

The Banks County Board of Commissioners held their regular meeting on December 11, 2012 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Milton Dalton, Vice Chairman Charles Turk and Commissioners Danny Maxwell, Sammy Reece and Ernest Rogers. Attorney Randall Frost was also present.

**1. Call to Order**

Ch. Dalton called the meeting to order.

**2. Approval of Agenda**

Vice Ch. Turk made a motion to approve the agenda. Comm. Maxwell seconded. All aye votes and the agenda was approved.

**3. Prayer**

Ch. Dalton led a moment of silent prayer.

**4. Pledge to the American Flag**

Ch. Dalton led the pledge.

**5. Recognitions**

The Board of Commissioners recognized Arlene Ivey, Personnel Officer for achieving "Professional Achievement Award" awarded by the Georgia Local Government Personnel Association.

The Board of Commissioners recognized Margaret Ausburn, Tax Commissioner for serving Banks County for a total of 34 years. She served as Tax Clerk from 1978- 1988 and Tax Commissioner from 1989-2012.

The Board of Commissioners recognized Charles Chapman, Sheriff for serving Banks County for a total of 19 years. He served as a Deputy Sheriff from 1993-1995 and Sheriff from 1998-2012.

The Board of Commissioners recognized Ernest Rogers, Commissioner for serving Banks County for 7 years. He served as Commissioner for 2 terms from 1999-2002 and 2010-2012.

The Board of Commissioners recognized Milton Dalton, Chairman for serving as Chairman of Commissioners for 4 years from 2009-2012.

The Banks County Fire/EMS Department recognized Ernest Rogers for his service and support of the Fire/EMS Department during his term as Commissioner.

Brian Eubanks, Chief stated the department honored Chairman Dalton as well at the Annual Christmas Banquet.

**6. Approval of Invoices**

Commissioner Maxwell made a motion to approve the invoices. Vice Ch. Turk seconded. All ayes and the invoices were approved.

**7. Approval of Previous Minutes – 11/12**

Vice Ch. Turk made a motion to approve the meeting minutes of 11/12/2012. Comm. Maxwell seconded. All aye votes and the minutes were approved.

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

**a. Z-12-09 – 120 acres Acres of Grace, LLC and Scot D. Evans, Sr. – ARR, Agricultural Rural Residential to CAD, Commercial Agricultural District – located at 3837 Damascus Road.**

Ch. Dalton closed the Commissioners' meeting and Attorney Randall Frost opened the public hearing. Brad Day, Community Developer, stated the Planning Commission recommended rezoning of this application during their meeting on December 4, 2012. Sandra Evans spoke in favor of the application stating they would like to continue their 120 acre cattle operation and wanted to be able to keep their family farm. Attorney Frost closed the public hearing and Ch. Dalton opened the meeting. Comm. Maxwell made a motion to approve the rezoning application. Comm. Rogers seconded. All aye votes and the rezoning application was approved.

**b. Z-12-08 – Brenda Sullivan – 3.73 acres from ARR, Agricultural Rural Residential to C-1, Neighborhood Commercial – located at 1388 Hwy 51S.**

Ch. Dalton closed the Commissioners' meeting and Attorney Randall Frost opened the public hearing. Brad Day, Community Developer, stated the Planning Commission recommended rezoning of this application during their meeting on December 4, 2012. Mr. Day spoke representing this application. He stated that this property has previously been used as commercial but now is vacant and the owners thought it would be easier to locate a new business on the property if it was zoned Residential Commercial. Comm. Rogers stated the property was already being taxed at commercial tax rates. Attorney Frost closed the public hearing and Ch. Dalton opened the meeting. Comm. Maxwell made a motion to approve the rezoning application. Vice Ch. Turk seconded. All aye votes and the rezoning application was approved.

**c. Change to the Future Land Use Map in a portion of the Banks Crossing area from Parks & Recreation to Commercial.**

Ch. Dalton closed the Commissioners' meeting and Attorney Randall Frost opened the public hearing. Brad Day, Community Developer, stated the Planning Commission recommended rezoning of this application during their meeting on December 4, 2012. Mr. Day spoke representing this application. Mr. Day stated at Commerce Crossing and the old pottery location at Banks Crossing was zoned Parks & Recreation by mistake. He stated this was an administrative change and that all the other properties in that area was zoned Commercial. Attorney Frost closed the public hearing and Ch. Dalton opened the meeting. Vice Ch. Turk made a motion to approve the rezoning application. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of location map filed in Attachment to Minutes Book #9-4)*

