



HALL COUNTY BOARD OF COMMISSIONERS

MINUTES

Georgia Mountains Center

301 Main Street SW

Gainesville, Georgia

February 11, 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 Ben Haupt, Pastor of Good Shepherd Lutheran Church, Gainesville.

2. Pledge of Allegiance

3. Consent Agenda:

- a. Approve January 22, 2010 Meeting Minutes.
- b. Approve January 28, 2010 Meeting Minutes.
- c. Approve Appointment of Mary Ann Hurst to the Parks & Leisure Services Board.
- d. Approve Appointment of Pastor Jeff Benefield to the Tax Assessors' Board.
- e. Approval of Hall County Treatment Services Application to the U.S. Department of Justice for a FY 2010 Adult Drug Court Discretionary Grant Program, appointment of the Grant Manager as the Program Designee, authorization for Chairman to execute any related grant application or award documents.
- f. Approval of the City of Oakwood's application on behalf of Lanier Technical College for a Community Development Block Grant (CDBG), and authorization for Chairman Oliver to execute a letter of support for the program.
- g. Approval of extension of \$2,000 Irrevocable Letter of Credit for Common Area Sidewalks in Highland Gates Subdivision. Commission District Three.
- h. Approve construction of a sidewalk from Lanier Village Estates to the Kroger Shopping Center in an amount not to exceed \$35,000.
- i. Approve submission of a letter to Representative Doug Collins requesting local legislation to change the Hall County Grand Jury's terms and authorize the Chairman to execute said letter.
- j. Approve objection to Buford's proposed annexation located at 6249 Rock Port Drive and that the County Attorney and the County Planning Director be authorized to take all administrative and/or judicial actions necessary to pursue the County's objections to said annexation.

Commissioner Gailey motioned to approve the Consent Agenda and Commissioner Powell seconded.

Vote: 5-0.

4. Other Business:

a. North Hall Park/Library.

Commissioner Gailey motioned to table any vote on this item for two weeks to allow meetings between the County and the City of Clermont. Commissioner Bell seconded the motion. Vote: 2-3 (Chairman Oliver, Commissioner Banks and Commissioner Powell opposed) Motion Failed.

County Administrator Charley Nix gave a brief presentation regarding the North Hall Park and Library as proposed on the Nopone Road site. Mr. Nix stated that during this economic climate the County could get the lowest construction prices by combining these two projects in order to efficiently utilize tax payer dollars.

Mark Lane from the Hall County GIS Department reviewed two maps displayed. He gave an overview of the two proposed locations in the northern part of Hall County and then showed the density of the housing units in the Nopone and Clermont areas.

Jeff Crocker an architect with Crocker and Associates presented some drawings that blended a park and community center with a library on the Nopone property site. He added that from a designer's standpoint this site was absolutely beautiful with a stream and other wooded areas that make for a magnificent view. Commissioner Gailey inquired if a square footage for the library had been determined. Mr. Crocker stated that from the wall of the athletic facility to the left there were approximately 21 or 22,000 square feet shown on the rendering that he presented to the Commission. He also added that this facility could go vertical if necessary.

Finance Director Michaela Thompson described possible funding for the community center and library and suggested the project could be bonded for approximately five years at a very reasonable interest rate.

County Attorney Bill Blalock called for public comment in favor of the proposed library plan.

Jim Syfan, 3977 Clarks Bridge Road, Gainesville, stated he was in favor of the park project and he had worked hard to bring this park into fruition with several other citizens of North Hall. Their goal has been to create a first class community center and sports complex in the North Hall area. Mr. Syfan said his initial concern with placing the library at the Nopone site was that it would slow down the project but added he had been assured this would not slow down the park and community center. He requested the Commission attempt to find some common ground with the Clermont residents so this project could move forward positively. Mr. Syfan suggested the County give the property to Clermont so they could develop it the way they wanted to with the 44 acres.

Robert Robison, 6249 Ben Parks Road, stated he did support the library but he thought they needed to reconsider and table a vote on this item to work out a compromise with the City of Clermont.

