

The Banks County Board of Commissioners held their regular meeting on December 14, 2010 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Milton Dalton, Vice Chairman Joe Barefoot, Commissioner Ernest Rogers and Commissioner Charles Turk. Commissioner Rickey Cain was absent.

1. Call to Order

Ch. Dalton called the meeting to order.

2. Approval of Agenda

Comm. Turk made a motion to delete Item 9: Debris Removal Bid Award. Vice Ch. Barefoot seconded. All aye votes and the motion passed.

Vice Ch. Barefoot made a motion to approve the agenda. Comm. Rogers seconded. All aye votes and the motion passed.

3. Prayer

Ch. Dalton led a moment of silent prayer.

4. Pledge to the American Flag

Vice Ch. Barefoot led the Pledge to the American Flag.

5. Approval of Invoices

Comm. Rogers made a motion to approve the invoices. Comm. Turk seconded. All aye votes and the invoices were approved.

6. Approval of Previous Minutes – 11/14

Vice Ch. Barefoot made a motion to approve the minutes. Comm. Turk seconded. All aye votes and the minutes were approved.

7. Planning Commission Recommendations:

a. Z-10-04 – William Griffin III & Carol Griffin Ashworth – Application for rezoning of 9.24 acres on Griffin Drive from ARR, Agricultural, Rural Residential to M-1, Industrial District

Ch. Dalton closed the commissioners meeting and Attorney Randall Frost opened the public hearing. Attorney Frost stated each side would have five minutes after the Planning Commission gives their report. Officer Covington stated this was a rezoning application Z-10-04, William Griffin III and Carol Griffin Ashworth, Maysville, Georgia are the property owners. The applicant is Bill Griffin, the existing zoning is ARR and the proposed rezoning is M-1. The existing use is vacant property and the proposed use is a new office complex. Tax map and parcel B28-5 and the acreage .24 acres. The Planning Commission recommended approval of the application. Mr. Bill Griffin spoke for the application and stated he wanted to move the office closer to the business for security reasons so they could watch the business closer. Vice Ch. Barefoot questioned would this be strictly office space and not a shop. Mr. Griffin stated it would only be office space. Attorney Frost closed the public hearing and Ch. Dalton opened the commissioner's meeting. Vice Ch. Barefoot stated several years ago when the business was rezoned there was an agreement to plant Leland Cypress trees down the road to create a visual barrier and he just wanted to make sure those trees were planted. Comm. Turk made a motion to approve the application. Vice Ch. Barefoot seconded. All aye votes and the motion passed.

b. A resolution amendment for increased fees for conditional use, variance and rezoning fees, a zoning verification fee, copy fee, plat review fee, commercial building plan review fee and safety/occupancy fees.

Ch. Dalton closed the commissioners meeting and Attorney Frost opened the public hearing stating this resolution will provide increased fees for conditional use fees, variance and rezoning fees, zoning verification fee, copy fee, plat review fee, commercial building plan review fee and safety/occupancy fees. Officer Covington stated some of the fees were never in the code but because of the increase in volume of request for some items, the changes, brings the fees up to date. The Planning Commission recommended approval. Attorney Frost closed the public hearing and Ch. Dalton opened the commissioner's meeting. Vice Ch. Barefoot made a motion to approve the resolution with the effective date of January 1, 2011. Comm. Rogers seconded. *(Copy of resolution filed in Attachment to Minutes Book #9-2) 2010-21*

c. An ordinance amendment for Chapter 50 entitled "Manufactured Homes" to delete any reference to mobile homes or manufactured homes more than seven years old.

