

The Banks County Board of Commissioners held their regular meeting on November 11, 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 Development Director Brad Day  
Financial Officer Randy Failyer  
Assistant County Clerk Erin Decker

### **Media Present**

Banks County News – Angela Gary

### **1. Call to Order**

Ch. Hooper called the meeting to order.

### **2. Approval of Agenda**

Motion to approve the agenda: Sammy Reece  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the motion passed.

### **3. Moment of Reflection**

Ch. Hooper stated that on the 11<sup>th</sup> hour, the 11<sup>th</sup> day of the 11<sup>th</sup> month in 1918 men 25 to 30ft. apart in ditches shooting at one another trying to kill one another, decided they needed a truce and to stop warring. So countries of U.S. England, France and the opposing country of Germany came out of their fox holes and basically that was the end of War World I. That was supposed to be the war to end all wars. For several decades November 11 was called Armistice Day but in 1954 it was changed to Veterans' Day. He said this should be the greatest holiday we celebrate because we have men and women that put their boots on the ground in WWII, Korean War, Vietnam, Granada, 911, Kuwait, Desert Storm, Iran, Iraq and Afghanistan. Today we are here because of so many brave men and women who put themselves in harm's way to protect our lives, our beliefs and our freedom. Let every city, let every person, let every county and let this nation say in one acclaim "Thank you".

Ch. Hooper asked the American Legion Color Guard to present the colors.

### **4. Pledge to the American Flag**

The American Legion Color Guard led the Pledge to the American Flag.

## **5. Approval of Invoices**

Motion to approve the invoices: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

## **6. Approval of Previous Minutes – 10/8, 10/14, 10/28**

Motion to approve the minutes: Charles Turk

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

## **7. Planning Commission Recommendation**

### **a. V-14-04 – Francisco Gueierrez – A variance application for a manufactured home to be located on less than two acres on Neal Valley Lane.**

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing. Mr. Day stated this was a variance to locate a manufactured home on less than two acres. The Planning Commission recommended approval.

Elizabeth Gueierrez spoke in favor of the application stating they had purchased the land and the mobile home and now needed to be able to live in the mobile home.

Attorney Frost closed the public hearing and Ch. Hooper opened the meeting. Vice Ch. Turk stated that most of the property was in Franklin County and just wanted to make sure it was ok for Banks County to rezone property in Franklin County. Ch. Hooper stated it was a county line issue. Ms. Gueierrez stated her public services were provided by Banks County.

Motion to approve the variance: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and motion passed.

### **b. Z-14-05 – Development Authority of Banks County – A rezoning application to rezone 100 acres at 30443 Hwy 441 from C-2, General Commercial to M-1, Industrial.**

Ch. Hooper closed the meeting and Atty. Frost opened the public hearing. Mr. Day stated this application was for the Development Authority on 100 acres that they owned at Banks Crossing for an Industrial Park. The Planning Commission recommended to deny the application 2/1.

Mr. Day represented the application on behalf of the Development Authority. He stated the request was based on a change the County Commission made on October 3, 2012 which was a change to the land use map that suggested this area be zoned to M-1. Mr. Day stated the Development Authority would not have requested this change unless the map had been changed. Mr. Day stated this had been planned for some time since the DA purchased 109 acres in this area. Mr. Day stated the company that will be building on the property has also built in Pendergrass, Jefferson and Braselton. In the zoning ordinance there is criteria A-K to consider for rezoning and Mr. Day stated for the record that the Planning Commission used none of these

criteria for making their decision. He would like to request that the commissioners consider the rezoning request for the Industrial Park. Attorney Frost closed the public hearing and Ch. Hooper opened the meeting.

Ch. Hooper stated he would like to table the rezoning until the December 9, 2014 meeting in order to look at limits on rezoning the property.

Vice Ch. Turk stated that he doesn't want the perception that the commissioners are against the rezoning.

Motion to table the rezoning until the December 9, 2014 meeting: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

**8. Water Rate Increase - \$.25 per thousand gallons**

**Director Steve Reece**

Ch. Hooper stated he would like to commend Mr. Reece and his department on repairing the water leak in a timely manner. Mr. Reece stated he would like to increase the water rate by .25 per thousand gallons effective January 1, 2015. This would only increase the average bill by \$1.00 per month. Vice Ch. Turk stated he was not in favor of the increase because we had increased the last several years and are now profitable.

Motion to increase the water rates by \$.25 per thousand gallons: Jimmy Hooper

Second: Sammy Reece

Vote: 4:1

Jimmy Hooper: Aye

David Duckett: Aye

Danny Maxwell: Aye

Sammy Reece: Aye

Charles Turk: Nay

The majority voted and the motion passed.

**9. Resolution to Amend Section 6-12 Entitled General Regulations and Hours of Sale for Consumption on the Premises of Alcoholic Beverages of Chapter 6 – Alcoholic Beverages.**

Motion to approve the resolution: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and motion passed.

Motion to make the effective date the Sunday following the state certification of the election results:

Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

*(Copy of resolution filed in Attachment to Minute Book #9-6) 2014-17*

**10. Executive Session: Personnel**

Motion to enter into executive session concerning personnel: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the executive session at 6:48 p.m.

Motion to adjourn the executive session: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the executive session ended at 7:15 p.m.

*(Copy of affidavit filed in Attachment to Minute Book #9-6)*

**11. Adjournment**

Motion to adjourn the meeting: Jimmy Hooper

Second: Danny Maxwell

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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