Tim Merrit, 6655 Windvane Point, Clermont stated he had worked on the citizens advisory committee for the park and agreed that there was a great potential for a park at Nopone and maybe a library, but the Town of Clermont needs to be dealt with honestly and fairly and he asked that the Commission delay the vote until that time.

Douglas Aiken, 6230 Brady Road, Murrayville, stated he was in favor of the park and he was also on the Clermont library committee. He added there was a mistaken perception that there was a group in Clermont that wanted the park to go away. Mr. Aiken wanted to make sure that everyone knew that the Clermont group wanted the park.

Mr. Blalock called for comment in opposition to the proposed project.

David Syfan stated he was the part time attorney for the Town of Clermont. Mr. Syfan added the Clermont Town Council asked that he appear at the meeting to clarify some things for the Commission. The Library Board took a vote last night in favor of having the library branch somewhere in the North Hall area and did not state the Nopone site specifically. This was an issue of integrity to the Town of Clermont because the Board of Commissioners had always promised Clermont that the library would be placed in their town. After the Commission spent approximately \$1.3 million to buy a 40 plus acre tract of land, the Commission again told the town that a library would go there. Mr. Syfan then requested to enter into the record [*case law was read but no hardcopies were presented to the clerk for the file*] a couple of cases that stated that citizens should hold a government entity to their verbal promises such as the SPLOST that they represented to the citizens. He also questioned if the County had spent significant funds to perform a project how much discretion does the board have? In his case law it states that if you change the project, the court can find that was an abuse of discretion. Mr. Syfan said he did not think the town would sue but there are a lot of upset citizens in the community and he thought it would be horrible to delay either the park or the library for this needless controversy. Commissioner Bell requested Mr. Syfan give the referenced case law to Mr. Blalock and Mr. Syfan agreed.

Sandra Cantrell, 307 Nix Road, Clermont, stated she was a wife, mother, and citizen of Clermont and Hall County, Georgia and the United States. Ms. Cantrell stated she was a teacher and she had spoken at the library board meeting last night. She asked why there was such a rush to push the project through because the architect even admitted he did not have time to put together a package. In her opinion this Clermont library project had been planned for years and a rush to change that seemed strange. The Commission needs more facts in order to make an informed decision. After she reviewed the information presented, it appeared that it was based on 2000 census figures and since we are in a census year these numbers should be reconsidered. Also, if you drew a circle around Spout Springs it would go into Gwinnett County as the Clermont area touches White County. She added people needed more facts regarding this and cautioned the mixed use of the facility. Ms. Cantrell added that John Quincy Adams came to her mind when she was trying to go to sleep. He was first the President and then served his constituents in Massachusetts. There was an unspoken rule that the congressmen could not speak about slavery and Mr. Adams was able to change this and brought out the facts of slavery. If this had not happened we would not have our First Amendment right. Ms. Cantrell then submitted a petition stating the vote should be delayed for 45 days or until all the information could be reviewed by all necessary parties. This petition was signed by 243 citizens of Hall County.

Morgan Alley Stewart, a student at Concord Baptist Church, stated she and her dad go to the library quite often and she enjoyed having a library in Clermont. Miss Stewart added Clermont should continue to have a library.

Gail Westfall, 6613 Windvane Point Clermont, stated she was opposed to adding the library to the sports complex because it creates additional congestion. She also stated a library was for quiet concentration and to study. A sports complex was completely opposite to quiet concentration. Ms. Westfall stated there were beautiful views in Clermont and there was also enough room on the property for a serene walking trail. This library needed to stay in Clermont. She also questioned if there were any drawings or rendering made for the town of Clermont's library. Commissioner Gailey stated there had only been some pictures from the City Council describing what they thought the library would look like. He also understood that the Library Board asked the Mayor of Clermont to appoint three citizens to work with him to create a layout for the library. Commissioner Gailey added there were no details on the Nopone

Road site either other than what had been shown at the meeting tonight. Ms. Westfall stated a lot of residents do not have computers and the library was very important to those residents.

Sherry Lawson, 7094 Britt Gailey Road, stated that in the Citizen's Report the SPLOST funds would be used to construct a library similar in size to the Spout Springs library. The Nopone site could not hold a library of that size but the Clermont property could accommodate such a library.

