

The Banks County Board of Commissioners held the regular meeting on December 13, 2011 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. County Attorney Randall Frost was also present.

**1. Call to Order**

Chairman Dalton called the meeting to order.

**2. Approval of Agenda**

Ch. Dalton stated "10d. Water Projects #970955 and #970955.003 Retainage Release – Griffin Brothers, Inc." needed to be added to the agenda. Commissioner Maxwell made a motion to amend the agenda as stated. Vice Chairman Turk seconded. All aye votes and motion carried.

**3. Prayer**

Ch. Dalton asked for a moment of silent prayer.

**4. Pledge to the American Flag**

Ch. Dalton led the pledge to the American Flag.

**5. Approval of Invoices**

Comm. Maxwell made a motion to approve the invoices as listed. Comm. Rogers seconded. All aye votes and motion carried.

**6. Approval of Previous Meeting Minutes – 11/8, 11/28**

Vice Ch. Turk made a motion to approve the minutes as written. Comm. Rogers seconded. All aye votes and motion carried.

**7. Planning Commission Recommendations:**

**a. V-11-02 – Rusty David, Total Imaging, Inc. – Gas station sign height variance.**

Ch. Dalton closed the meeting and opened the public hearing and turned the hearing over to County Attorney Randall Frost. Atty Frost asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated Nathan Morgan was the owner of Total Imaging of Gainesville, GA. He stated the face of the sign would be the only change. The height would stay 60 ft which would require a variance from the required 40 ft height. He stated the acreage of the property was .711 and was located on Tax Map/Parcel B54D-037. The Planning Commission recommended approval of the application. Mr. Morgan spoke in favor of the application by stating the station was changing from Citgo to Volero which would require the face of the sign to be changed. Atty Frost closed the public hearing and Ch. Dalton reopened the meeting. Comm. Reece made a motion to approve the application. Comm. Maxwell seconded. All aye votes and motion carried.

**8. Meals on Wheels/Bucket Drive**

*Tabor McCoy*

Ms. McCoy stated with increased referrals for the services, funds may run low this year. She stated Fire Chief Brian Eubanks had stated the volunteer fire department would offer a bucket drive to support the service. Chief Eubanks was present and stated it would be within the next two weeks and it would be made clear that it was to support the Meals on Wheels program

instead of the fire department. Comm. Reece made a motion to approve the bucket drive. Comm. Maxwell seconded. All aye votes and motion carried.

#### **9. Boards:**

**a. Recreation Advisory Board – Martha Crane**

*Term: 3 years*

Ch. Dalton stated Ms. Crane did not apply for reappointment to the position. Vice Ch. Turk made a motion to appoint Joseph Griffith to the position. Comm. Rogers seconded. All aye votes and motion carried.

**b. Recreation Advisory Board – Jan Parks**

*Term: 3 years*

Ch. Dalton stated Ms. Parks did not apply for reappointment to the position. Comm. Rogers made a motion to appoint David Gowder to the position. Vice Ch. Turk Comm. Rogers seconded. All aye votes and motion carried.

**c. Recreation Advisory Board – Michael Williams**

*Term: 3 years*

Ch. Dalton stated Mr. Williams did apply for reappointment to the position. Comm. Maxwell made a motion to reappoint Michael Williams to the position. Vice Ch. Turk seconded. All aye votes and motion carried.

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

*Term: 1 year*

Vice Ch. Turk asked Ch. Dalton if he wished to remain on the board. Ch. Dalton stated yes. Vice Ch. Turk made a motion to reappoint Milton Dalton to the position. Comm. Rogers seconded. Four aye votes and motion carried. Ch. Dalton abstained from voting.

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

*Term: 1 year*

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

**f. Board of Tax Assessors – Sam Moon**

*Term: 6 years*

Ch. Dalton stated Mr. Moon had been appointed to replace a member for the unexpired term. Comm. Reece made a motion to approve the resolution to reappoint Sam Moon to the position. Comm. Maxwell seconded. All aye votes and motion carried. ***(Copy of resolution filed in Attachment to Minutes Book #9-3) 2011-19***

#### **10. Contracts:**

**a. Emergency Services Radio Tower Ground Lease – Richard Lamar & Jean Wilbanks**

Ch. Dalton stated this was a 10 year lease for \$200 per month. Comm. Rogers made a motion to approve the agreement and to authorize the Chairman to sign the agreement. Comm. Maxwell seconded. All aye votes and motion carried. ***(Copy of agreement filed in Attachment to Minutes Book #9-3)***

**b. Historic Jail Lease – Banks County Community Resources Association**

Ch. Dalton stated this was in the amount of \$400 per month including utilities. The term of the lease is one year to expire on November 30, 2012 with an optional additional year if all conditions are met. Comm. Reece made a motion to approve the lease. Comm.

