

The Banks County Board of Commissioners held their regular meeting on September 9, 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  
Financial Officer Randy Failyer  
County Clerk Regina Gailey  
Assistant County Clerk Erin Decker

**Media Present**

Banks County News – Angie Gary

**1. Call to Order**

Ch. Hooper called the meeting to order.

**2. Approval of Agenda**

Ch. Hooper stated an Adult Entertainment Resolution needed to be added to the agenda.

Motion to approve the agenda as amended: Danny Maxwell

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

**3. Prayer**

Ch. Hooper stated it was very important that people do what they say they are going to do.

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

All aye votes and the motion passed.

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

Motion to approve the minutes: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

## **7. Planning Commission Recommendation**

### **a. CUP-14-02 – Development Authority of Banks County – A Conditional Use Permit for a Solar Farm to be located on Dogwood Drive. Current zoning ARR, Agricultural, Rural Residential**

Motion to close the commissioners meeting: Danny Maxwell

Second: Charles Turk

Vote: 5:0

All aye votes and motion passed.

Attorney Frost opened the public hearing. He stated the Planning Commission had recommended approval.

Brad Day 727 McCoy Bridge Road, Homer, GA, Economic Developer spoke for the application. He said on behalf of the Development Authority of Banks County he was requesting that a Solar Farm locate on unused county land. Vice Chairman Turk stated that the address needed to be changed to Windmill Farm Road. He also stated that 4.65 acres was the lease but they needed a total of 10.932 that included the shade buffer. This portion of land should also be included in the lease.

Don Moreland - Solar USA

Mr. Moreland stated there is an alternative to Vice Ch. Turk's question that we can deal with. He said the solar easement doesn't prevent the property owner from using the land, just from building a structure that blocks the panels. He stated the chain link fence will only be around the 4.65 acres.

Comm. Reece asked who would do the maintenance of the shade buffer. Mr. Moreland stated it could be written into the lease.

Russell Seifert – Woodstock

Mr. Seifert stated this was a very conservative guide and once the zoning process was complete then the due diligence would begin. He said they would make the site as aesthetically appealing as possible.

Ch. Hooper opened the commissioners meeting.

Motion to approve a conditional use of 5.2 acres of the County Farm off Windmill Farm Road to be used for the generation of solar energy: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

### **b. CU-14-05 – Goodmark Chevrolet – A Conditional Use for a pre-owned car lot to be located at 100 Pottery Road.**

Ch. Hooper closed the commissioners meeting. Attorney Frost opened the public hearing. Attorney Frost stated the Planning Commission recommended approval of the conditional use for a used car lot.

Tom Owen 5714 Mountain Oak, Braselton spoke for the application stating they had worked out a temporary agreement with the owner of the property to put a legitimate used car lot on the property with a temporary facility with restrooms.

Ch. Hooper opened the commissioners meeting.  
Motion to approve the conditional use: Sammy Reece  
Second: Charles Turk  
Vote: 5:0  
All aye votes and the motion passed.

**8. Windmill Park Recreation Facility Improvement Plan – Phase I & Phase II Bids**                      **Jason Hensley, Rob Mabry**

Jason Hensley, Chairman of the Recreation Board and Rob Mabry, Member of the board stated they recommended Hayes & James as the architect and design engineer for the recreation complex phase I & II. They stated they felt Hayes & James seemed to understand their needs, have done similar work and also could do the civil engineering and environmental studies within the firm. They were also the creator of the master plan.

Motion to accept Hayes & James as the architect and design engineer for the recreation complex: Danny Maxwell  
Second: Charles Turk  
Vote: 5:0  
All aye votes and the motion passed.

**9. Resolution:**

**a. Department of Transportation Speed Zone Ordinance**

Ch. Hooper stated the ordinance was to set speed limits on some state and county paved roads. Comm. Maxwell stated the speed limits at Banks Crossing are set too high.  
Motion to approve the ordinance: Jimmy Hooper  
Second: Sammy Reece  
Vote: 5:0  
All aye votes and the motion passed.  
*(Copy of ordinance filed in Attachment to Minutes Book #9-5)*

**b. 2014 Millage Rate Resolution**

Randy Failyer, Finance Officer stated the resolution was a tax resolution establishing the tax levy for the County of Banks for 2014.  
The rates are as follows:  
General M&O                      13.635  
LOST Reduction                      4.655  
Actual Co. M&O                      8.980  
Motion to approve the millage rate resolution: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

*(Copy of resolution filed in Attachment to Minutes Book #9-5)*

#### **10. Inmate Medical Savings Program Group Adoption Agreement – ACCG**

Ch. Hooper stated as of now when an inmate are taken to the hospital or doctor we pay full price. With the agreement ACCG would negotiate the price with the medical facility.

Motion to approve the resolution: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

*(Copy of agreement filed in Attachment to Minutes Book #9-5)*

#### **11. Human Resources: Part time Clerk Position**

Arlene Ivey Personnel-Human Resources Officer stated currently through Legacy Link someone was working 15 hrs. per work and Ms. Ivey would like for this to continue. She stated she would work Part-time for \$7.25 per hour and would be effective October 13, 2014. This position is just for the current fiscal year.

Motion to lift the hiring freeze: Jimmy Hooper

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

Motion to hire a Part-time clerk at \$7.25 per hour 15 hours per week for the current fiscal year: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

#### **12. Adult Entertainment Resolution**

Attorney Frost stated on March 25, 2014 a moratorium was put on adult entertainment and this needed to be extended until December 1, 2014 for further study.

Motion to extend the Adult Entertainment Resolution: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

*(Copy of resolution filed in Attachment to Minutes Book #9-5)*

#### **13. Adjournment**

Motion to adjourn the meeting: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the meeting was adjourned at 7:15 p.m.

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Chairman

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Assistant County Clerk

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