



HALL COUNTY BOARD OF COMMISSIONERS MINUTES

Georgia Mountains Center
301 Main Street SW
Gainesville, Georgia
January 14, 2010
5:00 P.M.

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

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, 301 Main Street SW, Gainesville, GA 30501.

1. **Invocation by Avery Niles, Hall County Correctional Institute Warden**
2. **Pledge of Allegiance**
3. **Presentation of a Proclamation recognizing January 2010 to be Radon Action Month in Hall County.**
4. **Presentation of a Proclamation recognizing Eugene Whelchel's years of service on the Hall County Parks & Leisure Services Board.**
5. **Presentation of a Proclamation recognizing the success of the 2009 Gainesville High School football team.**
6. **Consent Agenda:**
 - a. Approve December 10, 2009 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 selection of Commissioner Bobby Banks as 2010 Vice Chairman.
 - d. Approve the reappointment of Charley Nix as County Administrator.
 - e. Approve the reappointment of Bill Blalock as County Attorney.
 - f. Approve the reappointment of Avery Niles as County Warden.
 - g. Approve the reappointment of Heather Bennett as County Clerk.
 - h. Approve the appointment of Commissioner Billy Powell to the Hall County Parks & Leisure Services Board.
 - i. Approve the appointment of Commissioner Steve Gailey to the Hall County Library Board.
 - j. Approve the appointment of Commissioner Ashley Bell to the Hall County Board of Health.
 - k. Approve the adoption of a resolution approving the issuance of revenue anticipation bonds by the Hospital Authority of Hall County and City of Gainesville in an amount not to exceed \$650,000,000 for the purpose of financing or refinancing certain health care facilities and equipment for the benefit of Northeast Georgia Health Systems, Inc. and authorize the Chairman to execute any necessary documents.

- l. Approve the requested tax exemption by the City of Flowery Branch for city-owned buildings at 5512 and 5514 Main Street.
- m. Approve the request from the City of Oakwood for their tax waiver request for two city-owned buildings tax bill numbers 2009-8296 and 2009-35721.
- n. Denial of Janet and Gregg Kettyle’s request for waiver of credit card fees.
- o. Approve Crawford Oaks Home Owner’s Association’s request for waiver of interest in the amount of \$149.29.
- p. Approve Oakwood Walgreens Center’s request for waiver of interest in the amount of \$83.93.
- q. Approve ZF Industries request to waive a 10% late filing penalty.
- r. Approve business license renewal for Holiday on Lake Lanier located at 6900 Holiday Rd., Buford, GA; Business Type: Special Events; Owner: PS Marina I. Commission District One.
- s. Approve business license renewal for Road Atlanta, LLC located at 5300 Winder Hwy, Braselton, GA; Business Type: Special Events, Race Track, and Trade Show; Owner: Road Atlanta, LLC. Commission District One.
- t. Approve business license renewal for Lanier National Speedway located at 5301 Winder Hwy., Braselton, GA; Business Type: Race Track and Concerts; Owner: Lanier Motorsports, LLC. Commission District One.
- u. Approve an Intergovernmental Service Agreement with Fulton County, Georgia for the detention of FCSO inmates in the Hall County Jail and authorize the Chairman to execute any necessary documents.
- v. Approve authorization for County Attorney to proceed with the collection of \$2,000.00 Irrevocable Letter of Credit for Sidewalks in Common Areas in Highland Gates Subdivision. Commission District Three.
- w. Approve the following bid and authorize the Chairman to execute any necessary documents:

043-30	Elrod Road Steel Culvert Repair (Public Works) – All – Bridgecreek Construction, Inc.	\$66,775
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Commissioner Powell motioned to approve the Consent Agenda and Commissioner Banks seconded. Vote: 5-0.

7. Other Business:

- a. 30-008: North Hall and Cool Springs Park Construction Manager at Risk (Parks and Leisure)**

Commissioner Gailey motioned to remove this item from the table and Chairman Oliver seconded. Vote: 5-0.

Purchasing Manager Tim Sims presented this item and detailed the staff’s recommendation of Charles Black Construction.

Commissioner Gailey motioned to approve staff recommendations and award the bid to Charles Black Construction and Commissioner Powell seconded. Vote: 3-2 (Commissioner Banks and Commissioner Bell Opposed).