#### **9. HWY 98 Waterline Request Rhonda and Scott Thomas**

Rhonda Thomas stated they owned three rental properties on HWY 98 and the property is in need of water. Steve Reece, Utilities Director stated it would cost the County \$150,000.00 to \$250,000.00 to run a waterline to these properties and the only two benefits to the County would be eliminating a dead-end line and possibly picking up a few customers. Comm. Rogers stated easements would have to be obtained from property owners on Ervin Chambers Road

and tap-on commitments would be needed. Mr. Reece stated the water department should contact residents to see how many future customers they would have if the line was installed. Vice Ch. Turk told Mr. & Mrs. Thomas that options would have to be considered and research completed for the board to consider installation of the lines. Mr. Reece said if the Commissioners approved the line, it would take at least until April to install the line.

#### **10. Apple Pie Ridge Property De-Annexation Billy Smith & Joe Hatcher**

Billy Smith stated Baldwin said they would de-annex the property out of the city if the County would agree to take the property back. He stated the County had never left. He had called numerous times and the County always responded. He stated they pay Baldwin taxes and Baldwin doesn't provide any services except for garbage pickup, at a cost to the citizens. Joe Hatcher stated they have an Alto address and also pay their water bill to Alto. If there is a fire or the need for law enforcement, Banks County provides it. His attorney has stated that the annexation process was never completed. Baldwin annexed the properties in a checker board pattern on Whippoorwill Way. Vice Ch. Turk stated it's hard to de-annex property that's never been annexed. Mr. Smith stated that the City of Baldwin has already stated that they never annexed the property to begin with. Mr. Hatcher stated the City said they would not de-annex the property until all the back taxes are paid on the property. Mr. Hatcher stated Attorney Frost could contact his attorney, Alan Ramsey, to find out more details. Comm. Reece made a motion to table the item until the January 8, 2013 meeting. Comm. Maxwell seconded. All aye votes and the motion passed.

#### **11. Board of Elections**

Probate Judge Betty Thomas had Attorney Frost prepare legislation concerning the creation of a Board of Elections. Representative Dan Gasaway stated there was a timeline in which he needed the legislation in order to introduce at the January session. The Commissioners questioned who would appoint the Board of Elections and Judge Thomas stated the proposed bill stated the board would be appointed by the Grand Jury but that she would further research this. Comm. Reece made a motion to table this item and then withdrew his motion. Further research will be done concerning this item.

#### **12. Probate Copier Contract Supplement**

Comm. Reece made a motion to ratify the copier contract supplement for the Probate Court copier effective 12-4-2012. Comm. Maxwell seconded. All aye votes and the motion passed.

#### **13. Recreation:**

##### **a. Recreation Center Parking Lot**

Joe Gailey, Recreation Director stated no one submitted a bid for the additional parking lot at the recreation center. He did receive a quote from Stratton & Sons Contractors for asphalt paving and triple surface treatment. The quote for asphalt paving was \$65,076.17 and Triple Surface Treatment was \$56,836.17. Comm. Rogers stated he would like to know the square footage of the proposed lot that was included in the quote. Mr. Gailey stated he would request this information.

##### **b. Horse Arena**

Mr. Gailey presented a facility use agreement to the Commissioners for the horse arena. Some of the concerns of the Commissioners are the waiver of liability, per horse per day fee, and the EMS services. The agreement will be reviewed further.

#### **14. Candler Street Underground Storage Tank Work Order – Environmental Monitoring**

Britt Myers with Environmental Monitoring stated they needed to install three additional wells for investigation purposes to see where the gasoline is coming from. The amount of the proposal is \$12,356.80. Comm. Reece made a motion to authorize the Chairman to sign the proposal. Comm. Maxwell seconded. All aye votes and the motion passed.

#### **15. Fire/EMS Vehicle Requests**

Chief Brian Eubanks stated he had received three bids for a new chassis for a med unit. Ed Murdock Superstore, submitted the lowest bid on a 2013 Dodge Ram 1500 4x2 in the amount of \$39,678.00.

Chief Eubanks also received a quote on remounting and refurbishing the box of the 2000 Freightliner Med Unit. Custom Works submitted a quote with a price of \$58,890.

Vice Ch. Turk made a motion to purchase the 2013 Dodge Ram 1500 Chassis from Ed Murdock Superstore in the amount of \$39,678.00 from the 2006 PAYG Account. Comm. Reece seconded. All aye votes and the motion passed.

