ch. Turk voted nay. The motion passed by a majority vote. *(Copy of executive session affidavit filed in Attachment to Minutes Book #9-4.)*

14. Public Utilities:

a. Wilkinson Road Water Line Extension: .5 miles

Steve Reece

Steve Reece Public Utilities Director stated there were three people requesting service because they are having problems with their well. He stated the City of Toccoa furnishes some residents water. The total cost for .5 miles would be about \$10,000 and we already have the pipe. Mr. Reece stated the funds would be paid from the 2006 PAYG SPLOST Account. Comm. Maxwell made a motion to approve the installation of the waterline. Vice Ch. Turk seconded. All aye votes and the motion passed.

b. Sewage Pump Station Auger Monster Installation Contract Ratification: Griffin Brothers, Inc.

Vice Ch. Turk made a motion to ratify the contract that the Chairman had previously signed. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

c. Sewage Pump Station Generator Contract: S&D Solutions, LLC.

Comm. Maxwell made a motion to approve the contract and authorize the Chairman to sign. Comm. Duckett seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

15. Tax Assessors Cell Tower Field Audit Agreement – Communication Tax Solutions

Walt Woodard with Communication Tax Solutions stated most of the cell towers and equipment that are assessed are 60% below value. Kevin Whitman Chief Tax Appraiser stated the Board of Assessors approved the contract during the last meeting. Vice Ch. Turk made a motion to approve the contract and to authorize the Chairman to sign. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

16. CSI Outfitters Smartfusion Upgrade Funding move to Capital Fund: \$31,590.00 Randy Failyer

Randy Failyer Finance Officer stated that the CSI Smartfusion Upgrade would not be completed until FY2014 and asked permission to move \$31,590.00 into the Capital Fund. Ch. Hooper made a motion to transfer \$31,950.00 into the Capital Fund. Comm. Maxwell seconded. All aye votes and the motion passed.

17. 2013 Piedmont Circuit Juvenile Court Agreement \$2,884.74

Jenni Gailey County Clerk stated this agreement was a slight increase from last year for juvenile court services. Ch. Hooper made a motion to approve the agreement. Comm. Maxwell seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

18. Executive Director, Development Authority and Chamber/CVB Employment Agreement

Ch. Hooper stated there was a change in Section 5: stating \$80,000 annually by the Development Authority and the Chamber/CVB for a two year term. Comm. Reece made a motion to approve the contract. Vice Ch. Turk seconded. Ch. Hooper, Vice Ch. Turk, Comm. Reece and Comm. Maxwell voted aye and Comm. Duckett voted nay. Four aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

19. Georgia Mountains Community Services Board – 3 year term

Comm. Maxwell made a motion to appoint Rita Bush to the Georgia Mountains Community Service Board for a three year term. Comm. Duckett seconded. All aye votes and the motion passed.

20. Tattoo Parlor Fees

Ch. Hooper stated the Board of Commissioners set the fees for the Board of Health. The Body Art Permitting and Inspections fees being considered are as follows:

Facility Permit	\$100.00	Operator Permit	\$50.00
Plan Review	\$100.00	Re-Inspection	\$50.00

Comm. Reece made a motion to approve the Body Art Permitting and Inspection Fees. Comm. Maxwell seconded. All aye votes and the motion passed.

21. Adjournment

Vice Ch. Turk made a motion to adjourn the meeting. Comm. Reece seconded. All aye votes and the meeting was adjourned at 8:20 p.m.

Chairman

Asst. County Clerk
