

The Banks County Board of Commissioners held their regular meeting on March 13, 2007 at 6:30 p.m. in the courtroom of the Banks County Courthouse with Chairman Gene Hart, Commissioner Rickey Cain and Commissioner Joe Barefoot present.

1. Call to Order

Chairman Gene Hart called the meeting to order.

2. Approval of Agenda

Comm. Barefoot made a motion to approve the agenda. Comm. Cain seconded. Two aye votes and motion carried.

3. Moment of Silence

Ch. Hart asked for a moment of silence.

4. Pledge To The American Flag

Ch. Hart led the Pledge of Allegiance.

5. Approval of Invoices

Comm. Cain made a motion to approve the invoices for payment as of today. Comm. Barefoot seconded. Two aye votes and motion carried.

6. Approval of Previous Month Minutes – 2/6, 2/13

Comm. Barefoot made a motion to approve the minutes as written. Comm. Cain seconded. Two aye votes and motion carried.

7. Public Hearings to Consider Planning Commission Recommendations

a. V-07-01 – Leonard & Arline Learst – Application for a variance to create a building lot to be less than two acres.

Ch. Hart opened the public hearing and asked Planning Commission Chairman Alicia Andrews to present the application. Ch. Andrews stated the existing use is one dwelling with the proposed use being a division in the three acre tract. The Planning Commission recommended denial of the application. Ms. Learst spoke in favor of the application by stating when they had purchased the property in 1995 only one acre was required for a home. At that time their daughter placed a mobile home on the property. She said they did not know the rule had changed until 2001 when their granddaughter applied for a permit to place another mobile home on the property. She stated that since she and her husband are aging she would like to be near their children in case they need their help. She asked the Commissioners to consider the hardship provision in this situation. Ch. Hart asked the total acreage. She said 5 acres with two mobile homes. Ch. Hart stated that he would check with the county attorney concerning the legality of overriding the current regulation to grant the hardship provision. Don Hamrick, an adjacent landowner spoke in opposition to the application by stating Rattletrap Rd could not stand anymore traffic in the current condition. He said there were 18 – 20 houses on one side of the ½ mile road. Ch. Hart closed the public hearing. Comm. Cain made a motion to postpone the application until the April 10, 2007 meeting in order to consult with the county attorney. Comm. Barefoot seconded. Two aye votes and motion carried.

b. CU-07-03 Jeff Logan & Joe Leftwich – Application for a conditional use permit for a skating rink.

Ch. Hart opened the public hearing and asked Planning Commission Chairman Alicia Andrews to present the application. Ch. Andrews stated the property owner was Pierce Hardy LLP. The current zoning is C-2 with current use being a lumberyard. The proposed use is a skating rink/inflatable recreation. The property consists of 4.959 acres at 40155 Hwy 441S, Commerce, GA. The property is located on tax map/parcel B55-15. The Planning Commission recommended approval of the application. Mr. Leftwich and Mr. Logan presented plans for the business. Mr. Leftwich stated they would be able to accommodate up to 300 customers at one time with the rink

being 100' x 65'. It will be open to adults as well as children. Only state approved kid recreational video games would be available with no pool tables. He further stated Sunday would be for private parties only. Ch. Hart closed the public hearing. Comm. Barefoot made a motion to approve the application. Comm. Cain seconded. Two aye votes and motion carried.

c. CU-07-04 Gerry E. Burdette – Application for a conditional use permit for a metal recycling depot.

Ch. Hart opened the public hearing and asked Planning Commission Chairman Alicia Andrews to present the application. Ch. Andrews stated the property owners were Travis and Steven Alewine. The existing use is a vacant building with the proposed use being a recycling depot which is conditional use #30 in the zoning regulations. The property consists of 1 acre located at 188DE Ridgeway Rd on map/parcel B54D-62. Comm. Barefoot asked if another business had been at this location. Ch. Andrews stated Trackside Antiques had been previously located on this site. The Planning Commission recommended denial of the application. No one was present to represent the applicant. Lance Bergs, owner of Sonic spoke in opposition to the application by stating his restaurant was adjacent to the property and was afraid of odor and insect problems because he provides outdoor dining. Craig McDonald stated he did not feel the use fits the area but felt it would fit better in an industrial area. Brenda Duckett of the Norton Agency representing property owners in the area stated she also felt the use did not fit the area and would be a nuisance to the community in the form of insects, flies and gnats as well as would degrade property values. Don Ellison, adjacent property owner also stated he felt the use did not fit to anyone's benefit already in the area. Ch. Hart closed the public hearing. Comm. Cain made a motion to deny the application. Comm. Barefoot seconded. Two aye votes and motion carried.

Ch. Hart opened the public hearing and asked Planning Commission Chairman Alicia Andrews to present all the ordinances to be considered.

d. Ordinance to amend Article IV entitled “Procedures and Requirements” for approval of plats Section 74-93 entitled Application for “Preliminary Plat Approval” of the Code of Banks County.