- b. First reading and public hearing to confirm the adoption of Chapter 4.10 entitled “Animal Services (2009 Revision)” of Title 4 of the Official Code of Hall County, Georgia as adopted on September 24, 2009, as well as to further amend said Chapter 4.10 by revising Chapter**

4.10 entitled “Animal Services (2009 Revision)” of Title 4 and substituting in lieu thereof the newly revised Chapter 4.10 entitled “Animal Services (2009 Revision)” of Title 4 of the Official Code of Hall County, Georgia.

Commissioner Gailey motioned to table this item to the January 28 meeting and Commissioner Powell seconded. Vote: 5-0.

- c. Second reading and public hearing to consider a resolution to amend Chapter 2.30 of Title 2 of *The Official Code of Hall County, Georgia* to change name of Hall County Enforcement Division to Hall County Marshals.**

Public Safety Director Marty Nix presented this item to change the name of the Hall County Enforcement Division.

No public comment was given.

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

- d. Second reading and public hearing to consider abandonment of an approximate four hundred fifteen (415) foot section of right-of-way along Blackshear Place Drive and an approximate four hundred forty-five (445) foot section of right-of-way along Poplar Springs Fork and authorize Chairman to execute Quit Claim Deed(s). Commission District One.**

Public Works Director Ken Rearden presented this item as a second reading.

No public comment was given.

Commissioner Banks motioned to approve this item and Commissioner Powell seconded. Vote: 5-0.

- e. Resolution to adopt an Energy Efficiency Conservation Strategy (EECS) for Hall County, in alignment with the County’s participation in the Energy Efficiency Block Grant Program and authorize Chairman to execute Resolution. Commission Districts One, Two, Three & Four.**

Ken Rearden presented this item and described the projects in Hall County that would benefit from this grant money and said it could also lead to obtaining more grant money for additional projects. Chairman Oliver called for any public comment and stated this was part of our “green” initiative. Hall County’s Resource Recovery Director Rick Foote stated this was a good path and it would save the county money. Commissioner Bell stated this was a great effort and requested some more information be listed on the county’s website for additional public comment.

Commissioner Bell motioned to approve this item and Commissioners Powell and Gailey seconded.

Commissioner Banks inquired if there would be a study or if approval of this would start projects with this money. Mr. Rearden stated several of the projects would be started as soon as the funds are received by the county.

Further discussion was held regarding harnessing methane gas.

Vote: 5-0.

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

- a. Application of Springs Properties to rezone from AR-III to O-I; and a Use Subject to Planning Commission approval on a 2.18± acre tract located on the west side of Spout Springs Road, 800± ft. north of its intersection with Castlegate Drive; a.k.a. 6050 Spout Springs Road; Tax Parcel 15046 000149. Proposed Use: Dental/medical office and to vary the parking and buffer requirements. Commission District One.**

Planning Director Randy Knighton stated this was an application for a dental/medical office in Commission District One.

Ron Parsons, 2820 Sugarloaf Club Drive, Duluth, stated he was a dentist currently located in Gwinnett County and wanted to relocate his office to Hall County. Mr. Parsons requested clarification on the side yard buffer requirements and Mr. Knighton stated they had to be 15 feet or greater in size.

Commissioner Banks stated he wanted the office to close at 7:00 p.m. and if there are emergency issues those would be allowed on an as-needed basis after hours. Commissioner Powell inquired if the site plan contained enough parking for a multi-tenant facility. Mr. Parsons stated he designed the buildings and then placed the parking and he understood the parking could be an issue but he felt given the flexibility of the design it would work.

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

1. Development shall be as generally depicted on the proposed plan and narrative submitted, modified for compliance with new development standards as necessary at the time of plan approval. Any development in excess of 16,233 square feet will require approval by the Hall County Board of Commissioners.
2. The development shall comply with Gateway Corridor Overlay District Standards (GCOD).
3. Side yard buffers must be at least 15 feet.
4. Hours of operation shall be Monday – Friday 7:00 a.m. – 7:00 p.m.
5. Driveway design and placement are subject to approval by the Georgia Department of Transportation and the Hall County Engineering Department.
6. Prior to any permit being issued for site development, the applicant/developer shall coordinate with the Hall County Engineering Department to ensure the development will account for future widening of Spout Springs Road.
7. All conditions of zoning shall be made a part of any plat created for property.

b. Second reading and public hearing to consider a resolution to amend The Official Code Of Hall County, Georgia, by Creating Chapter 17.221 Entitled “Airfield Zoning District” of Title 17 and the proposed ordinance will provide rules and regulations for properties utilized for airfields, heliports, helipads, landing fields and related uses.

