



**HALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

**Georgia Mountains Center
301 Main Street SW
Gainesville, Georgia
January 8, 2009
5:00 P.M.**

Commissioners present: Chairman Tom Oliver, Vice Chairman Ashley Bell, Commissioner Billy Powell, Commissioner Bobby Banks and Commissioner Steve Gailey.

Others present: County Administrator Charley Nix, Assistant County Administrator Phil Sutton, County Attorney Bill Blalock and Commission Clerk Heather Bennett.

Meeting called to order by Chairman Oliver at 5 p.m. in the Georgia Mountains Center, Room B, 301 Main Street, Gainesville, GA 30501.

- 1. Invocation by Hall County Planning Director Randy Knighton.**
- 2. Pledge of Allegiance**
- 3. Consent Agenda:**
 - a. Approve December 11, 2008 Meeting Minutes.
 - b. Approve the re-adoption of Robert's Rules of Order with the exception the Chairman be allowed to deliberate, make and second motions and vote (to include all functions of the other board members).
 - c. Approve the re-adoption of the Code of Ethics.
 - d. Approve the selection of Commissioner Ashley Bell as 2009 Vice Chairman.
 - e. Approve the reappointment of Charley Nix as County Administrator.
 - f. Approve the reappointment of Bill Blalock as County Attorney.
 - g. Approve the reappointment of Avery Niles as County Warden.
 - h. Approve the reappointment of Heather Bennett as County Clerk.
 - i. Approve the reappointment of Don Smallwood to the Hall County Planning Commission. (Chairman)
 - j. Approve the reappointment of Bill Evans to the Hall County Planning Commission. (District One)
 - k. Approve the reappointment of Chris Braswell to the Hall County Planning Commission. (District Two)
 - l. Approve the reappointment of Jones Cottrell to the Hall County Planning Commission. (District Three)
 - m. Approve the appointment of Johnny Varner to the Hall County Planning Commission. (District Four)
 - n. Approve the request by Wiley H. Oliver for a reversion back to conservation tax status and waiver of any interest and penalties accrued on property tax bill no. 2008-49523.
 - o. Approve the request by James T. Helton for a refund of \$150 due to an error in charges for property tax years 2006, 2007 and 2008.

- p. Approve business license renewal for Holiday on Lake Lanier located at 6900 Holiday Rd., Buford, GA; Business Type: Special Events; Owner: PS Marina I, LLC. Commission District One.
- q. Approve the amendment to Schedule C of the 800 MHz Reconfiguration Agreement and authorize the Chairman to execute all necessary documents.
- r. Approve adoption of a resolution authorizing the entering into of an Intergovernmental Agreement with the Gainesville and Hall County Development Authority regarding the acquisition, construction and installation of an industrial park on certain real property located within the County, and approving the issuance and terms of a \$2,000,000 principal amount Gainesville and Hall County Development Authority Taxable Revenue Bond (Gainesville Business Park Project, Series 2009) and authorize the Chairman to execute all necessary documents.
- s. Approve the Blue Cross Blue Shield Inmate Medical Administrative Services Contract provided through ACCG and authorize the Chairman to execute all necessary documents.
- t. Approve the submittal of a grant application to the U.S. Department of Justice, Office on Violence Against Women Grants to Encourage Arrest Policies and Enforcement Protection Orders Program, acceptance of funds and authorization of chairman to execute necessary documents.
- u. Approve the submittal of the Georgia Department of Transportation FY2010 Federal Section 5311 Capital Grant Application and authorize the Chairman to execute all necessary documents.
- v. Approve release of \$22,415.85 Guaranty Agreement for Streets in Reunion Phase 10B Subdivision. Commission District One.
- w. Approve acceptance of \$22,415.85 Guaranty Agreement for Streets in Reunion Phase 10B Subdivision and authorize Chairman to execute agreement. Commission District One.
- x. Approve extension of \$22,415.85 Guaranty Agreement for Streets in Reunion Phase 10B Subdivision. Commission District One.
- y. Approve extension of \$8,257.00 Guaranty Agreement for Streets in Village at Deaton Creek Phase I Unit 6A Subdivision. Commission District One.
- ~~z. Approve release of \$30,000.00 Guaranty Agreement and Acceptance of Streets in Quail Wood Phase II Subdivision into the County Maintenance System. Commission District One.~~
- aa. Approve release of \$50,000 Irrevocable Letter of Credit and Acceptance of Streets into the County Maintenance System in Sawyer Mill Subdivision Commission District Three.
- bb. Approve acceptance of \$46,000 Irrevocable Letter of Credit for Sidewalks in Sawyer Mill Subdivision. Commission District Three.

Commissioner Bell motioned to approve the Consent Agenda with the removal of item z. and Commissioner Gailey seconded the motion. Vote: 5-0.