Maxwell seconded. All aye votes and motion carried. **(Copy of lease filed in Attachment to Minutes Book #9-3)**

**c. Gravel Hauling Bid Award: 1/1/2012 – 12/31/2012**

Ch. Dalton stated the gravel hauling contract bid was as follows:

Triple H Transport       \$4.54

Shubert Hauling         \$4.55

Ch. Dalton stated that Shubert Hauling had the low bid according to the 3% Local Vendor Resolution. Comm. Reece made a motion to accept Shubert Hauling for the gravel contract. Vice Ch. Turk seconded. All aye votes and the motion passed.

**d. Water Projects #970955 and #970955.003 Retainage Release – Griffin Brothers, Inc.**

Vice Ch. Dalton stated the “As Builts” had been turned in and Public Utilities Director Steve Reece had recommended payment as follows:

Contract #970955 - \$10,004.87

Contract #970955.003 - \$25,013.45

Comm. Rogers made a motion to pay the retainage as listed. Comm. Reece seconded. All aye votes and motion carried.

**11. Resolutions:**

**a. Conservation Use Tax Assessment Amending Resolution**

Ch. Dalton stated this specified that new applications with less than 20 acres must go before the Board of Tax Assessors for approval of special circumstances. Comm. Rogers made a motion to approve the resolution. Vice Ch. Turk seconded. All aye votes and motion carried. **(Copy of resolution filed in Attachment to Minutes Book #9-3) 2011-20**

**12. 2012 Alcohol Licenses**

Ch. Dalton stated the only license that had not applied for renewal was the Shell Station at Banks Crossing. Comm. Rogers made a motion to approve the renewal applications for 2012. Comm. Maxwell seconded. All aye votes and motion carried. Renewals are as follows:

**DISTILLED SPIRITS/BEER/WINE CONSUMPTION**

Applebee's (*Neighborhood Restaurant Partners*)

El Azteca

La Fiesta Grille

La Hacienda Mexican Restaurant

Longhorn Steakhouse

Outback Steakhouse

Ruby Tuesday

**BEER CONSUMPTION ONLY**

NHRA/Atlanta Dragway

Pizza Hut (*NPC International, Inc*)

Sonny's BBQ

**BEER/WINE CONSUMPTION ONLY**

Funopolis

**BEER/WINE PACKAGE**

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- Kazi Express (*4 Way Stop*)
- BP Food Mart (*Commerce C Store, Inc*)
- TA Operating LLC (*Commerce Travel Center*)
- Express Food Mart (*Commerce Lucky, Inc*)
- Chevron Food Mart (Homer) (*Prova Petroleum Corp*)
- Pritam Krupa, Inc (Homer Grocery)
- Patel's Grocery
- QuikTrip #828 (*QuikTrip Corp*)
- Racetrac #284
- Royal Foods Chevron (*My Mother, Inc*)
- Wal Mart Supercenter #3

**13. Executive Session: Potential Litigation & Personnel**

Comm. Reece made a motion to go into executive session to discuss potential litigation and personnel at 6:50 p.m. Vice Ch. Turk seconded. All aye votes and motion carried. Comm. Maxwell made a motion to come out of executive session at 7:00 p.m. Vice Ch. Turk seconded. All aye votes and motion carried. **(Copy of affidavit filed in Attachment to Minutes Book #9-3)**

**14. Meeting Cancellation – December 27, 2011**

Ch. Dalton stated the courthouse would be closed on December 27<sup>th</sup> and stated the meeting would need to be cancelled. Comm. Rogers made a motion to cancel the meeting. Vice Ch. Turk seconded. All aye votes and motion carried.

**15. Adjournment**

With no more business, Comm. Rogers made a motion to adjourn the meeting. Vice Ch. Turk seconded. All aye votes and motion carried. The meeting adjourned at 7:01 p.m.

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Chairman

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County Clerk

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