

The Banks County Board of Commissioners held their regular meeting on April 8, 2014 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 Attorney Randall Frost
Economic Developer Brad Day
Financial Officer Randy Failyer
County Clerk Regina Gailey
Assistant County Clerk Erin Decker
911/EMA Director Deidra Moore

Media Present

Banks County News – Alex Pace
Access North Georgia - Rob Moore

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Ch. Hooper stated Item 11C/Faulkner Drive/US441 Intersection – Banks 109 Road Name needed to be deleted from the agenda.

Motion to approve the agenda: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

Unanimous vote and motion passed.

3. Prayer

Ch. Hooper stated we needed to take a moment to remember our service men and women.

Ch. Hooper led a moment of silent prayer.

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: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

6. Approval of Previous Minutes – 3/11, 3/25

Motion to approve the 3/11, 3/25 minutes: Danny Maxwell

Second: David Duckett

Vote: 5:0

Unanimous vote and motion passed.

7. Proclamations:

a. National Donate Life Month

Ch. Hooper stated he was an organ donor and that it was very important to save lives.

Motion to pass the proclamation: Danny Maxwell

Second: Jimmy Hooper

Vote: 5:0

Unanimous vote and motion passed. *(Copy of Proclamation filed in Attachment to Minutes Book #5)*

b. National Public Safety Telecommunicator Week

911/EMA Coordinator Deidra Moore recognized the dispatchers at the 911 Center expressing appreciation of a job well done and dedication to their job.

Motion to pass the proclamation: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

Unanimous vote and motion passed. *(Copy of Proclamation filed in Attachment to Minutes Book #9-5)*

8. Public Hearing: CR4/Willis Harden Rd Closing

Ch. Hooper stated he had inspected the road and on rainy days it would be impassable and there had been trash thrown out on the road and people were using the road for mud bogging.

In Favor

- Chris Phagan spoke in favor of closing the road. Reasons why the road should be closed are as follows:
 - No one lives on the road so there is no reason for anyone to be going through the road
 - People are mud bogging and dumping trash on the road
 - The County can't keep the road fixed as fast as it gets torn up
- Willis Harden sent in a letter supporting the closing of the road. He stated he strongly supported closing the road for the reasons following:
 - It is a public nuisance and extremely harmful to the neighborhood
 - The people using the road are to a large extent vandalizing the whole community
- Norman Harden also sent in a letter supporting the closing of the road. He stated he was the only homeowner on the road and it was very difficult and expensive for the County to maintain. Some other issues on why the road should be closed were as follows:
 - Vehicles had been mud racing over the creek

- Trucks flying over the hump in the road where there was a blind spot and oncoming traffic can't be avoided
- At night cars park by the creek and engage in illegal and immoral activities
- Several people consider the road a private dump site in which everything from mattresses and kitchen appliances are dumped

Mr. Norman Harden also stated in the letter that he would assume responsibility for maintaining access/right of admittance/easement and the road itself.

In Opposition

- Reginald Wilbanks co-owner of the property at the end of Harden Bridge Road and Willis Harden Road, sent in a letter opposing the closing of Willis Harden Road. Reasons why the road should not be closed are as follows:
 - The road was necessary for adequate access to a portion of his tract of land.
 - The closure of the road would decrease the value of his property and the ability to market the timber.
 - The diminution of value would have to be reflected by the Tax Assessor in a reduced taxable value.
- Janice Wilbanks also sent a letter of opposition. Reasons why the road should not be closed are as follows:
 - She stated this road provided the only direct access to and from Hwy 441.
 - Closing this road would significantly affect her ability to develop or sell her property and would devalue the property.
 - Young timber that was growing on the property would not be able to be harvested because there wouldn't be access from Willis Harden Road.

Mrs. Wilbanks stated as a tax paying property owner she would respectfully request that the Banks County Board of Commissioners deny the request to abandon Willis Harden Road.

- Jessica Wilbanks Bennett also sent a letter of opposition. Ms. Bennett is a joint property owner of a parcel at the corner of Willis Harden Road and Harden Bridge Road. Reasons why the road should not be closed are as follows:
 - Closing this road would deny her access from Hwy 441, which is her main concern
 - It would also severely limit her ability to remove valuable timber from the property and decrease the value of her land

Vice Ch. Turk stated he understood The Wilbanks' concern and considered only closing a portion of Willis Harden Road.

Motion to close CR4/Willis Harden Road from CR276/Banks Road to 1000 ft. or to the top of the hill from CR16/Harden Bridge Road: Charles Turk

Second: Sammy Reece

Motion to withdraw Vice Ch. Turk's motion: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and motion passed.

Motion to close CR4/Willis Harden Road from CR276/Banks Road to 1000 ft. or to the top of the hill, whichever is shorter, from CR16/Harden Bridge Road because it is no longer needed for a public purpose: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and motion passed.

9. Planning Commission Recommendations

a. CU-14-02 – Stephen Gee – A conditional use application to vary setbacks for a poultry house at 334 Queen Road.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing. Economic Developer Brad Day stated the property was located at 344 Queen Road and was currently zoned ARR. The conditional use permit was to allow a variance on the setbacks. The Planning Commission recommended approval. Stephen Gee spoke in favor of the application. Ch. Hooper closed the public hearing and opened the meeting.