Vice Ch. Turk made a motion to refurbish and remount the 2000 Freightliner box from Custom Works in the amount of \$58,890 from the 2006 PAYG Account. Comm. Reece seconded. All aye votes and the motion passed.

Chief Eubanks stated he was asking permission to apply for a grant in the amount of \$72,170 from Georgia Trauma for an ambulance. He stated this could be used toward the chassis and remount. The commissioners gave him permission to apply for the grant.

#### **16. Contracts & Agreements**

##### **a. Tates Creek Fire Contract**

Vice Ch. Turk made a motion to renew the annual contract with Tates Creek Fire Department in the amount of \$3,000 and authorize the chairman to sign. Comm. Rogers seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

##### **b. Communication Tower Lease Agreement Extension – Crown Castle**

Randy Failyer, Finance Officer stated this would be a month to month extension of our current lease with Crown Castle until the Baldwin Tower is complete. Comm. Rogers made a motion to authorize the Chairman to sign the extension. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

##### **c. Business Personal Property Verification Program – Tax Assessors – CY2013 Traylor Business Services, Inc.**

Jenni Gailey, County Clerk stated this was a renewal of a current contract to expire December 31, 2013. Vice Ch. Turk made a motion to approve the contract and authorize the Chairman to sign the contract. Comm. Rogers seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

**d. Probate Ct. /Magistrate Ct Probation Agreement – Wanda Eubanks – CY2013**

Ms. Gailey stated Ms. Eubanks had completed her training and this is a renewal contract for probation services with a one year term that will expire December 31, 2013. Comm. Maxwell made a motion to approve the contract and authorize the Chairman to sign the contract. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

**e. Pitney Bowes Postage Meter Lease – 5 year term**

Comm. Reece made a motion to approve the postage meter lease agreement with Pitney Bowes and to authorize the Chairman to sign the lease. Vice Ch. Turk seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

**17. 2013 Alcohol Licenses Renewals**

The following businesses applied for alcohol license:

**Beer/Wine/Mixed Drink Pouring**

Applebee's (Neighborhood Restaurant Partners)  
El Azteca  
La Hacienda Mexican Restaurant

Longhorn Steakhouse  
Outback Steakhouse  
Ruby Tuesday

**Beer Pouring Only**

NHRA/Atlanta Dragway  
Sonny's BBQ

Pizza Hut (NPC International Inc)

**Beer/Wine Pouring Only**

Funopolis

**Beer/Wine Package**

Kazi Express (4 Way Stop)  
TA Operating LLC (Commerce Travel Center)  
Chevron Food Mart (Homer) Prova Petroleum Corp)  
Patel's Grocery  
Racetrac #284  
Wal-Mart Supercenter #3

BP Food Mart (Commerce C Store, Inc)  
Express Food Mart (Commerce Lucky)  
Pritam Krupa, Inc. (Homer Grocery)  
Quik Trip #828 (Quik Trip Corp)  
Royal Foods Chevron (My Mother, Inc)

La Fiesta Grille did not reapply this year.

Vice Ch. Turk made a motion to approve all the above mentioned alcohol licenses for 2013. Comm. Maxwell seconded. All aye votes and the motion passed.

**18. Boards & Authorities:**

**a. Industrial Building Authority Member Replacement – Jack Banks Tabled: 9/11/2012**

No action was taken.

**b. Industrial Building Authority – Dennis Brown**

Tabled: 9/11/2012

No action was taken.

**c. Industrial Building Authority – Jimmy Morrison**

Tabled: 9/11/2012

No action was taken.

**d. Board of Tax Assessors Resolution – Mike Gordon**

**6 year term**

Vice Ch. Turk made a motion to appoint Martha Threatt to the Board of Tax Assessors. Comm. Rogers seconded. All aye votes and the motion passed. *(Copy of resolution filed in Attachment to Minutes Book #9-4) 2012-21*

**e. Recreation Board – Mike Gordon**

**3 year term**

Vice Ch. Turk made a motion to appoint Willene Boyle. Comm. Rogers seconded. All aye votes and the motion passed.

**f. Recreation Board – Ron Gardiner**

**3 year term**

Comm. Maxwell made a motion to appoint Rob Mabry. Vice Ch. Turk seconded. All aye votes and the motion passed.

**g. Recreation Board – Kenny Crumley**

**3 year term**

Comm. Reece made a motion to appoint Chad Cotton. Comm. Maxwell seconded. All aye votes and the motion passed.

