

The Banks County Board of Commissioners held their regular meeting on January 12, 2016 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

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

Staff Present

County Clerk Regina Gailey
Assistant County Clerk Erin Decker
Finance Officer Randy Failyer
Human Resources Officer Arlene Ivey
911/EMA Director Deidra Moore
Code Enforcement Officer Paul Ruark
County Attorney Randall Frost
Senior Center/Public Transit Director Tracy Hammond

Media Present

Mainstreet News – Angela Gary

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Motion to approve the agenda: Danny Maxwell
Second: David Duckett
Vote: 5:0
All aye votes and the motion passed.

3. Moment of Reflection

Ch. Hooper stated when he was in elementary school there were three things that he repeated three things every day. 1. The Pledge to the American Flag 2. The Lord's Prayer 3. Do unto others as you would have them do until you. He stated he believed if that happened in today's times there wouldn't be so much conflict and violence in the world.

4. Pledge to the American Flag

Ch. Hooper led the Pledge to the American Flag

5. Approval of Invoices

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

6. Approval of Previous Minutes – 12/8, 12/10

Motion to approve the minutes: Danny Maxwell

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

7. Recognition: 2015 Dispatcher of the Year – Jeannie Tatum

Deidra Moore

E911/EMS Director Ms. Moore stated every year she recognized a dispatcher of the year based on certain criteria like performance and knowledge. Ms. Moore also stated Jeannie Tatum had been with Banks County since 2004 and designated her as dispatcher of the year at the Christmas party in December.

8. Planning Commission Recommendations:

a. CU-15-08 – Crossroads Treatment Centers of Commerce – A conditional use application for an outpatient addiction treatment center to be located at 199 Pottery Factory Drive, Suite 221.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing. Code Enforcement Officer Ruark stated a Conditional Use Application was submitted for an outpatient addiction treatment center to be located at 199 Pottery Factory Drive, Suite 221. The hearing was held on January 5, 2016 and the application was not recommended for approval.

Steve Kester – Duluth, Georgia – Co-Founder of Crossroads Treatment Centers of Commerce

represented the application stating it was a treatment center for opioids addiction and they have 12 facilities in 5 states. He said they had 4 programs in Georgia and the programs in all 12 centers are treating 5,000 patients. He stated if you were to look at the people in your community who are using and the ones who were in their program, the difference would be intact families, employment, incarceration, disease and crime. Mr. Kester stated the biggest obstacle the clinic faced while trying to locate in a community, was where people were concerned about increased crime and decreased property values. He said they had operated in 5 states and in the last 5 years they have had 0 reports of crime at their locations. He stated the centers employed an average of 20 professionals and the yearly payroll averages \$1.2 Million and generated patient revenue of about \$2.6 Million. He also stated part of their corporate mission was to work with schools and law enforcement to further educate the community about drug abuse and addiction. Mr. Kester stated in the 12 cities where they had clinics, they had never lost a property lease. Mr. Kester named towns in Pennsylvania, Tennessee, Maryland, Kentucky, Colorado, Maine and Massachusetts, which denied their zoning permits. These communities are similar to the setting of Banks County. The permits were denied for reasons that were not medical or crime related but for community outrage that was based on stigmas of drug addicts and clinics. He also stated people who are in treatment are a protected class of citizens with the ADA Act. He stated the cities he listed were in significant litigation with the ADA and paid out 6 or 7 figure settlements. He said that was not the way they wanted to go and would rather work with the community.

Kurt Cooper – Atlanta, Georgia – Real Estate Agent – Mr. Cooper stated he was the real estate broker for Crossroads Treatment Center and he tried to help them locate in communities and get permits they needed. He stated he has helped them open two other centers and believed

they were good corporate partners and good people. He didn't think they would be anything but a plus to the community and to those people who are in need of treatment in order to live a better life and to be better and more productive members of the society.