The Planning Commission recommended approval of the ordinance. **(Copy of ordinances filed in Attachment to Minutes Book #8) 2007-07**

e. Ordinance to amend Article IV entitled “Procedures and Requirements” for approval of Plat Section 74-94 entitled “Review of Preliminary Plat” of the Code of Banks County for the purpose of adding at the end of subparagraph (g) A requirement for an Erosion and Sediments Control Plan

The Planning Commission recommended approval of the ordinance. Comm. Cain stated the section should be changed from “Natural Resource Conservation Service” to “Broad River Soil & Water Conservation District”. **(Copy of ordinances filed in Attachment to Minutes Book #8) 2007-08**

f. Ordinance to amend Article V entitled “General Design and Other Requirements” Section 74-123 entitled “Access” of the Code of Banks County

The Planning Commission recommended approval of the ordinance. Ch. Hart stated this would increase the number of lots on one access on state and county roads. Comm. Cain stated a DRI recommends 125 lots per access. He recommended changing the suggested 75 to 100 lots on a state road and recommended changing the suggested 50 lots to 75 lots on county roads in order to preserve green space. **(Copy of ordinances filed in Attachment to Minutes Book #8) 2007-09**

g. Ordinance to amend Article VI entitled “Requirements of Streets and Other Right of Way” Section 74-171 entitled “Single Entry Road Restriction” of the Code of Banks County

The Planning Commission recommended approval of the ordinance. Comm. Cain recommended making the change from 50 lots to 75 lots on county roads and from 75 lots to 100 lots on state roads for this ordinance as well. **(Copy of ordinances filed in Attachment to Minutes Book #8) 2007-10**

h. Ordinance to amend Article VIII, Section 74-237 entitled “Installation of Utilities and Driveways” of the Subdivision Regulations of the Code of Banks County

The Planning Commission recommended approval of the ordinance. Ch. Hart stated this was to provide that the pipe would be installed to county specifications. **(Copy of ordinances filed in Attachment to Minutes Book #8) 2007-11**

i. Ordinance to amend Appendix A of the Code of Banks County pertaining to Zoning Regulations for Banks County being Article VII(B) entitled “R-2, Residential-Multi Family District: Section 702(B) entitled “Permitted Uses”

The Planning Commission recommended approval of the ordinance. Administrative Officer Angela Sheppard stated this would delete the provision of “Single-family detached dwellings” and “Subdivision after complying with the Banks County Subdivision Regulations” from the Permitted Uses section of the R-2, Multifamily District. **(Copy of ordinances filed in Attachment to Minutes Book #8) 2007-12**

Chris Patton asked if a variance for more entrances could be requested on a large acreage property with a 250’ road frontage on a state road for example. Ch. Andrews stated a DRI would have to be done on developments that large anyway. Ch. Hart stated this could be researched. Ch. Hart closed the public hearing. Comm. Cain made a motion to approve the ordinances with the changes recommended. Comm. Barefoot seconded. Two aye votes and motion carried.

8. Piedmont Casa

Annette Raymond

Agency Director Annette Raymond gave a brief explanation of the service by stating they are a Victims Assistance certified agency and currently serve 85 children with 14 children being in Banks County. Comm. Barefoot made a motion to contribute \$2,000 from the Victims Assistance Fund to this agency. Comm. Cain seconded. Two aye votes and motion carried.

9. A-07-02 Sapphire Properties Group, Inc. – Application for rezoning property on Lord Rd from ARR, Agricultural, Rural-Residential to R-1, Single Family Residential

This item was postponed at the February 13, 2007 meeting in which a public hearing was held. Comm. Barefoot made a motion to approve contingent upon receiving proof that an agreement is made between the applicant and landowner and signed by both parties. Ch. Hart seconded. Two aye votes and motion carried. Comm. Cain abstained from voting since he was absent at the previous meeting when the application was postponed.

10. Bids:

a. Propane Gas

Ch. Hart stated they had received 4 bids for the propane gas contract with A Better Gas being the low bidder at \$1.37/gallon. The contract would be effective from 4/1/07 through 3/31/08.

The bids were as follows:

Amerigas	\$1.42/gallon
A Better Gas	\$1.37/gallon
Toccoa Service Gas Co.	\$1.499/gallon
Dowdle Gas, Inc	\$1.399/gallon

Comm. Cain made a motion to approve A Better Gas as low bidder. Comm. Barefoot seconded. Two aye votes and motion carried.

b. Recreation Equipment

Ch. Hart stated they had received bids from Harris Sporting Goods, Athletic Team Sales, All in 1 Sporting and Logo Express for various recreation equipment and uniforms. Each bidder was low on certain items. The total for all items was \$19,428.09. Comm. Cain made a motion to approve the low bids on each item to the specified bidders. Comm. Barefoot seconded. Two aye votes and motion carried. **(Copy of bid tabulation sheet filed in Attachment to Minutes Book #8)**

c. Streaming Current Controller

Public Utilities Director Steve Reece stated there was a need for an emergency purchase for a stream current controller at the Mountain Creek Water Plant. He stated he received three quotes and Chemtrac was the lowest quote for \$12,125. Comm. Barefoot made a motion to approve the purchase of the stream current controller from Chemtrac. Comm. Cain seconded. Two aye votes and motion carried.