Mr. Knighton presented this item as a second reading on new regulations for airfields, heliports, helipads and other related uses. No public comment was given.

Commissioner Powell stated he had reviewed this ordinance and to his knowledge in five years there have only been two of these types of zoning applications so he did not think this ordinance change was necessary. Commissioner Gailey added these types of rezoning applications would still have to be approved by the Commission with public hearings prior to being allowed in the County even without this ordinance being revised.

Commissioner Powell motioned to withdraw this item and Commissioner Gailey seconded.

Commissioner Bell inquired how staff would handle these types of applications going further and Mr. Knighton stated there are a number of provisions that would be implemented going further during the application process and this could be handled administratively without this additional ordinance.

Vote: 4-1 (Commissioner Bell Opposed).

- c. **First Reading and public hearing on Hall County's proposed name change of Holiday Road/Friendship Road (a.k.a. SR 347) to "Lanier Islands Parkway" from I-985 west to its terminus at Lake Lanier; also depicted in the 7th and 8th Land Districts, sheet 26 of the Hall County Road Atlas. Commission District One.**

Mr. Knighton presented this item as a first reading to change the name of Holiday/Friendship Road to Lanier Islands Parkway at the request of Hall County.

Comment in favor of the first reading.

Brian Rochester, Rochester and Associations, thanked the Commission for taking this step because Lake Lanier Islands was a real jewel in Hall County. Greer Todd with Lake Lanier Islands was with Mr. Rochester to address any questions the Commission might have regarding this proposed name change.

9. Report from County Attorney

- a. **Resolution to establish qualifying fees for the 2010 election year.**

County Attorney Bill Blalock stated that by February 1 of each election year are set the qualifying fees for each position to become open and this amount generally equals 3% of what the salary of the office was set at the year before.

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

10. Report from County Administrator

11. Consider other business presented by members of the Commission

- a. **First Reading and public hearing to readopt Chapter 2.110 Entitled "Code of Ethics", Title 2 of the Official Code of Hall County, Georgia, for the purpose of complying with section 2.110.130 so as to annually review and readopt the code of ethics by each newly elected county commission as provided in said section; to include additional provisions pertaining to section 2.110.030 entitled "undue influence"; to include additional provisions pertaining to section 2.110.090 entitled "conflict of said resolution; to repeal conflicting ordinances and resolutions, and for other purposes.**

Commissioner Banks addressed the Commission and said that he wanted to hold a first reading on this newly proposed code amendment. He added the only changes that were made to the existing code consisted of undue influence and conflicts of interest.

Public comment on the first reading.

Doug Aiken, 6230 Brady Road, Murrayville, Georgia, stated he appreciated Commissioner Banks' efforts on making changes to the existing ordinances. Mr. Aiken described how he had reviewed both the revised Code of Ethics as proposed by Commissioner Banks and compared it to the draft Code written by the ACCG. After his review he felt an Ethics Code should be relevant, realistic, easily understood and not vague, measurable and enforceable. Mr. Aiken stated with some minor revisions he thought the ACCG Draft Code would offer a more substantial Ethics Code than the one currently in use by the Commission.

Wesley Robinson, 200 E.E. Butler Parkway, Gainesville, Georgia requested that the proposed amendments be read into the record as well as the identity of the author of the document. Chairman Oliver stated the changes could be read at the second reading of this ordinance amendment.

Commissioner Bell inquired if an item the current code amendment was not legal could it be removed from the ordinance. Mr. Blalock stated the particular provision would have to be reviewed to determine

if there were legal issues. Commissioner Powell stated he also thought the ACCG's Code of Ethics draft seemed to be a lot more thorough and he would rather adopt their code. Commissioner Bell agreed and motioned to withdraw the current proposed Code of Ethics and that the Commission appoint a citizen's committee to review the ACCG's code and make revisions to be adopted by the Commission. Commissioner Banks seconded the motion. Vote: 5-0

Commissioner Banks stated in response to Mr. Robinson's question, he had taken the Code of Ethics we currently had in place along with suggestions from Commissioner Bell and some information he obtained from the ACCG's draft code and had Mr. Blalock compile the code which was proposed as a first reading. Chairman Oliver agreed it was joint effort by the entire Commission.

District Three

Commissioner Gailey stated this was his last year on the Commission and he looked forward to having a good year.

12. Adjourn