**h. Chestatee Chattahoochee RC&D – Milton Dalton**

**1 year term**

Vice Ch. Turk made a motion to table this item until the January 8, 2013 Commissioners' Meeting. Comm. Maxwell seconded. All aye votes and the motion passed.

**i. Chestatee Chattahoochee RC&D – Leslie George**

**1 year term**

Vice Ch. Turk made a motion to reappoint Leslie George. Comm. Rogers seconded. All aye votes and the motion passed.

**j. Joint Development Authority Resignation & Replacement – Milton Dalton –Term expires 12/31/2013**

Comm. Rogers made a motion to appoint Sammy Reece to complete the term of Milton Dalton. The term expires 12/31/2013. Vice Chairman Turk seconded. Comm. Reece abstained. Four aye votes and the motion passed.

**k. Joint Development Authority – Bobby Lewallen**

Vice Ch. Turk made a motion to appoint Todd Hubbard. Comm. Maxwell seconded. All aye votes and the motion passed.

**l. Georgia Dept of Behavioral Health & Developmental Disabilities Planning Board Member Replacement – Elizabeth Gailey Term ends: 6/30/2014**

No action was taken.

**19. Local Maintenance Improvement Grant – DOT**

**Brad Day**

Brad Day, Community Developer asked the Commissioners on behalf of the Development Authority to submit the LMIG Grant for GA DOT. Mr. Day stated the deadline had been pushed up to December 31, 2012. He asked the Commissioners to grant the Chairman the authority to sign a letter to GA DOT requesting funds. At this time he did not ask for any funds to be

appropriated. Comm. Reece made a motion to authorize the Chairman to sign a letter to DOT. Comm. Rogers seconded. All aye votes and the motion passed.

**20. 2013 Grant Hauling Bid Award**

**Randy Failyer**

Mr. Failyer stated there was only one bid received for gravel hauling. The bid from Larry Shubert Hauling was in the amount of \$4.98 per ton. Comm. Rogers made a motion to accept the bid of \$4.98 per ton. Comm. Maxwell seconded. All aye votes and the motion passed.

**21. Windmill Farm Timber Sale Funds Designation**

**Randy Failyer**

Mr. Failyer stated there is \$270,601 in an account from the sale of timber. The site prep and planting would cost approximately \$60,000. Vice Ch. Turk made a motion to designate \$200,000 in the capital fund for roads and the remainder of the funds for reseeding. Comm. Rogers seconded. All aye votes and the motion passed.

**22. Waste Management Settlement Agreement Funds Designation**

**Randy Failyer**

Mr. Failyer stated the County would be receiving a settlement check from Waste Management for \$1,000,000. Vice Ch. Turk made a motion to designate \$800,000 to pay off GEFA Loan #DW09015-Clearwell Project and designate \$200,000 to pay toward GEFA Loan # 98L84WQ-Racetrack Expansion. Comm. Rogers seconded. All aye votes and the motion passed. This would be a total loan interest savings of \$350,448 and would retire a total debt of \$1,276,000.

**23. 2012 SPLOST Fund Designation**

Comm. Rogers made a motion to pay the remainder of GEFA Loan # 98L84WQ in the amount of \$276,000 which would be paid with the first proceeds of the 2012 SPLOST. Comm. Reece seconded. All aye votes and the motion passed.

**24. Executive Session Minutes Review and Approval Resolution**

**Jenni Gailey**

Ms. Gailey stated ACCG recommended passing the resolution concerning the minutes of executive session. It states the minutes should reflect each issue discussed, the minutes are not open to the public and upon signing the minutes, they are approved. Comm. Reece made a motion to approve the minutes. Comm. Maxwell seconded. All aye votes and the motion was passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4) 2012-22*

**25. Executive Session: Litigation & Personnel**

Comm. Reece made a motion to enter into executive session concerning personnel and litigation. Comm. Maxwell seconded. All aye votes and the session began at 8:11 p.m. *(Copy of affidavit filed in Attachment to Minutes Book #9-4)*

Comm. Rogers made a motion to close the executive session. Comm. Maxwell seconded. All aye votes and the session ended at 8:28 p.m.

Comm. Rogers made a motion to give county employees a raise of 1% starting January 1, 2013. Comm. Maxwell seconded. All aye votes and the motion passed.

**26. Adjournment**

Comm. Rogers made a motion to adjourn the meeting. Comm. Maxwell seconded. All aye votes and the meeting was adjourned at 8:29 p.m.

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Chairman

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Assistant County Clerk

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