

The Banks County Board of Commissioners held their regular meeting on July 9, 2019 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

Chairman Jimmy Hooper
Vice Chairman David Duckett
Commissioner Danny Maxwell
Commissioner Sammy Reece
Commissioner Charles Turk

Staff Present

County Clerk Regina Gailey
Assistant County Clerk Erin Decker
Finance Officer Randy Failyer
Economic Developer Hannah Mullins
911/EMA Director Deidra Moore

Media

Angela Gary, Banks County News
Rob Moore, Access North Georgia

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Ch. Hooper stated Item 12i. Public Transit – Jackson Creative Contract, Item 12j. Eisenhower Drive Change Order #2, and 12k. Brewer Road Change Order #1 needed to be added to the agenda.

Motion to approve the agenda as amended: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

3. Moment of Reflection

Ch. Hooper stated that five days ago we celebrated the 243rd birthday of the United States of America. He stated he could be cynical but he wanted to brag on the majority of people who get up on Monday morning and work hard and did that for a lifetime. He stated he was proud of the USA.

4. Pledge to the American Flag

Ch. Hooper led the Pledge to the American Flag.

5. Approval of Invoices

Motion to approve the invoices: Charles Turk

Second: Danny Maxwell

Vote: 5:

All aye votes and the motion passed.

6. Approval of Previous Minutes – 6/11

Comm. Reece stated the minutes needed to reflect that Capstone was to install accel and decel lanes on both E. Ridgeway Road and Faulkner Road.

Motion to approve the minutes to reflect the change: Charles Turk

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

7. Recognition:

a. Human Resources Generalist Certification

Brianna Helton

Tia Allston-Bing president of GLGPA and Arlene Ivey Human Resource/Personnel Officer and Treasurer for GLGPA presented Brianna Helton with her GLGPA Certification. Ms. Allston-Bing stated Brianna had worked hard and the certification normally took about 2 ½ years to complete. She also stated Ms. Helton was appointed to the position of Media Coordinator for GLGPA.

8. Planning Commission Recommendations:

a. CU-19-04 – Kenneth Dasher – A conditional use application for a BBQ sauce canning and processing facility located on Map/Parcel #B48-001

Ch. Hooper closed the meeting and Atty. Frost opened the public hearing. Atty. Frost stated the rules of the public hearing. Atty. Frost stated Kenneth Dasher had applied for a conditional use for a BBQ sauce canning and processing facility located on Map/Parcel #B48-001. Brad McCook Planning Commission Chairman stated the Planning Commission had approved the application.

Kenneth Dasher – 699 Cobblestone Lane, Demorest, Georgia – Stated he had a commercial business for canning and processing and hoped to help local farmers get their product on the market.

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

Motion to approve the conditional use application: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of resolution filed in Attachment to Minutes Book #10-2)

b. CU-19-01 – J Wayne Shirey – A conditional use application for an equipment rental and storage facility located on Map/Parcel #B51 025B

Ch. Hooper closed the meeting and Atty. Frost opened the public hearing. Atty. Frost stated the rules of the public hearing. Atty. Frost stated J Wayne Shirey had applied for a conditional use for an equipment rental and storage facility located on Map/Parcel #B51 025B. Mr. McCook stated the Planning Commission recommended approval with the condition that a vegetative buffer be added to the tree line on the property or at least 50 ft., whichever is greater.

Wayne Shirey - 3509 Hwy 120, Duluth, GA – Stated he wanted to open up a tool rental business. He felt it was something that would help the citizens of Banks County because they wouldn't have to go so far to rent equipment.

Michelle Peterson – 766 McCoy Bridge Road, Homer, GA – Stated she was the adjoining property owner. Ms. Peterson stated she was at the Planning Commission meeting last month and the rental facility didn't have plans representing the usage of the property like the applicant for the apartments at Banks Crossing.

Her concerns were as follows:

1. Tractor trailers down a residential street
2. What kind of storage facility and what will it look like.
3. Will decrease their property value.
4. Will the tree line be sufficient to block the view
5. Pollution issues – gas, oil, lights, sound
6. Will it be a repair shop also
7. Proper storage and disposal of waste products

Ms. Peterson stated they moved to Banks County to be in the country and have space, not to hear someone being paged at 1:00 p.m. as she is sitting on her front porch. She urged the Commissioners to not approve the application until they see plans first, so they will know what to expect.

Comm. Turk stated that the property in question was zoned C-2 on September 14, 2010 and she didn't take possession of her property until January 2012. Mrs. Peterson stated all the records that she found showed the property zoned as ARR.

Paul Jones – Suwanee, GA – Stated he had purchased the property that the Petersons now own and when he purchased it, he was told by the tax office that it was zoned ARR and he had sold the property to the couple. Mr. Jones stated he had done business with the rental facility in its current location and it's a very dirty business. It has potential for noise, light and environmental pollution. He was asking the Commissioners to deny the request and put a clean business in that will not diminish the property value. Mr. Jones stated the area was a small farm community and did not need that business.