Ch. Dalton closed the commissioner's meeting and Attorney Frost opened the public hearing. Attorney Frost stated this was an ordinance to amend Chapter 50 of the Banks County Code entitled Manufactured Homes to delete any reference to mobile homes or manufactured homes more than seven years old. The reason for the amendment is the code of Banks County has a requirement concerning mobile homes more than seven years old and the State passed an ordinance that you could not base the criteria on the age alone. Officer Covington stated the Planning Commission recommended approval of this ordinance. Attorney Frost closed the public hearing and Ch. Dalton opened the Commissioner's meeting. Comm. Rogers made a motion to approve the ordinance with an effective date of January 1, 2011. Vice Ch. Barefoot seconded. All aye votes and the motion passed. *(Copy of ordinance filed in Attachment to Minutes Book #9-2) 2010-22*

8. Public Hearing to Consider Abandonment of a partial closing of CR134 Wofford Creek Road.

Ch. Dalton opened the public hearing and stated this portion of the road was between Old HWY 441 and new HWY 441. Edwine Booth spoke for the partial closing. He stated he was one of the adjoining property owners and the road has been a problem in the past with people dumping unwanted items and right now there is a barrier up which was left when the new 441 was opened. He stated the portion of the road was not passable and Ch. Dalton said the other end has a high bank. Mr. Booth stated there was not an ingress or egress for any other property owners. Ch. Dalton closed the public hearing and opened the commissioner's meeting. Vice Ch. Barefoot made a motion to close a portion of CR134 Wofford Creek Road from Old HWY 441 to the new 441 because it is no longer needed for public road purposes. Comm. Turk seconded. All aye votes and the motion passed. *(Copy of map filed in Attachment to Minutes Book #9-2)*

9. Debris Removal Bid Award - Deleted

10. Personnel:

a. Volunteer/Part-time Fire/EMS Retirement Judy Greer

Ms. Greer stated some full time employees had questioned her about retirement that had been froze for full-time employees, but not for volunteer/part-time fire/EMS employees. Ms. Greer stated we pay \$15 each per month for seven volunteer firemen. Ch. Dalton made a motion to table this item until the March 8, 2010 regular meeting. Vice Ch. Barefoot seconded. All aye votes and motion passed.

**b. Fire/EMS Personnel Jim Fuller
Office Manager Re-Classification**

Chief Fuller stated he wanted to re-class his office personnel to office manager. He stated now more was required of this position than in the past and he feels her pay should be adjusted accordingly. The commissioners felt at this time they could not give her a raise because they weren't able to give one to any other employee.

Sale of Unused Equipment

Chief Fuller stated there were five Zoll Heart Monitors that were replaced with new equipment and the Zoll monitors are still working and could be sold. They are estimated to be worth \$20,000 to \$30,000. Chief Fuller thought this revenue could be used for the volunteers and some desks. Comm. Turk made a motion to authorize the advertisement for the Zoll Heart Monitors. Vice Ch. Barefoot seconded. All aye votes and the motion passed.

Part-time Pay Increase for EMT's and Paramedics

Chief Fuller said he is trying to attract the best employees that he can and it is difficult when the part-time pay is less than surrounding counties. He asked for an increase of \$.50 per hour. Vice Ch. Barefoot stated that the appropriate time to ask for the raise would be at budget time in April 2011.

c. Community Developer Job Description Judy Greer

Ms. Greer stated this is a job description that the Development Authority had approved. Comm. Rogers stated he would like to table the item until the first meeting in January because the new commissioners would be on board. Comm. Rogers also stated he didn't want to load him or her down so much that we are not going to get what we want out of the person. Comm. Rogers made a motion to table the Community Developer Job Description until the January 11, 2011 regular meeting. Vice Ch. Barefoot seconded. All aye votes and motion passed.

11. Solid Waste Management Plan Update Adoption

County Clerk Regina Gailey stated that the Solid Waste Management Plan has been approved by DCA and now the commissioners need to approve a resolution for the adoption of a ten-year update to the Banks County Solid Waste Management Plan. Vice Ch. Barefoot made a motion to approve the resolution. Comm. Rogers seconded. All aye votes and motion passed. ***(Copy of resolution filed in Attachment to Minutes Book #9-2) 2010-23***

12. 2011 Alcohol License Approval

Ch. Dalton stated Sam's Food Mart was pending. The other licenses are as follows:

Beer/Wine/Mixed Drink Pouring

La Hacienda Mexican Restaurant
Ruby Tuesday
La Fiesta Grill
Applebee's
Outback Steakhouse
El Azteca Mexican Restaurant
Longhorn Steakhouse

Beer Pouring Only

Sonny's Real Pit Bar-B-Q
Pizza Hut
Atlanta Drag Way

Beer/Wine Package

Racetrac #284
Commerce Convenience Store (BP Food Mart)
Wal-Mart
Chevron Food Mart (Royal Food Chevron)
Homer Chevron (Chevron Food Mart/Homer)
Shell Food Mart
4 Way Stop
Commerce Travel Center
Patel's Grocery
Homer Grocery (Formerly Irvin's Grocery)

Vice Ch. Barefoot made a motion to approve the above alcohol license except Sam's Food Mart since an alleged ordinance violation is pending. Comm. Turk seconded. All aye votes and motion passed.