11. Engineering Firm Selection

Ch. Hart stated they had received qualification packets from several engineering firms and after much consideration he recommended Rindt McDuff & Associates for the sewage project. Comm. Cain stated he did research and agreed and made a motion to approve Rindt McDuff & Associates for the sewage project. Comm. Barefoot said he had also researched the firms and seconded the motion. Two aye votes and motion carried.

12. Roads:

a. Charity Rd

Ch. Hart stated this was postponed from the February 13, 2007 meeting. They had asked that the county accept the road as a county maintained road. He said the Commissioners presented criteria for acceptance of roads and the road foreman had since inspected the road and said it now meets those criteria to be accepted. Ch. Hart said that 60' Right of Ways required were the only criteria not met and recommended accepting the road pending receipt of the signed ROW's. Comm. Barefoot made a motion to accept Charity Rd as a county road contingent upon the acquisition of the appropriate rights of way. Comm. Cain stated that in order for the citizens to request the road be paved at some point, an 80' ROW must be obtained which may be granted now instead of later if they wish. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of location map filed in Attachment to Minutes Book #8)**

b. Garrison Rd

Ch. Hart stated this item was postponed at the February 13, 2007 meeting and a public hearing was held. He said some research had been done and determined that this road had never been a county road. He further declared Garrison Rd was not a county road and that no action could be taken by the Commission board concerning this road. Stan Larson representing the London family stood and stated they wished to give the county ante litem notice of their position that they oppose this and any damages that come out of this would be resulting. He also stated for the record that other families were present in opposition to the closing. He stated they believed there was considerable evidence there was work done on the road in the past, that it has been a public road and multiple families would be affected by this.

13. Banks Crossing Water Tank Maintenance Contract

Utility Service Company

Public Utilities Director Steve Reece stated this was a contract for the Banks Crossing water tank. This would include painting inside and out. The cost of \$158,872 was broken down over a 4 year period with maintenance continuing beyond the 4 year period for a yearly maintenance cost of \$16,296. Ch. Hart stated the county attorney pointed out that the contract could be terminated only 90 days from the renewal date. The contract is renewable yearly and is effective beginning July 1, 2007. Comm. Barefoot made a motion to accept the contract. Comm. Cain seconded. Two aye votes and motion carried.

14. Public Transportation Preventative Maintenance Policy Change

Ch. Hart stated this would change the oil change schedule to 5,000 miles instead of 3,000 miles. Comm. Cain made a motion to approve the change. Comm. Barefoot seconded. Two aye votes and motion carried.

15. Resolutions:

a. Official Record

Ch. Hart read from the resolution as follows:

Whereas, it is appropriate that Banks County establishes the official record of Board of Commissioners meetings. Now, Therefore Be It Resolved by the Banks County Board of Commissioners duly assembled this 13th day of March, 2007, that the official record of the Banks County Commission meetings shall consist of the written meeting minutes voted on and accepted by the Commission. At such time, all other copies of the minutes, including audio/visual recordings, shall be destroyed.

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 #8) 2007-13**

b. Subdivision Water Line Installation

Comm. Cain stated he would like more time to review the resolution and made a motion to postpone this item until the April 10, 2007 meeting. Comm. Barefoot seconded. Two aye votes and motion carried.

c. Sunday Alcohol Sales

Ch. Hart stated this would allow Sunday alcohol sales by the drink to be on the June 19, 2007 referendum for the voters to decide whether it should be allowed in Banks County. Comm. Cain stated he had been in the Convention and Visitor's Bureau meeting earlier and business owners had requested that this be considered. He further clarified this would affect restaurants only, not package stores. Ch. Hart stated the hours of sales would be set after approval by referendum. Comm. Cain made a motion to approve the resolution. Ch. Hart seconded. The vote was as follows:

Barefoot: No

Cain: Aye

Hart: Aye

Two aye votes and motion carried. **(Copy of resolution filed in Attachment to Minutes Book #8) 2007-14**

16. 2008 Property Revaluation – Tax Assessors

Ch. Hart stated he had received a letter from the Tax Assessors office informing the board that there would be a revaluation in 2008.

17. Public Comment:

a. Sunday Alcohol Sales

CJ Farmer

Ms. Farmer was not present to speak.

18. Executive Session – Personnel

Comm. Barefoot made a motion to go into executive session to discuss personnel at 7:40 p.m.. Comm. Cain seconded. Two aye votes and motion carried. Comm. Barefoot made a motion to come out of executive session and reconvene the meeting at 9:55 p.m. Comm. Cain seconded. Two aye votes and motion carried. **Copy of affidavit filed in Attachment to Minutes Book #8**

19. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 9:56 p.m.

Chairman

Clerk
