

The Banks County Board of Commissioners held their regular meeting on August 26, 2008 at 3:30 p.m. in the board room of the Banks County courthouse annex with Chairman Gene Hart, Commissioner Rickey Cain and Commissioner Joe Barefoot present. Also present were Finance Officer Randy Failyer, E911/EMA Director Deidra Moore and County Attorney Randall Frost.

1. Call to Order

Ch. Gene Hart called the meeting to order.

2. Approval of Agenda

Comm. Cain made a motion to amend the agenda to delete “#6 Avita Community Partners: Andy Brent” and to add “#6 GIS Data: Deidra Moore”. Comm. Barefoot seconded. Two aye votes and motion carried.

3. Public Comment: Sign Ordinance

Sam McDuffie

Mr. McDuffie of Highway 59 stated concerns with the existing sign ordinance allowing the use of advertising on old trucks parked along the side of the road. He requested that an ordinance be drawn addressing this type of advertising with restrictions. Ch. Hart stated this issue was already being reviewed.

4. Public Hearing to Consider Planning Commission Recommendations:

a. V-08-02 – Bob Blackwell – Application for a variance to change property lines between two lots on Stirling Drive in Windy Knoll Subdivision.

County Attorney Randall Frost opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the existing use was a vacant lot with the proposed use being a lot size reduction. The acreage of the lot is .98 acres and is located on tax map/parcel #B22F-5, Lot #2 in Windy Knoll Subdivision. The Planning Commission recommended denial of the application because the lot did not meet the minimum lot size requirement. Mr. Blackwell spoke in favor of the application by stating he only wanted to preserve his view from his home by preventing a building from being built on the lot in front of his home. He stated there were some lots already below the minimum lot size required within the subdivision that were grandfathered. He stated he would like to reabsorb that portion back into his property. Ch. Hart asked if this would make the lot non-buildable. Officer Covington stated other lots are non conformable and below the size limit as well. Doug McDonald, resident of Windy Knoll spoke in opposition to the application by stating the existing covenants would not permit the variance and that the home next door to the property could be affected. Ch. Hart closed the public hearing. Comm. Cain made a motion to postpone this item until the September 9, 2008, 6:30 p.m. meeting. Comm. Barefoot seconded. Two aye votes and motion carried.

5. CU-08-05 – Michael & Kay Butcher – Application for a conditional use permit for an expansion of an internet sales staff.

Postponed: 8/12/08

Ch. Hart stated Mr. Butcher had violated the home occupation due to the number of employees other than family members. Comm. Barefoot stated he did not see a drastic change in the operation. Atty Frost stated he did not feel the Commissioners had the power to reduce the lot size and create within a zoning district a smaller lot than is allowed within that district. Ch. Hart stated at this point he felt the business had moved beyond home occupation and that he had consulted Bill Ross with Ross & Associates which is currently analyzing the Banks County Codes and he agreed that the business is not a conditional use but a commercial use in an ARR area. Comm. Cain made a motion to approve the application. Comm. Barefoot seconded. Two aye votes and motion carried.

6. GIS Map/Board of Education Agreement

Deidra Moore

Ch. Hart stated the Board of Education had requested the GIS information for bus routing. He asked Ms. Moore to explain further. Ms. Moore stated a licensing agreement should be approved before any information be released and asked that the Commissioners approve the resolution and agreement pending the county attorney approval. Ch. Hart also stated that a fee schedule would be attached to the resolution and agreement for furnishing the data. Comm. Barefoot made a motion to approve the resolution and agreement pending the county attorney approval and to authorize the Chairman to sign the documents. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9) 2008-23*

7. Development Authority Member Replacement: 3 year term

Postponed: 8/12/08

Ch. Hart stated a replacement for Dennis Brown had not been approved since his resignation. He stated 3 applications had been received as follows: Steve Shi, Gram Hodgkins and Jerry Boling. Comm. Barefoot made a motion to appoint Gram Hodgkins to the position for a 3 year term. Comm. Cain seconded. Two aye votes and motion carried.

8. Resolutions:

a. Banks County Citizen Corps Council

Deidra Moore

Ms. Moore stated this was a support resolution for the volunteers during emergency situations. She also stated this would help with grant eligibility. Comm. Cain made a motion to approve the resolution. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9)2008-20*

b. Homestead Tax Relief Grant Support Letter

Ch. Hart stated the Governor had stated he may not support the grant. A letter had been drafted to different legislators encouraging support of the grant. Each city as well as the county will approve a support resolution for the letter to be attached to the letter when sent. Comm. Barefoot made a motion to approve the resolution. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9)2008-21*

c. Home Rule Amendment – Courthouse Annex – 2nd Reading

Ch. Hart stated this was the second reading of the resolution to designate the new courthouse annex as the official meeting place for the Commission Board. Comm. Cain made a motion to approve the resolution. Comm. Barefoot seconded. Two aye votes and motion carried. *(Copy of resolution filed in Attachment to Minutes Book #9)2008-22*

9. Contracts & Agreements:

a. Courthouse Annex Contract Change Order

Ch. Hart stated the following change orders had been received:

#24	Courthouse: Bulletin #2 drawing changes w/multiple revisions	\$39,046
#25	Relocate water heater away from above Commission vault	\$ 1,750
#26	Added battery backup to light fixture in main lobby	\$ 717
#28	Board room side desks and countertops	\$ 3,668
#29	Monumental sign at annex entrance	\$19,494

Comm. Barefoot made a motion to approve item #s 25, 26, 28 and 29. He stated item #24 could be postponed until the September 9, 2008 meeting to allow further review since it is for the courthouse renovation. Comm. Cain seconded. Two aye votes and motion carried.

b. Development Authority – Industrial Development Funds

Ch. Hart stated he was not ready to discuss this item and asked that it be considered at a future meeting. Comm. Barefoot made a motion to postpone this item until the September 9, 2008 meeting. Comm. Cain seconded. Two aye votes and motion carried.

10. Executive Session: Land Acquisition & Personnel

Comm. Barefoot made a motion to go into executive session to discuss land acquisition and personnel at 4:20 p.m. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session at 4:54 p.m. Comm. Cain seconded. Two aye votes and motion carried. *(Copy of Affidavit filed in Attachment to Minutes Book #9)*

11. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 4:55 p.m.

Chairman

Clerk
