

The Banks County Board of Commissioners held their regular meeting on September 22, 2009 at 3:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Milton Dalton, Vice Chairman Joe Barefoot and Commissioner Rickey Cain.

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

Chairman Dalton called the meeting to order.

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

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

### **3. Stimulus Funded Potential Projects – Rindt McDuff & Associates**

*Fred Hawkins*

Mr. Hawkins stated that he had just finished the pre-bid conference for the Stimulus Project funds that Banks County received and he wanted to congratulate the board and Banks County in general for sticking through the difficult process and getting awarded a total of \$2,591,600 which consists of a 70% grant in the amount of \$1,814,000 and a 30% local match in the amount of \$777,000. \$254,870 which had already been spent on engineering can be reimbursed which will be more than what was originally spent on the design. Mr. Hawkins stated that GEFA had said they had awarded these projects for a set amount and that if the project comes in under budget they want the excess funds to be spent.

The first proposal is for \$90,000 which is the administration and construction observation fee to Rindt-McDuff for the stimulus grant.

The second proposal is for an analysis to see if it is possible to get a better water flow out of the Mountain Creek Reservoir than originally thought, maybe as much as 1.2MGD and because of that he would like the commission to consider approving the modeling for the Middle Fork Broad River at a cost of \$30,900.

The third proposal is only if the stimulus project comes in under budget. It is for the Moccasin Gap Road waterline with a potential of two hundred customers. The project design is for 22,000 feet of waterline for an amount of \$119,000. Mr. Hawkins stated he would only approve this pending if the stimulus project comes in under budget.

Comm. Cain made a motion to approve work orders #1 and #2. Vice Ch. Barefoot seconded. Two aye votes and motion passed. County Clerk Regina Gailey stated for clarification, the work orders were for the grant administration and observation for \$90,000 and the water withdrawal of the Middle Fork Broad River analysis for \$30,900.

Comm. Cain made a motion pending the GEFA project funding comes in under budget to approve the funding for engineering the Moccasin Gap Road. Vice Chairman Barefoot seconded. Two aye votes and motion passed.

### **4. Horse Arena**

*Sammy Reece*

Mr. Reece stated that he was active with horse association and frequently used the horse arena. He stated Banks County is the only county around that leaves the arena open at all times and recently the association wasn't able to have a horse show because someone had damaged inside of the arena. He said this was a serious problem and is asking the commissioners if they can lock the arena, open it two days a week posting signs stating the hours open to the public and this would allow the club time to plow before the horse show on the weekend.

Ms. Gailey stated there is a facilities use form with the recreation department and the horse arena might need to be added to that form. Vice Ch. Barefoot stated the problem was security, people using it whenever they want to and therefore at inconvenient times and the surface of the arena is actually vandalized and asked what Mr. Reece would suggest as a solution. Mr. Reece stated his club would buy the chain, locks and provide keys to the recreation department and keep the arena open to the public two days a week, maybe open Tuesday and close Wednesday at 6:00 p.m. and smooth everything up after it was closed.

Mr. Reece stated the problem with the horse arena is not the people in the County but the people coming in from other counties. Mr. Reece said the problem needed to get under control because it is getting worse. Comm. Cain thought we needed to check with the county attorney. Vice Ch. Barefoot stated it was county property and we had the authority to regulate its use to insure it is maintained and not damaged in any way.

Vice Ch. Barefoot made a motion that we work out a schedule for use by the public under the offices of the recreation department with the advice of the horse club, secure the arena during the periods it is not open to the public pending the opinion of the county attorney. Comm. Cain seconded. Two aye votes and motion passed.

### 5. Executive Session

Comm. Cain made a motion to enter into executive session for personnel at 3:55 p.m. Vice Ch. Barefoot seconded. Two aye votes and motion passed.

Comm. Cain made a motion to come out of executive session and reopen the meeting at 4:12 p.m. Vice Ch. Barefoot seconded. Two aye votes and motion passed.