4. Other Business:

- a. First reading and public hearing to consider Malt Beverage & Wine Package License for Freddy's II located at 2703 Dawsonville Hwy.; Business Type: Convenience Store; Owner: Bansadee, LLC; License Holder and Registered Agent: Paresh Ishverbhai Patel. Commission District Two.**

Business License Director Susan Rector described this item as a first reading and public hearing for a new Malt Beverage and Wine Package License.

No public comment was given on this item.

- b. Public hearing on Alcoholic Beverage Code Violation for Marathon Food Mart located at 5521 Thompson Bridge Road; Business Type: Convenience Store; Owner: Shama Enterprises, Inc.; License Holder and Registered Agent: Saleem Jiva. Commission District Two.**

Ms. Rector described this item as a public hearing on a code violation for the sale of alcohol to minors.

Saleem Jiva, 5521 Thompson Bridge Road, appealed to the Commission by stating that the day of the incident he had worked a double shift which consisted of 17 hours in the store and this was the first incident that had occurred at his store and it would never happen again.

Commissioner Powell motioned to suspend the business license for 15 days which will begin on January 8, 2009, a 30 day probation period and \$250 reinstatement fee. Commissioner Banks seconded the motion. Vote: 5-0.

- c. Public hearing on Alcoholic Beverage Code Violation for Meeks Food Mart located at 309 Atlanta Hwy.; Business Type: Convenience Store; Owner: Saima Enterprises, Inc.; License Holder and Registered Agent: Saima Abbas. Commission District Four.**

Ms. Rector described this item as another public hearing on a code violation for the sale of alcohol to minors.

Commissioner Bell motioned to table this item to the next Commission meeting and Commissioner Gailey seconded the motion. Vote: 5-0.

- d. Previously tabled second reading and public hearing to consider a resolution to delete specified sections of Title 16, entitled "Subdivisions", of *The Official Code of Hall County, Georgia*; to substitute in lieu thereof the newly revised sections of the same section numbers and titles set out; to create a new section of Title 16, and authorize Chairman to execute resolution. Commission Districts One, Two, Three & Four.**

Public Works Director Ken Rearden described this item to the Commission.

Commissioner Banks motioned to remove this item from the table and Commissioner Powell seconded the motion. Vote: 5-0.

No public comment was given on this item.

Commissioner Powell motioned to approve this item with an effective date of April 1, 2009 and Commissioner Gailey seconded the motion. Vote: 5-0.

- e. Second reading and public hearing to consider a resolution to delete in its entirety Chapter 13.10, entitled "Sewers and Sewage Disposal", of Title 13 of *The Official Code of Hall County, Georgia* so as to substitute in lieu thereof a new Chapter 13.10 with the same name, and authorize Chairman to execute resolution. Commission Districts One, Two, Three & Four.**
- f. Second reading and public hearing to consider a resolution to delete in its entirety Chapter 13.20, entitled "Construction Standards and Operational Responsibilities for Water and Wastewater Systems", of Title 13 of *The Official Code of Hall County, Georgia* so as to substitute in lieu thereof a new Chapter 13.20 to be entitled "Construction Standards and Operational Responsibilities for Wastewater Systems and Reuse Systems" and authorize Chairman to execute resolution. Commission Districts One, Two, Three & Four.**
- g. Second reading and public hearing to consider a resolution to delete in its entirety Chapter 13.30, entitled "Treatment and Disposal of Wastewater by Land Application" of Title 13 of *The Official Code of Hall County, Georgia* so as to substitute in lieu thereof a new Chapter 13.30 with the same name, and authorize Chairman to execute resolution. Commission Districts One, Two, Three & Four.**

Chairman Oliver combined the reading of items e., f., and g. and clarified that these first readings were for the ordinances only and did not include any of the sewer rates in these ordinances.

Commissioner Powell motioned to approve items e., f., and g. and Chairman Oliver seconded the motion. Vote: 5-0.

h. Resolution to adopt the Hall County Sewers and Sewerage Disposal Fee Schedule; to repeal conflicting ordinances and resolutions; to provide severability; to provide for an effective date of this resolution; and for other purposes.

Commissioner Banks stated he felt the residents of the Village at Deaton Creek were all retirees and on a fixed income and could not afford an increase in these service fees. He added that any kind of change in the fees should actually be a decrease instead of an increase.

Chairman Oliver then amended the Resolution whereby the residents of Sterling on the Lake, Reunion and the Village at Deaton Creek will remain on a flat rate of \$42 per month until the end of calendar year 2009. He added that the County would reconsider the rates for these three subdivisions and hold public hearings in the 3rd or 4th quarter of 2009 before any rate changes were implemented.