Scott Sailors – Jackson County, Georgia – Bookstand of Northeast Georgia - Stated his business was located at the Commerce Crossing Shopping Center. He and his wife have owned the Book Stand of Northeast Georgia for over eight years at Commerce Crossing. He also stated John and Ashley Speers of Sweet Dreams Mattress and Stan Atkins of Redhound Antiques were also located at the Commerce Crossing Shopping Center and as a group represent over 45,000 square feet of the Commerce Crossing Shopping Center which is totally a retail center and would also be the closest neighbor to the addiction facility. He stated they wanted it known they are against the addiction facility next to their businesses and were all prepared to move their businesses out of Banks County if this addiction facility was allowed at Commerce Crossing Shopping Center. He stated they had already been told by many of their customers that they would not bring their children in the stores if it was by an addiction clinic. He said they already get some negative traffic from the pain center across the parking lot which is not part of the Commerce Crossing Shopping Center. The clinic does not meet the criteria for the following reasons: Item C; where the proposed use will have compatibility with existing uses of adjacent land and the surrounding area and will not cause or create or be likely to cause or create adverse effects on the existing or future development of either the area or the rest of the County. For the same reasons, we believe they do not meet the Criteria H and J. The adverse effects are clear and we believe it also effects Criteria R; where the proposed use has nuisance characteristics, many of the shops will be open some of the same hours as the clinic. The long lines these facilities are known for are a definite nuisance for the shoppers trying to make their way down the sidewalks trying to get to additional shops. Criteria S; whether the proposed use is a conformative use with the policy of intent with the comprehensive plan. Clearly putting a methadone clinic into a retail shopping center is a contradiction to the comprehensive plan. This is a total of at least 5 items of the criteria to consider. In the Planning Commission meeting last week the petitioners agreed to provide security, we believe this helped make our case, not theirs. We do not need any security now and don't want to have to need security to have them as neighbors. We need Banks County Officials to do the right thing, encourage retail shopping to grow Banks Crossing as a destination shopping area. Adding a drug addiction clinic in the middle of a retail district will force us to move and sway any other retail business from coming in. What retail business would choose to come in next to a drug addiction clinic? They are not suitable neighbors for any retail district. We are not against the clinic being in Banks County, it just has no business in a retail shopping center. Please vote no to this clinic being within the shopping district of Banks Crossing and keep retail businesses in Commerce Crossing.

Stanley Atkins – Owner of Redhound Antiques on Pottery Factory Drive – Mr. Atkins stated that his retail site had been empty for years before he opened Redhound, in which he had invested over \$200,000 in his retail space. He didn't know how the addiction clinic would contribute to the community. Mr. Atkins also stated he didn't want this business around him or his children.

Rhonda Sailors – Co-Owner of the Bookstand of Northeast Georgia – She stated as a business owner for 8 years she has put her trust in the officials of Banks County. She said she had put

substantial money in her business and was very selective in choosing the place that she would place the business. She further stated she wanted to make sure she was in a place where the intended use was retail and could expect a retail business to be her neighbor. She would never have put close to \$100,000 in a place she would have thought the County Officials would allow an addiction clinic to locate next door to her business. A sign of the times we are living in clearly indicates that the County may need a methadone clinic but where? Where is not Commerce Crossing next to businesses that are mom and pop shops, they are not a national company that will get business driven in regardless of what is located in the shopping center.

Bryan Collins – Hart County – Mr. Collins stated he worked for Stan Atkins and had an analogy to consider. He stated we all need Waste Management but would you want that to be by a bunch of restaurants. That is kind of the same situation, nobody is saying we don't need the clinic but not in a retail business area.

Rebuttal

Mr. Kester wanted to thank the Commerce Crossing Shopping Center shop owners for their concern because they were part of the community. Mr. Kester said he tried to contact and meet with the shop owners about the concerns before the meeting tonight. The shop owners stated they never received a call. Mr. Kester wanted to state for the record the shop owners made a lot of accusations that were not true. He stated most of their programs are located in retail shopping centers. He stated he lives in Gwinnett County and opened up a center 5 miles from his house in Suwanee Crossings Shopping Center. When they first moved in, there was one other tenant in the shopping center and now that center was full. The center now houses a movie tavern, tire store, dentist and daycare center. He said they needed to be close to the interstate because most of their clients work and are trying to turn their life around and need to get on and off the road quickly so they can return to their jobs. The hours of operation would be 5:00 a.m. to 10:00 a.m. before most of the businesses at the Commerce Crossing Shopping Center open.

Rhonda Sailors stated in her opinion Mr. Kester didn't say one thing that changed anything they've said tonight. It doesn't meet the requirements or criteria. Whether they are a good neighbor or not, does it fit in a retail district?