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

Ch. Hooper asked Mr. Shirey what his exact intentions were for the business. Mr. Shirey stated he would rent equipment that weighed 10,000 lbs. or less. Basically, everything you would need for development of the community for farms and housing.

Ch. Hooper asked about the storage units. Mr. Shirey stated he would not have storage units but would have outdoor boat and rv storage.

Comm. Turk asked how many units and what would the hours be. Mr. Shirey stated they would just be parked on the property not covered. He also stated the hours of operation would be from 7:00 a.m. to 4:00 p.m., but the storage would have an access code to come in after rental hours. He said he could set the time to whatever the commissioners approved.

Ch. Hooper asked about what he was going to do with the oil and residue from the equipment? Mr. Shirey stated he was regulated by guidelines for environmental purposes.

Ch. Hooper asked if he would repair equipment for the public. Mr. Shirey stated no.

Comm. Turk asked if he would have a holding area for the oil and dirt and would it be pumped occasionally. Mr. Shirey stated it would not have to be pumped. It will evaporate and then the dirt would be hauled off periodically.

The commissioners stated one condition would be the time people could access the storage area.

Comm. Duckett asked about the repair of equipment and the oil changing station. Mr. Shirey said they would do their own repairs and to change the oil he had to go by EPD regulations.

Motion to keep the tree line in place, 50 ft. buffer and Leyland cypress, hour of rental operation 7:00 a.m. to 4:00 p.m., no access to rv and boat storage after 8:00 p.m., fenced area and outdoor lighting will be downward facing: Sammy Reece

The motion died for the lack of a second which is a denial of the application.

(Copy of resolution filed in Attachment to Minutes Book #10-2)

9. 2019 – 2030 Economic Development Blueprint Plan – Thomas & Hutton, Three Points Planning and Nextsite

Hannah Mullins

Hannah Mullins Economic Development Director, stated a grant had been applied for before she came to work for the County and we were awarded the grant and the final plan was presented in May. Ms. Mullins was asking the Commissioners to adopt the plan so it can be utilized.

Motion to approve the Economic Development Blueprint Plan: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

(Copy of plan filed in Attachment to Minutes Book #10-2)

10. Broadband Ready Community Ordinance

Hannah Mullins

Ms. Mullins stated there were new funding opportunities through the State of Georgia for broadband expansion. They have a new broadband ready community designation. In order to be designated you have to have certain verbiage in the comprehensive plan, which was included in the new plan, and there was an ordinance that has to be adopted. If you don't have the designation then you can not get the grant money.

Motion to approve the ordinance and authorize the chairman to sign: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of ordinance filed in Attachment to Minutes Book #10-2) 2019-05

11. Second Mobile Home Placement

Denise Ferguson

Comm. Reece stated Ms. Ferguson's husband had dementia and she needed extra help to care for him. Comm. Reece stated they had purchased a piece of property that was thought to be 5 acres, but when it

was surveyed it was 3.64 acres. Ms. Ferguson would like to have a mobile home moved onto the property for her daughter to live in so she could help take care of her father. Ch. Hooper stated in the case of a hardship, when the situation changed with the family member then the mobile home would have to be moved and the property would revert back to the original use.

Motion to approve the hardship but when the situation changed with the family member then the mobile home would have to be moved and the property would revert back to the original use: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

12. Contracts & Agreements:

a. Grove Creek at Banks Crossing Park Grading Fund Advance MOU – Development Authority Randy Failyer

Randy Failyer Finance Officer stated the MOU was drawn up by the County Attorney. Ch. Hooper stated they would like to borrow from the County instead of going to the bank for a conventional loan.

Motion to advance the money for 12 months as a Line of Credit up to \$784,746.75 once they have extinguished funds that are not already designated: Charles Turk

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

b. FY2020 Annual E911 UPS Maintenance Agreement – The Power Place, Inc.

Comm. Turk stated there was an option for a three year or one-year contract and he recommended the one year.

Motion to approve the one-year annual maintenance agreement with The Power Place: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of agreement filed in Attachment to Minutes Book #10-2)

c. FY2020 Senior Center Transportation Services Contract – Deanna Specialty Randy Failyer

Mr. Failyer stated this was an annual contract for the Senior Center.

Motion to approve the contract and authorize the Chairman to sign: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book #10-2)

d. FY2020 Personal Property Audit Services Agreement – Deen's LLC Randy Failyer

Mr. Failyer stated that Vicki Krieg Chief Tax Assessor would like to change from Traylor Business Systems to Deen's, LLC for their personal property audit services.

Motion to approve the contract and authorize the Chairman to sign: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of agreement filed in Attachment to Minutes Book #10-2)

e. FY2020 Tates Creek Fire Protection Contract - \$3,000

Comm. Turk stated the contract was the same as the previous year.