### 6. Unified Development Code

*Bill Ross*

Mr. Ross stated the changes to the Feb. Draft of the UDC were as follows:

Article	Section	Change (highlighted)
Art 1	106.02	(c) Street access required.  No building permit shall be issued on any lot unless the street giving access to the lot shall be accepted and opened as a public street prior to that time, or shall otherwise be maintained as a street by the County or approved by the County as a private street or private drive under the provisions of this Development Code.
	108.04	(3) A nonconforming use may not be reestablished after discontinuance for one year or more, regardless of the intent of the owner or occupier to resume the nonconforming use, except as follows:
	108.05(b)	(4) Dilapidated manufactured homes and mobile homes are declared to be nuisances and shall be removed or shall be repaired in accordance with the inspection standards and other provisions for manufactured homes in article 3 of this Development Code.
Art 3	303.02(c)	(7) Family care dwelling; time limits.  ...  b. A family care dwelling constructed as a site-built or industrialized home may remain on the property after the need for the family care dwelling, as established under section 303.02(c)(1), no longer exists if the building qualifies as a guest house in compliance with the provisions of section 303.02(b).

Article	Section	Change (highlighted)
311.01	(e)	<p>A mobile home, as defined in this Development Code, may be relocated to another site within the county only under the following circumstances:</p> <ol style="list-style-type: none"> <li>(1) The mobile home was located in the county prior to the effective date of this Development Code and has continued to exist on the same site; and</li> <li>(2) The mobile home is currently and will continue to be used exclusively as a residence; and</li> <li>(3) The mobile home will be relocated to a site zoned CAD or ARR; and</li> <li>(4) The mobile home passes inspection by the Building Official under the standards of section 311.07; and</li> <li>(5) The mobile home will be installed in accordance with the requirements of section 311.09; and</li> <li>(6) The location to which the mobile home will be relocated is approved by the Board of Commissioners as a Special Use in accordance with the procedures for zoning changes in article 12 of this Development Code.</li> </ol>
311.03	(b)	<p>A manufactured home may be used as a temporary residence while a home is under construction on the property. The manufactured home must be removed from the property when the principal building is completed and occupied. In the case of an emergency after a principal residence has been rendered uninhabitable by fire or calamity, the Building Official may authorize immediate placement of the temporary manufactured home on the site, pending Special Use approval by the Board of Commissioners.</p>
Art 3	311.08	<p><b>Removal of dilapidated mobile homes and manufactured homes.</b></p> <p>Any mobile home or manufactured home that is dilapidated is declared to be a public nuisance and must be removed from the county or repaired to a state of full compliance with the provisions of this Development Code within 30 days of issuance of an order by the Building Official. "Dilapidated" shall mean failure to pass inspection under the standards of section 311.07 of this Development Code. This provision applies to all mobile homes and manufactured homes regardless of the date of placement of the mobile home or manufactured home on the site.</p>

Article	Section	Change (highlighted)
	312	<p>Manufactured home parks.</p> <p>Manufactured homes moved into a manufactured home park must comply with all provisions of Section 311 except that such manufactured homes may be used only as a single-family residence or the residence/office of the manufactured home park manager. Dilapidated mobile homes and manufactured homes shall be removed or repaired in accordance with section 311.08 of this Development Code.</p>
Art 4	406.04	<p>Roofs.</p> <p>The following provisions of this subsection shall apply only to site-built and industrialized housing:</p> <p>(a) All roof surfaces shall have a minimum pitch of 4:12 (4 inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.</p> <p>(b) All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (noncorrugated) metal, clay tiles, slate, or similar materials.</p> <p>(c) Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.</p>
	409.03	<p>(b) A hotel, motel or resort hotel located within the QDO district, where otherwise allowed by the zoning of the property, shall be governed by the following provisions:</p> <p>...</p> <p>(3) The height of the building shall not exceed four stories (or 50 feet) or the height as approved by Special Exception Variance (but not to exceed 75 feet).</p>
Art 5	503.03	<p>Platting authority.</p> <p>The Planning Official shall be the official platting authority, as delegated by the Board of Commissioners....</p>
	505.02	<p>On the Summary Comparison of Major Subdivisions table, changed approval process for Open Space Subdivisions from “by right” to be “by Special Use Approval” in any zoning district.</p>