Ashley Speer – Banks County, Georgia – Sweet Dreams Mattress Store – She stated her father owns the building in Jackson County where the addiction clinic is located and she has seen with her own eyes the trash and cigarette butts all over the place. A lot of the clients don't have driver's license so they have someone bring them there and there is a lot of loitering and smoking at the entrance. The difference was that this was a stand alone building and not in a retail shopping center.

Attorney Frost closed the public hearing. Ch. Hooper opened the meeting.

Motion to accept the recommendation of the Banks County Planning and Zoning Board to deny a conditional use application for Cross Roads Treatment Center of Commerce, at 199 Pottery Factory Drive because it was a non-conforming use: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of resolution filed in Attachment to Minutes Book #9-7)

9. FY2015 Audit Report

Joe Kitchens

Duncan and Kitchens, CPA Joe Kitchens stated the FY2015 Audit had clean opinions, no findings and no irregularities. He stated the internal control procedures the County used were always good.

10. Pre-Trial Diversion Funds

Andy Crawford

Assistant District Attorney for Jackson County Andy Crawford stated the District Attorney's Office is currently in negotiations with Centennial Probation Service to handle the Pre-Trial Diversion Program and funds. Vice Ch. Turk just wanted to make sure the probationer was responsible for paying all the fees. Mr. Crawford stated yes, that was the way it worked.

11. Personnel:

a. Part time Public Transportation Drive Pay Increase

Tracy Hammond

Senior Center/Public Transportation Director Tracy Hammond stated she had two part time transit drivers that she would like their pay increased to \$10 per hour. She stated the drivers are dependable, courteous and functional.

Motion to increase the pay to \$10 per hour for the two part time transit drivers: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

b. Employee Pay Scale Evaluation

Arlene Ivey

Human Resources Officer Arlene Ivey stated that the employees are the backbone of the County and since 2011 there has been a lot of turnover for different reasons, but the main reason was for more money. The pay scale has not been updated since 2005, except for minor adjustments in 2013, 2014 and 2015. Ms. Ivey stated she was proposing the pay scale be adjusted in-house instead of hiring an outside firm. She was proposing the implementation of the pay scale to be in three phases. Phase I starts at the bottom of the scale and will be implemented by February 1, 2016. No individual in the County that was full-time would make any less than \$29,120. Phase II and Phase III would be implemented by budget, July 1, 2016.

Vice Ch. Turk stated It was hard to recruit people to come here to better themselves when they are already making more somewhere else. Ch. Hooper stated as Commissioners it was their duty to recruit quality people and maintain and invest in the people we hire.

Motion to make the minimum full time salary \$29,120: Charles Turk

Second: Jimmy Hooper

Vote: 5:0

All aye votes and the motion passed.

c. Planning Commission Member Appointment

County Clerk Jenni Gailey stated two positions were vacant and two applications were received. Albert Ward had unfortunately passed away and his term would have ended 10/31/2016.

Motion to appoint Steven Michael Jewell to the Planning Commission to fill Albert Ward's term which would expire on 10/31/2016: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

d. Planning Commission Member Appointment

Ms. Gailey stated that Neil Pulliam's term would expire on 10/31/2017. Todd Hubbard had applied for that position.

Motion to appoint Todd Hubbard to the Planning Commission to fill Neil Pulliam's term which will expire on 10/31/2017: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

12. Contracts & Agreements:

a. Senior Center Improvement Grant Application & Administration – GMRC \$1,000

Finance Officer Randy Failyer stated the County was paying GMRC to apply for a Senior Center grant that was approximately \$500,000 for improvements to the Senior Center. A 5% match will apply but can be in-kind. Ms. Gailey stated that the contract also provides that if we do win the grant that the administration of the grant could cost up to \$30,000. This is to allow GMRC to apply for the grant at a cost of \$1,000. If approved to administer the grant it could cost up to \$30,000.

Motion to accept the Senior Center Improvement Grant Application: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book #9-7)

b. Fire/EMS Breathing Apparatus Grant Application Contract – GMRC \$1,000

Mr. Failyer stated the project cost was approximately \$560,000. He stated we are asking GMRC to apply for a grant to buy the air packs and mobile filling station. The County will be responsible for paying a 5% match.

Motion to approve the grant application with GMRC: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book #9-7)

c. Water Distribution Welding/Cutting Gas Cylinder Rental Agreement Safety Plus

Mr. Failyer stated rental agreement just needed the authorization for the Chairman to sign.

