

The Banks County Board of Commissioners held their regular meeting on October 9, 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

Ch. Hart stated Item #8 could be postponed until the October 23, 2007 regular meeting at the request of the applicant to allow further action. Comm. Barefoot made a motion to amend the agenda to postpone Item #8 until the October 23, 2007 meeting. 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. Consent Agenda:

a. Approval of Invoices

b. Approval of Minutes – 9/25

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

6. Public Hearings to Consider Planning Commission Recommendations

a. Z-07-07 – Davis Endeavor, LLC - Application for rezoning of property of Hampton Court from C-2, General Commercial to R-2, Multi-Family Residential.

County Attorney Randall Frost opened the public hearing and asked Code Enforcement Officer Keith Covington to present the application. Officer Covington stated the existing zoning was C-2 General Commercial District with the proposed zoning being R-2 Residential-Multifamily District. The existing use is vacant land with the proposed use being a multistory condominium community. The property consists of 3.847 acres on tax map-parcel B54D-018A and B54D-023. The Planning Commission recommended denial of the application. Attorney Mark Kaufman representing Davis Endeavor, LLC spoke in favor of the application by stating he would address the application as well as the variances. He stated he had hoped the high density housing of 84 units in the Banks Crossing area would have been beneficial to Banks County and asked for direction from the board as to what areas would be best for that type of development. Atty Frost stated the variances were contingent upon the approval of the rezone request and were based on the rezone request and asked Office Covington to present the variances as well for public comment as follows and Officer Covington stated the Planning Commission recommended denial of the variances as well.

b. V-07-07 – Davis Endeavor, LLC, - Application for a variance for building a multi-story condominium community on less than 10 acres. Atty Kaufman stated high rise condos require less acreage.

c. V-07-08 – Davis Endeavor, LLC - Application for a variance to the dwelling unit per acre for R-2 properties on Hampton Court. Atty Kaufman stated a higher building could constitute proper use of the property by allowing more units per acre.

d. V-07-09 – Davis Endeavor, LLC - Application for a variance to the setbacks required for buildings over two stories in R-2 zoning on Hampton Court. Atty Kaufman stated this was dealing with commercial property instead of residential and setbacks may not be as crucial. He said the units would be surrounded by parking lots with amenities throughout the property. He stated they are proposing more of a courtyard structure which would allow increased safety for

residents. He stated 2 parking spaces per unit was the plan. Wes McCormick stated concerns with emergency services when the setbacks are so tight on a 6 story building. Atty Kaufman stated fire retardants would be used in construction as well as other measures to accommodate fire safety. Atty Frost closed the public hearing. Ch. Hart stated concerns with the height of the building and traffic on such small acreage. Comm. Barefoot made a motion to deny the applications and the variances due to the application being out of compliance with regulations in a number of areas in its present state without the variances. Comm. Cain seconded. Two aye votes and motion carried.

7. Public Comment:

a. Steve Thorne – County Policies & Procedures

Mr. Thorne of Thorne Equipment Company stated concerns that the county was purchasing from vendors outside the county and that correct purchasing procedures are not followed.

8. Z-07-05 – Joe & Cindy Tu – Rezoning from ARR, Agricultural, Rural, Rural-Residential to CAD, Consolidated Agricultural District-Intensive *Postponed 9/11/2007*

This item was postponed until the October 23, 2007 regular meeting.

9. CU-07-10 – David Kim – Conditional use permit for a health spa *Postponed: 9/25/2007*

Ch. Hart stated this item had been postponed at an earlier meeting and the public hearing had already been held. Comm. Cain made a motion to approve the application. Comm. Barefoot seconded. Two aye votes and motion carried.

10. 2007 Millage Rate

Ch. Hart stated the millage rate had been reduced for the past several years and is proposed for reduction for 2007 from 8.233 to 8.229 for the County M & O portion. Comm. Cain made a motion to approve the 2007 Millage Rate as follows. Comm. Barefoot seconded. Two aye votes and motion carried.

General County Maintenance & Operation	13.300 Mills
Local Option Sales Tax Reduction	<u>5.071 Mills</u>
Actual County M & O	8.229 Mills
General County M & O	7.229 Mills
Industrial Development	1.000 Mills
County Hospital Bonds	<u>.075 Mills</u>
TOTAL COUNTY MILLAGE	8.304 Mills

11. PR000-S008-00(458) C1 – CR67/Ft Lamar Rd – 3.60 miles resurface bid award

Ch. Hart stated this was a part of the State Local Assistance Resurface Program. He said 4 bids had been received as follows:

E.R. Snell	\$247,806.50
C.W. Matthews	\$245,543.34
Tugalo Construction	\$236,949.05
Allied Paving Company	\$245,677.10

Comm. Barefoot made a motion to approve Tugalo Construction as low bidder for \$236,949.05. Comm. Cain seconded. Two aye votes and motion carried.

12. Planning Commission Member Appointment – Term: 11/1/2007 – 10/31/2011

Ch. Hart stated appreciation of service by Harold Ivey as a member since 1998 and stated four other applications had been submitted for the position. He recommended Melinda Cochran of McDonald Circle. Comm. Cain recommended Clyde McArthur and made a motion to appoint him to the position. Comm. Barefoot seconded. Two aye votes and motion carried.

13. Public Transportation Policy Amendments – FTA Compliance Requirements

Ch. Hart stated this was to meet the compliance requirements. Comm. Barefoot made a motion to approve the policy. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of policy amendment filed in Attachment to Minutes Book #8-2)**

14. Personnel Policy Amendments – FTA Compliance Requirements in purchasing and accident investigations

Ch. Hart stated this was also to meet the compliance requirements. Comm. Barefoot made a motion to approve the policy. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of policy amendment filed in Attachment to Minutes Book #8-2)**

15. Executive Session: Possible Litigation

Comm. Barefoot made a motion to go into executive session to discuss land acquisition at 7:14 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 7:50 p.m. Comm. Cain seconded. Two aye votes and motion carried. **(Copy of affidavit filed in Attachment to Minutes Book #8-2)**

16. Adjournment

With no further business, Comm. Barefoot made a motion to adjourn the meeting. Comm. Cain seconded. Two aye votes and meeting adjourned at 7:50 p.m.

Chairman

Clerk