Motion to approve the conditional use application: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and motion passed.

b. Z-14-03 – Dilmus Wood – An application to rezone one acre at 1231 W. Ridgeway Road from N-1, Industrial to ARR, Agricultural, Rural-Residential

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

Mr. Day stated the zoning was currently M-1, Industrial and was used as a vehicle recovery yard. The proposed zoning would be ARR. The Planning Commission recommended approval. Beverly Wood spoke in favor of the application stating the acre now currently was home to a few goats. Ch. Hooper closed the public hearing and opened the meeting.

Motion to approve the rezoning application: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

c. CU-14-03 – Dr. Richard Davis – A conditional use application for a medical clinic and medical supply sales to be located at 142 Hampton Ct.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing. Mr. Day stated this was a conditional use application for a medical clinic and medical supply sales to be located at 142 Hampton Court. The current zoning is C-2, General Commercial. The Planning Commission recommended approval. Jennifer Tucker spoke in favor of the application stating they had been located in Commerce across from the hospital for numerous years. The

orthopedic clinic would be a 5,000 square foot facility that would also offer the sale of orthopedic supplies. Ch. Hooper closed the public hearing and opened the meeting.

Motion to approve the conditional use: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and motion passed.

10. Public Utilities: Aerator Options

Steve Reece

Utilities Director Steve Reece stated the aerators at Pond #1, 2 & 3 needed to be replaced. There were two options for removing and replacing the aerators. Option 1 would cost \$92,095 and Option 2 would cost \$81,232. Mr. Reece recommended using option one because the equipment that would be removed could be cleaned up and used as a standby at either plant. He stated the aerators had been in operation for quite some time but would work well as temporary replacements.

Motion to approve Option 1 for replacing the aerators: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and motion passed.

11. EMA/911:

Deidra Moore

a. 2013 Dispatcher of the Year

EMA/911 Director Deidra Moore stated Rhonda Savage had been chosen as Dispatcher of the Year for the reasons following:

Attendance	Dependability
Team Work	Servant's Heart
Professionalism	Character
Stepping Up	Fearless
Quality Assurance	Excellence

Ms. Moore presented Ms. Savage with a plaque recognizing Ms. Savage.

b. RFP #2014-02 – Portable & Mobile Radios & Associated Equipment

Ms. Moore stated she only received one bid because there was only one vendor in the area that sold Kenwood Mobile Radios. Ms. Moore stated she would recommend the bid of \$114,824.50 to be paid from the Narrowband Account and the remainder be paid from 2012 SPLOST. She also stated a portion of the funds would come from a \$25,000 grant. Vice Ch. Turk stated he did not want to purchase extra batteries for all the radios which would be a cost savings of \$5,324.50. He recommended only purchasing five extra batteries. The total price of the purchase would be \$109,500.

Motion to approve the bid from Gunby Communication for \$109,500: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and motion passed.

c. Faulkner Drive/US441 Intersection – Banks Crossing 109 Road Name

Deleted

d. Radio License Coordination Bid Award

Ms. Moore stated there were two bids received for 40 licenses for the digital radio license.

RS/AASHTO \$5,600 to a maximum amount of \$9,600

FCCA - \$7,600 to a maximum amount of \$11,600.

Ms. Moore recommended using RS/AASHTA to be paid from the Narrowband Account.

Motion to approve the radio license bid from RS/AASHTO: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and motion passed.

12. Apple Pie Ridge Rd Pipe Replacement Contract – Talley Construction

Erin Decker

Assistant County Clerk Erin Decker stated an emergency repair of a pipe on Apple Pie Ridge had been approved at the last commissioners meeting. The contract for that emergency repair was with Talley Construction in the amount of \$35,000 which needed to be paid from 2012 SPLOST funds.

Motion to ratify the Talley Construction contract in the amount of \$35,000 and to pay the contract from the 2012 SPLOST Fund: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and motion passed.

13. Code Amendment Resolution: Chapter 30, Entitled “Courts” Section 30-3 Entitled “Agents for the County for Issuance of Citations”

Tabled 3/25/2014

Motion to untable the item: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and motion passed.

Vice Ch. Turk stated the ordinance should read “only the county fire chief, county deputy fire chief, county fire marshal, or deputy county fire marshal, are hereby designated as agents of the county for the purpose of issuing citations for the violation of any ordinance or resolution of the county relating to fire or fire safety or burning or fire prevention and protection.”

Motion to approve the ordinance as amended: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed. *(Copy of resolution filed in Attachment to Minute Book #9-5)*

14. Planning Commission Member

Ch. Hooper stated there was a vacancy on the Planning Commission.

Motion to appoint Kim Ledford to the Planning Commission to complete the unexpired term of Melinda Cochran which expires of 10/31/2015: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

15. Adjournment

The meeting was adjourned at 7:22 p.m.

Chairman

Assistant County Clerk