Doug Aiken added that the assumption that the Nopone site had more traffic and was closer to Highway 129 was not correct. He added that the Nopone Road site was less than ½ mile from 129 but Clermont's site was less than one quarter of a mile from 129. In Clermont there are 2457 registered voters, so the map that shows population density was incorrect. He added that Charley Nix, Kit Dunlap and Denise Deal had been asked the question about the library and everybody assumed that the library was going on the 44 acres. He also said the rules were bent to construct a park in West Hall and this had overlooked the will of the people.

John Brady, Clermont Town Councilman, 6250 Green Mountain Lane, stated the Mayor was out of town or he would be the one speaking. Mr. Brady stated he was not happy to hear about the new location because there had been promises made for the past thirty years. Clermont needed a library and the town had provided a library and a building, paying for all the utilities for this small library. This had cost the town approximately \$5,500 out of their budget last year alone. The Town of Clermont had always tried to have a good working relationship with Hall County and they also stepped up and donated the land at the Hood Center to help cut down the cost of constructing the new fire station. The promise was made again with SPLOST VI that there would be a library if the area residents supported this and that the number one priority would be to construct a library. In the Council's opinion the property next to the Clermont gym would be a better fit for the library and would coincide with the dreams of Vision 2030. It would also enable the citizens to walk or ride their bikes to the library and provide residential growth in that area. Mr. Brady also stated some people question the site's proximity to the White County Line. Since White County was part of the Georgia Pine Library System, books could be checked out and returned at any library that was part of that system. He added the Spout Springs Library was less than 5 miles from the Gwinnett County line. Mr. Brady compared moving this library to Nopone to paying a mortgage for 30 years and then almost having it paid off and then getting a letter saying no, you do not have it paid off yet.

Commissioner Banks motioned to table this item to the February 25, 2010 Board Meeting and Commissioner Gailey seconded the motion.

Commissioner Powell stated the hardest decisions by the Commission are the ones where the people are so passionate. He felt the park was stagnant waiting on a decision by the Board. Since there were two sets of people, one that wants the park fast tracked and the other that wants a library. Commissioner Powell inquired when the library was proposed to be constructed in SPLOST VI. Commissioner Gailey said that the North Hall Park had taken precedence over any other project at this time. The library had not ever been put on the list because the County was still waiting to hear from the State on the funds they will contribute to the project. Commissioner Gailey added it could take a year or more before the State will respond to our request for funding. He then asked if the Chairman was making a motion or committing to constructing the North Hall Library prior to receiving any funding from the State of Georgia. Chairman Oliver stated with the bonding rates as they are now and construction costs at a low, construction of a library and park was well worth the money, but he thought the State money would still be pledged prior to construction.

Commissioner Gailey stated that one of his goals on the Commission had been a library in Clermont. In fact, he added, there had never been a question about the location of the library until two weeks ago. Commissioner Gailey had not heard of this being an adaptation to the park until two weeks ago as well, therefore, he thought making a decision on this issue tonight was not in the best interest of the County. Commissioner Bell agreed that two weeks would be the best decision and he hoped this time was used wisely by the Board.

Commissioner Gailey then apologized to the citizens of Clermont that the SPLOST language did not say Clermont Area. He never thought there was a question as to where the library would be constructed.

Vote 5-0.

- b. Second 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 changing certain provisions relating to hazardous animals, shelter and sanitation and adoption of animals.**

Animal Services Director Mike Ledford presented this item as a first reading to change the ordinance pertaining to hazardous animals.

Commissioner Powell motioned to approve this item and Commissioner Gailey seconded the motion.

Vote: 5-0.