13. Contracts & Agreements:

a. Town of Homer Animal Control Agreement Tabled: 10/12/2010

Comm. Rogers made a motion to leave the item on the table. Vice Ch. Barefoot seconded. All aye votes and the motion passed.

b. Board of Tax Assessors Personal Property Audit – Traylor Business Services - \$20,000

Ch. Dalton stated this was an audit for personal property and was paid when the audit was performed. This is a budgeted item. Vice Ch. Barefoot made a motion to approve the contract. Comm. Turk seconded. All aye votes and the motion passed. *(Copy of contract filed in Attachment to Minute Book #9-2)*

c. Gravel Hauling Bid Award: 1/1/2011 – 12/31/2011

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

| | |
|--------------------|--------|
| Triple H Transport | \$4.14 |
| Shubert Hauling | \$4.17 |
| Simpson Trucking | \$4.25 |

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

d. Mountain Creek Treatment Plant Improvements Project – DWSRF 09-15 Contract Change Orders – Higgins Construction – Contract 1 – CO#2 – (\$22,291) Fred Hawkins

No action was taken.

e. Mountain Creek Treatment Plant Improvements Project – DWSRF 09-115 Contract Orders – Higgins Construction - Contract II – CO#3 - \$22,291 Fred Hawkins

No action was taken

f. Mountain Creek Treatment Plant Improvements Project – DWSRF 09-015 Contract Change Orders – Higgins Construction – Contract II – CO#3 - \$22,291 Fred Hawkins

No action was taken.

Mr. Hawkins gave a status report on the Clearwell Project. He stated the waterline was completed and only lacks the booster pumps at the Alto connection. The Water plant is 90% complete from the construction standpoint. The core-in for the existing wet well will be done in the future as soon as the Crom tank is online. The driveway to the pump station building needs to be installed and some fencing work will be done. The contract has plans to resurface the roads in to the plant so all paved surfaces will be like new. The water meter in the water plant still needs to have the Scada system connected and that will be done quickly. There is also a pump motor that was shipped and the motor was not Buy American and they are still waiting for that to come in. It should be in the next day or so and needs to be tested. They tried to use the existing motor, but GEFA and EPD said no. The Crom tank needs to be painted, the disinfecting process has begun and the initial 500,000 gallon fill has been done and there were no leaks. The project could essentially be finished by late January 2011.

Mr. Hawkins stated he would amend the two change orders to reflect the \$575 and attempt to negotiate a lower price for the electrical and bring that back ASAP. He wants to keep the job moving and make sure everyone understands the pricing. Ms. Gailey stated these changes would be approved at a later time.

Vice Chairman Joe Barefoot Recognition

Ch. Dalton presented Vice Ch. Barefoot with a plaque in recognition for the four years of service as commissioner. Vice Ch. Barefoot said he had enjoyed serving the citizens of Banks County.

Executive Session

Comm. Rogers made a motion to enter into executive session. Comm. Turk seconded. All aye votes and the executive session started at 8:27 p.m.

Comm. Turk made a motion to adjourn the executive session. Vice Ch. Barefoot seconded. All aye votes and the session ended at 8:50.

Ch. Dalton stated the lawsuit with Waste Management would be heard on February 14, 2010. *(Copy of executive session affidavit filed in Attachment to Minutes Book #9-2)*

Adjournment

Comm. Rogers made a motion to adjourn the meeting. Vice Ch. Barefoot seconded. All aye votes and the meeting was adjourned at 8:53 p.m.

Chairman

Assistant County Clerk