Article	Section	Change (highlighted)
	507	<p>Open space subdivisions.</p> <p>Open space development provisions may be applied to any single-family residential subdivision in the ARR and R-1 zoning districts if authorized by Special Use approval under the procedures for zoning changes in article 12 of this Development Code. In addition to any conditions of approval that may apply to a specific property, the following shall apply to all such subdivisions:</p>
Art 7	709.05(b) (5)	<p>Prohibited billboards.</p> <p>a. Any billboard that is not located within a C-1, C-2 or M-1 zoning district or is located more than 660 feet from the right-of-way of I-85, U.S. 441, GA 51 east of Homer, GA 59 or GA 63 south of GA 51 is prohibited, except as follows. A billboard proposed to be located within 660 feet of the right-of-way of any other State or US-numbered highway must be located within a C-1, C-2 or M-1 zoning district and may be approved only by the Board of Commissioners as a Special Use in accordance with the procedures for zoning changes under article 12 of this Development Code.</p>
	709.05(e)	<p>Highway billboards.</p> <p>The following regulations apply to any billboard located within 660 feet of the right-of-way of U.S. 441, GA 51 east of Homer, GA 59, or GA 63 south of GA 51 (and more than 660 feet from I-85), or as otherwise approved as a Special Use under section 709.05(b)(5), above.</p>
Art 9	Div IV	Noise Control section deleted.
Art 10	--	<p>In comparing Jackson County's local street construction standards to those of Banks County, the pavement width (20 feet) is the same for both counties for both curb &amp; gutter streets and swale ditch sections. The one difference is that Jackson County requires the binder to be 2 inches thick instead of Banks County's 1½ inches.</p> <p>The binder thickness for local streets in Banks County has therefore been upgraded to 2 inches on Table 10.4 and on Figures 10.1 and 10.2. In addition, for two-stage paving, the binder has been upgraded to 3 inches (from 2½) under footnote 2 of Figure 10.1 and footnote 3 of Figure 10.2.</p>

Article	Section	Change (highlighted)
Art 11	1110.04	<p>(c) Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:</p> <p>(1) The sides surrounding the pond within 10 feet of the maximum pool elevation have a slope greater than 3 horizontal to 1 vertical, or</p>
Art 13	1303.02	<p>General limitations on relief.</p> <p>Special exception variances shall be limited to relief from the following requirements of this Development Code:</p> <p>...</p> <p>(f) Maximum building height, but not to exceed 75 feet with the concurrence of the Fire Marshall.</p>
Art 15	--	<p>Added the following definition:</p> <p><i>Agricultural Building:</i> A structure on agricultural land designed, constructed and used to house farm implements, livestock, agricultural produce or products grown or raised on the premises, or another use accessory to the agricultural operation.</p>

Mr. Ross also stated there had been new application forms created for varying permits and zoning changes and the next steps that needed to be taken were as follows:

1. Prepare the Public Hearing Draft for public review and comment.
2. Workshop with Board of Commissioners and Planning Commission.
3. Finalize Public Hearing Draft.
4. Public Hearing and recommendation by Planning Commission.
5. Public Hearing and adoption by Board of Commissioners.

Mr. Ross's recommendation was to have another review draft and meeting before starting the public review and finalization process.

The commissioners said they felt like the changes needed to be made and the final draft reviewed first.

### 7. Adjournment

Comm. Cain made a motion to adjourn the meeting. Vice Ch. Barefoot seconded. Two aye votes and meeting adjourned at 4:27 p.m.

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Chairman

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Assistant County Clerk

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