Motion to authorize the chairman to sign the rental agreement with Safety Plus: David Duckett

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book #9-7)

d. County Garage Construction Bids

Comm. Reece stated the bid on the vehicle maintenance building without the concrete pad was \$61,428.12 which includes the electrical. He stated he had a price on the grading which was \$15,000 and the concrete pad for \$22,000. He also stated he didn't have a bid on grading and the pad just an estimate and the total of the building would be about \$88,000 to \$89,000.

Comm. Duckett asked where the site was going to be located. Comm. Reece stated the best site they had looked at was the old DOT site at the horse arena. Comm. Duckett asked didn't that need to be voted on before the building was built? Comm. Reece said yes the location could be voted on. Comm. Duckett stated he felt it was necessary to vote where to locate it so we would know exact pricing. Vice. Ch. Turk stated he thought before we spend a whole lot of money on anything, we need to bid out the maintenance of the vehicles to see what was the most cost effective. Ch. Hooper stated he was a little confused because months ago the board voted in a 3/2 vote that they would proceed with building a garage maintenance building if they could get the whole project done under \$140,000. He stated Comm. Reece is bringing numbers to us stating it was going to be under \$140,000. He stated for one of us to do anything different, one of the three, to keep from being out of order would have to come back up and vote on any different course of action to take. Ch. Hooper stated if the Commissioners wanted to do that, they would have to start from square one. Vice Ch. Turk stated it had already been changed. He stated Ch. Hooper said last month the mechanic would be hired at \$46,000 but previously Ch. Hooper had stated \$36,000. Ch. Hooper stated that was incorrect. Comm. Duckett stated his concern was everybody that bid on the building with a lock and key job was over \$140,000 and that doesn't include equipment. Vice Ch. Turk stated what they voted on was to pursue the idea, but not build a building at that time. Ch. Hooper stated if you stopped this, he thought it was an injustice to the citizens of Banks County and not being good stewards of the money.

Motion to proceed with building a garage maintenance building as originally first voted on and approved by a majority vote at a site to be determined for no more than \$140,000.

Second: Sammy Reece

Vote: 2:3

Jimmy Hooper: Aye

David Duckett: Nay

Danny Maxwell: Nay

Sammy Reece: Aye

Charles Turk: Nay

Motion denied by majority vote.

Ch. Hooper stated he wanted the vehicle maintenance bid on the February agenda.

e. 2016 Probate and Magistrate Court Probation Services Agreement

Mr. Failyer stated this was a probation agreement that was approved every year and we just need to authorize the Chairman to sign the agreement.

Motion to authorize the Chairman to sign the agreement: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of agreement filed in Attachment to Minutes Book #9-7)

f. Generator Maintenance Contract – S&D Solutions

Comm. Reece stated we only have a maintenance agreement for three generators currently. The County currently has 25 generators plus 3 more on the way. Currently the building maintenance department had been working on the generators but, Comm. Reece feels like we need a maintenance program on the 25 generators we currently have. The annual contract was from S-D Solutions in the amount of \$14,600 and would be billed after each maintenance had been completed.

Motion to approve the contract with S-D Solutions: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

13. DOT 2016 Local Maintenance Improvement Grant Project – Sims Bridge Rd – KCI

Comm. Duckett stated he was proposing the resurfacing of Sims Bridge Road with the 2016 LMIG Funds. He stated the estimated cost for engineering and resurfacing was about \$344,000.

Motion to approve resurfacing Sims Bridge Road with the 2016 LMIG Funds: David Duckett

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

14. Sheriff Vehicle Purchase – Drug Surcharge Fund

Ch. Hooper stated the 2016 Dodge Charger had already been purchased by the Sheriff's Office but the funds needed to be approved to purchase the vehicle. The amount of the vehicle was \$23,473.35 and would be paid from the Drug Surcharge Fund.

Motion to approve the purchase of the vehicle from the Drug Surcharge Fund: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

15. 2016 Vice Chairman Appointment

Motion to re-appoint Charles Turk as Vice Chairman: Sammy Reece

Second: David Duckett

Vote: 4:0

Vice Ch. Turk abstained from voting.

All aye votes and the motion passed.

16. Adjournment

Motion to adjourn the meeting: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

Chairman

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