Motion to approve the Bates Creek Fire Protection Contract in the amount of \$3,000: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book #10-2)

f. Hebron Road Waterline Replacement Relief Grant – GMRC

Jenni Gailey County Clerk stated this was for the Hebron Road waterline replacement grant. The grant will be administered by GMRC. The cost would be \$1,000 for the application and \$1,500 for grant administration.

Motion to approve the agreement for grant application and administration and authorize the chairman to sign: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of agreement filed in Attachment to Minutes Book #10-2)

g. Automated Traffic Violation, Imaging & Detection Agreement – Optotraffic, LLC

Comm. Reece stated the Sheriff's Office wanted to install traffic cameras in the school zone only for speeders. It would not cost the County any money.

h. Eisenhower Drive Additional Construction Supervision – KCI Technologies - \$8,000

Vice Chairman Duckett stated KCI needed a little more time added to their contract for construction supervision, in the amount of \$8,000. Comm. Turk stated they have already been paid \$20,000 and an additional \$20,000 and now they need \$8,000 more. Vice Ch. Duckett stated they have been at Eisenhower every day and had run out of time.

Motion to approve the additional construction supervision: David Duckett

Second: Danny Maxwell

Vote: 4:1

Jimmy Hooper: Aye

David Duckett: Aye

Danny Maxwell: Aye

Sammy Reece: Aye

Charles Turk: Nay

The majority voted and the motion passed.

i. Public Transit Contract – Jackson Creative

Mr. Failyer stated it was an annual contract for public transit.

Motion to approve the contract and authorize the Chairman to sign: Danny Maxwell

Second: Jimmy Hooper

Vote: 5:0

All aye votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book #10-2)

j. Eisenhower Drive – Catch Basin - \$17,600 – Change Order #2

Vice Ch. Duckett stated there needed to be a catch basin added so the water doesn't run on a property.

Motion to approve Change Order #2: David Duckett
Second: Charles Turk
Vote: 5:0
All aye votes and the motion passed.

k. Brewer Road – Pipe Replacement – Change Order #1

Vice Chairman Duckett stated that when Brewer Road was bid out to be resurfaced he was unaware that a pipe needed to be replaced. The cost of the pipe replacement would be about \$30,000.

Motion to approve Change Order #1: David Duckett
Second: Sammy Reece
Vote: 5:0
All aye votes and the motion passed.

13. Boards & Authorities:

a. Tabled 6/11/2019: Elections Board – 4 year term

b. Tabled 6/11/2019: Elections Board – 4 year term

Motion to untable the items a, b & c: Jimmy Hooper
Second: Charles Turk
Vote: 5:0
All aye votes and the motion passed.

Motion to reappoint Linda Garrison and Gail Sheppard to the Elections Board: Charles Turk
Second: Jimmy Hooper
Vote: 5:0
All aye votes and the motion passed.

c. Tabled 6/11/2019: Georgia Mountains Community Services Board – 3 year term

Motion to reappoint Rita Bush to the Georgia Mountains Community Services Board – 3 year term: Jimmy Hooper
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.

14. FY2019 Budget Amendment Resolution

Randy Failyer

Mr. Failyer stated the resolution was just a clean-up within the departments and not an amendment to the bottom line of the budget.

Motion to approve the resolution and authorize the chairman to sign: Jimmy Hooper
Second: David Duckett
Vote: 5:0

All aye votes and the motion passed.

(Copy of resolution filed in Attachment to Minutes Book #10-2) 2019-06

15. FY2020 Budget Approval Resolution

Randy Failyer

Mr. Failyer stated that he was asking the Commissioners to approve the FY2020 Budget Resolution. The amount of the budget is \$17,200,589.

Motion to approve the budget resolution and authorize the Chairman to sign: Jimmy Hooper
Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of plan filed in Attachment to Minutes Book #10-2) 2019-07

16. Proposed Nuisance Ordinance

Ch. Hooper stated that the nuisance ordinance would be for property that is an eyesore and was obvious that the landowner didn't want to make it better. That would give the County a tool where the property has to be brought up to a standard. If the property owner doesn't comply, the County will have the authority to clean up the property and send the property owner a bill and if not paid it would be added to their property tax bill. Comm. Turk stated the ordinance needed to be cleaned up and concentrate on personal property before being approved.

17. Courthouse Annex Security Entrance

Ch. Hooper stated he never dreamed of an active shooter coming in and shooting people in the schools. He stated that we needed to think about having security at the annex. Commissioners stated we didn't have the resources in the budget to fund it. Comm. Reece stated he would talk to the Sheriff's Department about providing an officer.

18. Adjournment

Ch. Hooper adjourned the meeting at 7:50 p.m.

Chairman

Assistant County Clerk