Phyllis Mercer, 6320 Falling Water Lane, Hoschton, introduced herself as a resident of the Village at Deaton Creek and thanked Commissioner Bobby Banks for taking the time to listen to the concerns of its residents. She asked all of the residents that had strong feelings about the exorbitant sewage fees to raise their hands. She stated that while they are happy about the vision to provide a sewage system, they are not happy with the proposal on the table because the vision is not accompanied by an adequate financing plan which offers a fair and equitable rate to the users of the system. Mrs. Mercer stated that the proposed rate of \$9.87 per CCF is two, if not three times the rate of other cities and counties in the area. She added that Hall County's study shows that the rate will increase each year in order to fund the County's debt. She asked the County to address the following concerns before a fee for sewage service is established:

1. Rate Structure: The rate structure is driven by GEFA and mandates a fee of \$79.17 per 6,000 gallons of usage as a requirement to obtain the needed State Revolving Fund (SRF) and that this condition was placed due to the low debt coverage ratios. The home owner's concerns are how GEFA drives the rates when there are only 1,500 users and a massive \$109M debt. The low debt ratio is a specific concern since it drives the exorbitant rate proposal. They are requesting a better financing deal so that their rates are reasonable and affordable regardless of what it takes with GEFA.
2. Growth Projections: The residents are concerned that the growth projections in the study are not realistic in today's economic environment. They are uncomfortable about the funding and ability to fulfill the debt obligations when the study states "rapid growth is projected to provide sufficient funding of the debt payments" and if this growth is not achieved that "rate revenues will be required to fill any void in funding". They believe that the County needs a long term strategic plan to move homes and communities in the geographic area that is currently on septic tanks to the new sewage system because this would aid in lowering the unit cost to the 1,500 households that will be first added to the new system as well as boost the financial viability of your system.
3. SPLOST/ Other Funding: The home owners are concerned about what will happen if SPLOST is not approved by voters in March 2009? Will the proposed sewage fees be raised to help offset the funding deficit of \$3.5M?

4. Conflict in Dates: The Spout Springs Reclamation Facility purchase agreement between the County and John Wieland Homes states that there will be a flat fee of \$42 until the end of the 2009 calendar year however Chapter 13.10 of the study recommends that a sewer unit charge of \$9.87 per CCF be implemented by January 31, 2009.
5. Account Servicing Fee: The home owners are concerned that users will be charged a servicing fee of \$7.26 in addition to the \$7.26 fee that they already pay on their water bill. They estimate that 1,500 users at \$7.00 each would total over \$10,000 per month and over \$130,000 per year. They feel customer service to handle the billing and answer telephone calls would not cost this much. They would like this concern addressed. They also question an item covered on an Intergovernmental Agreement between Hall County and the City of Gainesville. The agreement dated December 2002 states "the monthly usage rate (of sewage) to be paid by customers in the Hall County District to Gainesville shall be the same rate as paid by Gainesville inside city customers". With such an agreement their stated sewage fee would be a \$5.99 "management fee" of the \$235,000 in 2008 not the \$9.87 rate that is on the table. They would like to know why this deal is not being honored.
6. School Cost: The study indicates that the Capital Improvement Program includes sewer collection facilities for the Hall County School System and assumes that the Hall County School District pays the \$1M in 2009 for collection system expansion but will pay no connection fee. The home owners want to ensure that this assumption becomes a reality, but they also expect that ALL residents in South Hall pay the connection fee.

Mrs. Mercer added that the home owners also request that Hall County offer full disclosure of all business transactions. That includes reflecting a specific line item stating "Sewage Charge Fee Increase" in all future fee proposals instead of embedding the fee proposal in a generic resolution labeled Chapter 13.10, entitled "Sewers and Sewage Disposal". The home owners feel that there are issues that need to be answered before the commission votes on this matter including the intergovernmental agreement, the account servicing fee, the conflict in effective dates and the method of how any rate will be calculated. The home owners encourage the Board of Commissioners to vote NO on the fees presented in Chapter 13.10 entitled "Sewers and Sewage Disposal". Mrs. Mercer then thanked the commission for their time and consideration and stated that the home owners look forward to working with the commission over the next few months in anticipation of a more reasonable fee being proposed in the third or fourth quarter of this year.

Craig Lutz, 8072 Sleepy Lagoon Way, Flowery Branch, introduced himself as a resident of Sterling on the Lake. He stated all the residents were all frustrated with the way this has been handled and read portions of House Bill 489. Mr. Lutz then referenced a letter from the City of Braselton to Hall County which described the lack of coordination between the County and the municipalities. He added the residents are confused as to why this project had become so expensive and why these costs are being passed on to the residents. He then requested a group be formed to discuss the sewer plan for South Hall.