- c. Presentation by the Lake Lanier Convention and Visitors Bureau regarding the American Bass Anglers Tournament.**

Stacey Dickson, Lake Lanier Convention and Visitors Bureau, gave a brief presentation regarding the American Bass Anglers Tournament and the use of alcohol in the park which would coincide with this event. Ms. Dickson stated the request was for a permit process to allow selected major events that would bring in revenue to the County to serve alcohol. She added that the Lanier CVB in no way condones or advocates daily use of alcohol products in the park by individuals. This was a professional controlled event that occurred all around the Country. Betsy Adams, Chairperson of the Lanier CVB reiterated Ms. Dickson’s statements that this was a professional event which would show-case our area. Commissioner Bell inquired if we would be able to host this event without allowing alcohol in the park. Ms. Adams stated she had not had that conversation with the event organizers. Commissioner Bell then inquired if other communities hosting this event allowed alcohol. Ms. Dickson stated certain aspects of the event would be called into question if we did not allow alcohol because their national sponsors were alcohol companies particularly the BBQ portion of the event which drew the majority of the crowd. She added that they have contacted the most recent hosts of this event in the last three years and it was a mixed bag with some facilities allowing alcohol and some not.

- d. Reading and public hearing to amend section 2.50.140 of Chapter 2.50 “Recreation and Parks” of Title 2 of the Official Code of Hall County, Georgia deleting section 2.50.140 entitled “Alcoholic Beverages prohibited generally” in its entirety and inserting in lieu thereof a new section 2.50.140 with the same name for the purpose of prohibiting alcoholic beverages in a recreation facility, except as may be specifically authorized pursuant to Chapters 5.10, 5.30 and 5.60 of Title 5 of this code; to provide for an effective date for said resolution; to repeal conflicting ordinances and resolutions, and for other purposes.**

Mr. Blalock called for a twenty minute public hearing.

Stan Brown, Oakwood City Manager and Vice Chair of the Lake Lanier CVB, commented that the mega ramp was a great addition to the County and the Commission should be commended on its construction. He also thought that this event would be conducted in a very professional manner while preserving the parks.

Doug Aiken, 6230 Brady Road, stated that he started in fishing tournaments in 1972 and to his knowledge he did not remember an instance where alcohol was at the ramp because there were so many kids. He also inquired how far the alcohol would be from the nearest church and asked that these types of events be approved on a case by case basis.

Tim Merrit stated there were beautiful parks in Hall County and he had some questions about controls on these types of events. He added that he has inquired about these controls and had not seen them. Mr. Blalock responded that the controls as stated were located in special permit section which was Chapter 5.10.042 stating that discretion to issue a permit was based on investigation by this Commission or the Business License Director. Mr. Merrit also stated he hoped we limited alcohol being consumed close to churches. Mr. Merrit stated he had spoken with the Sheriff earlier in the week and the Sheriff stated that alcohol served at this type of event would create quite an additional work load for his deputies. He added the Sheriff stated he would not be in favor of doing this. Mr. Merrit inquired if the Parks Board had made a recommendation on this issue and Commissioner Powell said no, they had not. He requested that this not be passed until there were more controls listed in the ordinances.

Stacey Dickson spoke regarding security costs. Ms. Dickson had contacted both the County Marshall's office and the Sheriff's Department to determine a security plan as well as the cost. The cost of any security would be paid for by the event sponsors themselves so the County would not be responsible for any costs of security. These types of events would only be hosted at larger parks and most of the smaller parks would never be utilized for this type of event.

Bill Gatlin, 3419 Rock Bridge Drive, spoke against passing this ordinance because the parks are supposed to be a safe place for our children. He added that the Army Corp of Engineers has restrictions on the sale and consumption of alcohol as well as the County placing restrictions on everything going so far as to state alcohol could not be advertised on t-shirts and other places at a park facility. This event was here because of the facility not because of the alcohol. He added that he was against any type of alcohol in the parks.

Robert Williams, 6526 Walking View Drive, Clermont, stated alcohol was banned and prohibited from the parks and asked why that rule was established for day use and personal consumption. Mr. Williams stated that if we do not want alcohol being consumed at a ballgame or other games there was a reason. His assumption would be that we do not want people misbehaving the way people who drink too much often do in front of children.

Commissioner Powell inquired of the Business License Director Susan Rector what would someone have to go through to obtain a special event permit. Ms. Rector then described the permitting process and the steps necessary for all applicants.

Commissioner Powell motioned to approve this item and Chairman Oliver seconded the motion.

Commissioner Gailey stated Laurel Park met the criteria to host this event without serving alcohol and he felt that while he did not have a problem with the banners for the sponsors he felt serving alcohol in the park was not the right thing to do.

Commissioner Bell stated that there were a lot of steps in place to do this the right way but some of it is personal responsibility. Commissioner Bell then requested to amend Commissioner Powell's motion to

include that alcohol only be allowed at a professional sporting events. Commissioner Powell agreed to include the amendment to his motion.

Commissioner Banks stated he in good conscience could not approve this because he felt alcohol was not appropriate in the park.

Vote: 3-2 (Commissioner Banks and Commissioner Gailey opposed).

e. Resolution to amend the Sewer and Sewage Disposal Fee Schedule for the residents of the Mulberry Creek/Spout Springs sewer area by updating the method by which the fee is determined, and authorize the Board of Commissioners to execute Resolution. Commission District One.

Ken Rearden, Public Works Director, presented a PowerPoint presentation on the South Hall Waste Water Rate Study and how it would amend the existing rates.

Phyllis Mercer of 6320 Falling Water Lane, Hoschton, resident of the Deaton Creek Subdivision spoke. Ms. Mercer acknowledged that strides had been made over the past few days and that the proposal presented at tonight's meeting represents some progress to a more equitable rate structure for those served by the Spout Springs Reclamation sewer system. She said that those strides were the result of the resident's insistence that the original draft was not acceptable and in convincing the County to look at other alternatives. She thanked Commissioner Banks for his willingness to listen to them and seek feedback in an open forum. She stressed that there is still work to be done. She wants to ensure that the Commission approve the best rate structure possible and also address the outstanding issues. She explained that under the revised proposal a household using 4 CCFs (understand is the average for VDC) will pay a monthly rate of about \$32—much better than the current \$42. This lower rate was accomplished by incorporating a 34/66 split of cost into the 3 "C"s" methodology rather than the original 50/50 ratio. While this is a better rate it still contains the complexity of the 3 "C"s. The residents ask that the Commission strive for a simple per CCF charge since that avoids the issue that the low volume users pay a greater portion of the cost than the higher volume users. The residents want to know the number of CCFs they use and the amount per CCF. The residents would like the Commission to get this rate in line with other government entities. The proposed rate is still higher than the surrounding areas such as Braselton and Gwinnett County. She said the residents are most concerned about the future rate structure. The uncertainty associated with the projected growth and the fact that the "capacity" charge will double in 2013 when the first principal payment on the bonds will be made by the county is not realistic and is a burden that should not be imposed on a small number of users. She said the residents are frustrated that this rate dilemma has gone on so long and so much time and money has been spent on consultant fees that could have been applied to the debt. The residents are angry about the revelations that have come over the past year or so. They are angry as a result of being told that the purchase of the Spout Springs Reclamation system is financed by an "enterprise" fund and therefore that the users (1,800) are required to pay all the cost. They are angry that they were told that no SPLOST dollars can be allocated to pay on this debt, even after they were encouraged to vote for SPLOST to help with the funding. They are angry that now they are being told that they must again renew SPLOST when it comes up for the next vote in order to service that debt on the expansion and new infrastructure. They fell like they are being held hostage. They are also angry that millions of dollars have been spent on a system that is in mothballs since there is not volume sufficient to operate the system. How could this happen without someone understanding the impact to the residents in three communities who are now expected to pay for an enormous amount of debt? They are tired of their tax dollars being spent on consultants to do another study that does not end up with a satisfactory plan and strategy for this system.

In summary they want the Commission to know that they expect that there be a different way of doing business in the future. In moving forward they expect to see some leadership and resolution of the following items:

--the development of a reasonable rate structure for the future. One that does not include any portion of their sewage bill doubling over the next few years.

--an examination of every cost factor. That must include the issuance of RFPs for every aspect of this operation, in an effort to ensure that the plant is operated in the most cost effective manner thus holding their rates to their lowest level possible.

--a regularly scheduled review of the financials. A determination of what is working and what needs attention. There should be no more surprises.