Chairman Oliver motioned to approve this resolution with the amendment that Sterling on the Lake, Reunion and the Village at Deaton Creek will remain on a flat rate of \$42 per month until the end of calendar year 2009. Then the County will reconsider the rates for these three subdivisions and hold public hearings in the 3rd or 4th quarter of 2009 before any rates changes are implemented. Commissioner Powell seconded the motion. Vote: 3-2 (Commissioners Banks and Gailey opposed).

- i. Second reading and public hearing to consider abandonment of an approximate three hundred thirty-five (335) foot section of right-of-way along Glade Farm Road and authorize Chairman to execute Quit Claim Deed(s). Commission District Three**

No public comment was offered.

Commissioner Gailey motioned to approve this item and Commissioner Powell seconded the motion. Vote: 5-0.

- j. Second reading and public hearing to consider abandonment of an area of right-of-way originally platted as a cul-de-sac off Cedar Springs Lane in Reunion Phase 14B Subdivision and authorize Chairman to execute Quit Claim Deed(s). Commission District One.**

No public comment was offered.

Commissioner Banks motioned to approve this item and Commissioner Gailey seconded the motion. Vote: 5-0.

- k. First reading and public hearing to consider abandonment of an approximate five hundred twenty-five (525) foot section of right-of-way along Lotheridge Road and authorize Chairman to execute Quit Claim Deed(s). Commission District Three.**

No public comment was offered on this item.

5. Public Hearings to consider applications to amend the Zoning Maps of Hall County as follows:

- a. Application of Vivienne Speer to rezone from AR-IV to PCD, a 3.305± acre tract located on the west side of Bryant Quarter Road, 1,600± ft. southwest of its intersection with Emory Griffin Road; a.k.a. 4965 Bryant Quarter Road; Tax Parcel 15003 000015G(pt). Proposed Use: Organic produce packaging, sales and distribution. Commission District Three.**

Planning Director Mr. Randy Knighton described this item as a request for rezoning to start an organic produce packaging sales and distribution center and a caretaker residence.

Robert Luce, 780 Ridgewood Avenue, Gainesville, Georgia, described the organic almond grove which was proposed which would include seasonal sales and a packaging distribution center.

Vivienne Speer, 4625 Plantation Drive, Flowery Branch, Georgia, spoke in favor of her application and felt it would be an asset to the community.

Commissioner Gailey motioned to approve item with conditions [listed below] and Commissioner Powell seconded the motion. Vote: 5-0.

1. The development of the site shall occur as generally depicted and described in the concept plan narrative submitted.
2. The development is limited to a maximum of 12,000 square feet for the main facility.
3. Hours of operation are limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 6:00 p.m. Saturday.
4. Seasonal sales of almonds shall be for a maximum of 60 days. The Planning staff is to be notified when the 60 days begin.
5. There shall be no other seasonal sales of any kind on the site.

6. Final driveway design and placement are subject to approval by the Hall County Engineering Department.

7. All conditions of zoning shall be made a part of any plat created for the property.

- b. Application of Greg Langford to rezone from R-II to H-B and a Use Subject to County Commission approval (buffer variance and self storage warehouse) on a 1.13± acre tract located on the east side of East Crescent Drive, 550± ft. northeast of its intersection with Crescent Drive; a.k.a. 230 East Crescent Drive; Tax Parcel 15033C000030(pt). Proposed Use: Self storage warehouses. Commission District Three.**

Commissioner Gailey motioned to table this item until January 22, 2009 and Commissioner Powell seconded the motion. Vote: 5-0.

- c. Application of Gary Anderson to rezone from R-II to I-II and a Use Subject to County Commission approval on a 6.25± acre tract located on the south side of West Ridge Road at its intersection with Benson Drive; a.k.a. 989 and 1005 W. Ridge Road; 1332, 1370 and 1428 Benson Drive; Tax Parcels 00055 000019; 020; 023; 024 and 042. Proposed Use: Stone and rock crushing operation. Commission District Four.**

Commissioner Bell motioned to table this item until January 22, 2009 and Commissioner Powell seconded the motion. Vote: 5-0.

- d. Resolution to readopt in its entirety the Official Zoning Map of Hall County, to provide for public hearing and comment, to provide an effective date for said resolution, to repeal conflicting ordinances and resolutions, and for other purposes.**

Commissioner Powell motioned to approve this item and Commissioner Gailey seconded the motion. Vote: 5-0.

6. Report from County Attorney

7. Report from County Administrator

a. Animal Control Facility Construction.

County Administrator Charley Nix described the animal control facility construction bid. Purchasing Manager Tim Sims then spoke about the bids received and recommended the project be awarded to Lunsford Grading (\$119,929) and Allied Paving (\$48,920.30) with a total construction cost of \$168,849.30.

Commissioner Powell motioned to approve this item and Commissioner Gailey seconded the motion. Vote: 5-0.

8. Consider other business presented by members of the Commission

9. Adjourn