--that all the cost of the Mulberry River or what some call the South Hall sewage system infrastructure will be paid for with SPLOST dollars—with no more financial impact to them in the three communities.

--that the Commission address this financing issue. The residents understand that the original financing was created by a decision by someone, in the county, to issue debt under an “enterprise” fund. No one asked their opinion. No one asked them to vote. So to tell them that this can only be resolved with a county wide vote is beyond real. The residents recognize that money is tight but they expect that the Commission be creative and explore every avenue to seek a solution to the expectation that 1,800 residents will pay for millions of dollars of debt and infrastructure cost which all south Hall will benefit from.

--they asked the Commission not build any more parks, recreational areas or even sewage systems with SPLOST funds until this sewage debt in South Hall is paid in full. She said that adding more debt when it is unclear how this existing sewage system will be paid for is irresponsible. The expectation that a few thousand users in South Hall can cough up the money to pay off millions of dollars of debt is not realistic.

She said that all of South Hall and even the entire county benefits from the tax base generated by the development allowed by the sewage system. She asks that this funding issue be at the top of the Commission’s priority list. The residents even suggest that the names of north and south be dropped and instead have a strategy for a Hall County system. She concluded with requesting that the Commission approve the best rate possible and act on the outstanding issues related to the operation of this sewage system.

Ed Asbridge, 7702 Copper Bridge Way, stated he was a resident of Sterling on the Lake. He was opposed to the outrageous rates and he thought the sewer bill was high initially but he thought it was worth it to live in Hall County. Now Mr. Asbridge felt after the County purchased the sewer and agreed to hold a public hearing prior to any sewer rates changes. Since there had not been any public hearings on this issue, he was surprised the Commission was ready to vote with no opportunity for the public hearing they were promised. Mr. Asbridge inquired how the shortfall would be picked up if the rates

were lowered. He stated that in two months he averaged 21 CCFs which would cause his sewer bill to go up from \$42 to \$79 per month.

Commissioner Banks stated he was almost convinced that the 34/66 was the way to handle the sewer billing but after the last gentleman spoke he realized that due to the high peak months going up to \$94 he did not feel comfortable with changing the rates. He thought staff should go back to the drawing board.

Commissioner Banks voted to deny this rate change and requested staff review the rates again. Commissioner Gailey seconded the motion.

Chairman Oliver inquired of Mr. Rearden that if this was voted down today, would it go back to the existing rate of \$42. Mr. Rearden stated yes, it would remain in effect.

Commissioner Powell asked if all three locations' average rate went down how would the County make up the difference. Mr. Rearden said it would be the heavy users plus some commercial growth on 211 that will generate a significant amount of revenue after the pump station was online. Commissioner Gailey stated he agreed that the problem was if you use more water you need to pay for it just like if you use more sewage you need to pay for it. He added that some of the issue was that water that you are watering your lawn with should not be a part of your sewer bill. This requires a separate meter. Commissioner Gailey stated that going forward we needed to make sure that what was being charged for was sewage and not water being used for lawns.

Commissioner Bell stated that he would hate to pass a motion today and then have to revisit it in one year. He requested that a date certain be placed on this issue for a resolution.

Chairman Oliver stated they were attempting to create a way for an equitable solution. He added he thought it was better for Hall County to own that plant than Wieland because at least the Commission was attempting to work towards a solution. Chairman Oliver stated the challenge of the County was to do as good a job as we can and the motion on the table was not to accept the proposed rate and if that rate did not pass it remained at the Wieland rate because we do not have a choice.

Commissioner Powell asked how we could fix the rates without using a consultant. Mr. Rearden stated the only way was to figure out how to take that debt service off the system. Ms. Mercer agreed.

Chairman Oliver stated that the County was going to do everything possible to do what was best for the citizens of the County and he commended Ms. Mercer for her efforts.

Commissioner Banks directed Mr. Rearden and Ms. Thompson to find some money to pay this debt down.

Vote: 4-1 (Chairman Oliver opposed).

5. Report from County Attorney

6. Report from County Administrator

7. Consider other business presented by members of the Commission

8. Adjourn