

The Banks County Board of Commissioners held their regular meeting on April 13, 2010 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex with Chairman Milton Dalton, Vice Chairman Joe Barefoot and Commissioners Rickey Cain, Ernest Rogers and Charles Turk present. Attorney Bill Blalock and Code Enforcement Officer Keith Covington were also present.

**1. Call to Order**

Chairman Milton Dalton called the meeting to order.

**2. Approval of Agenda**

Vice Chairman Joe Barefoot made a motion to approve the agenda. Comm. Cain seconded. All aye votes and motion carried.

**3. Prayer**

Ch. Dalton asked for a moment of silent prayer.

**4. Pledge to the American Flag**

Comm. Turk led the Pledge of Allegiance.

**5. Approval of Invoices**

Comm. Cain made a motion to approve the invoices for the month. Vice Ch. Barefoot seconded. All aye votes and motion carried.

**6. Approval of Previous Minutes – 2/2, 2/9, 2/23, 3/23**

Vice Ch. Barefoot made a motion to approve the minutes as previously furnished to members. Comm. Turk seconded. All aye votes and motion carried.

**7. Banks County 4-H District Project Winners Recognition**

*Gina Chappellear*

Ms. Gailey presented the students the participated at Project Achievement with three continuing on the state competition in July 2010 as follows:

Courtney Gailey, Entomology

Cassandra Whisnant, Public Speaking

Jared Clark, Performing Arts: Piano

Also participating was Emily Angel. Courtney Gailey gave a demonstration to the Commissioners in bee keeping. The Commission Board congratulated all students for a job well done.

**8. Public Comment:**

*a. Vicious Dog in Subdivision*

*Karen Swan*

Ms. Swan was not present to speak.

**9. Public Hearings to Consider Planning Commission Recommendations:**

*a. Z-10-01 - Chris Phagan – application for rezoning of property located at 119 Banks Road from ARR, Agricultural Rural Residential to C-2, General Commercial for a truck terminal.*

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock explained the public hearing procedures and asked Code Enforcement Officer Keith Covington to present the application. He stated the property consisted of 6.52 acres located on Map/Parcel #B53-129. The existing use was a home site truck service area and the proposed use was a truck terminal. He also stated the property was included in the Comprehensive Plan as future C-2 property. The Planning Commission recommended approval of the application. Mr. Phagan spoke in favor of the application. Comm. Turk asked if 4 trucks are all he planned to park at the location. Mr. Phagan stated that if the business grew, the number of trucks could increase. Ch. Dalton closed the public hearing and reopened the meeting. Comm. Cain made a motion to approve the application. Comm. Rogers seconded. All aye votes and motion carried.

*b. Z-10-02 - Chris Phagan – application for rezoning of property located at 2004 GA Hwy 59 from*

***ARR, Agricultural Rural Residential to C-2, General Commercial for a convenience store.***

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock asked Code Enforcement Officer Keith Covington to present the application. He stated the property was the old Irvin's Store which has been in existence for over 70 years and consisted of .0840 acres located on Map/Parcel #B65-072. He further stated there was a building also located out back of the store which was a non conforming use and must go through the rezoning process if reopened. The current use was a convenience store and the proposed use was a convenience store. The Planning Commission recommended approval of the application. Ch. Dalton stated the building out back had previously been a body shop. Comm. Cain stated he was glad the store will remain open for citizens in the area. Mr. Phagan spoke in favor of the application. Ch. Dalton closed the public hearing and reopened the meeting. Comm. Rogers made a motion to approve the application. Vice Ch. Barefoot seconded. All aye votes and motion carried.

***c. CU-10-02 – Tanger Properties Limited Partnership - QuikTrip Corporation – application for a conditional use for a convenience store.***

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock asked Code Enforcement Officer Keith Covington to present the application. He stated the property was located on US Hwy 441S and consisted of 1.5284 acres on Map/Parcel #B55-02. The existing zoning is C-2, General Commercial and the proposed zoning is also C-2. He said the current use was retail stores and the proposed use was a convenience store. The Planning Commission recommended approval of the application. Nathan Richardson of QuikTrip Corporation spoke in favor of the application by stating they have purchased the property and would be building a 4,600 square foot building on the property if approved. He stated it would include 8 gas pumps for 16 car service and auto diesel would also be sold. Fuel storage capacity would be approximately 60,000 gallons. He also stated they would be selling beer and wine by the package. He presented pictures of the trash dumpster area at the east end of the building to show proposed brick fencing surrounding the dumpster. Ch. Dalton closed the public hearing and reopened the meeting. Comm. Cain made a motion to approve the application with the following condition:

1. That nothing be stored or built along the back part of the store.

Vice Ch. Barefoot seconded. All aye votes and motion carried.

***d. V-10-01 - Tanger Properties Limited Partnership - QuikTrip Corporation – application for a variance for an 83 square foot advertising sign.***

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock asked Code Enforcement Officer Keith Covington to present the application. He stated the request was for a sign that would be 19 square ft larger than the 64 square ft that the code currently allows. Mr. Richardson spoke in favor of the application by stating they are proposing a 35 ft height sign. The Planning Commission recommended approval of the application. Ch. Dalton closed the public hearing and reopened the meeting. Comm. Cain made a motion to approve the application. Comm. Rogers seconded. All aye votes and motion carried.

***e. V-10-02 - Tanger Properties Limited Partnership - QuikTrip Corporation – application for a variance for deletion of the opaque fencing requirement on side and rear property lines for a convenience food store and retail gasoline sales on US Hwy 441S.***

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock asked Code Enforcement Officer Keith Covington to present the application. He stated the fence would not be needed since there would be no exit at the back of the store and landscaping would be installed. The Planning Commission recommended approval of the application. Mr. Richardson spoke in favor of the application by stating no exit will be at the back of the store and with the location of the adjacent shopping center, it would not be feasible. He stated Tanger had asked that the variance be granted. Ch. Dalton closed the public hearing and reopened the meeting. Comm. Rogers made a motion to approve the application. Comm. Turk seconded. All aye votes and motion carried.

**f. CU-10-03 – J.R. Dudley (Jim White) – Conditional use application for an auto parts and auto restoration at 5100 Old Hwy 441N.**

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock asked Code Enforcement Officer Keith Covington to present the application. He stated the property consisted of 3.32 acres on Map/Parcel #B35-38A. He stated the current use was a vacant warehouse/shop with proposed use being an auto parts and restoration shop. The Planning Commission recommended approval of the application with the following conditions:

1. Business be closed on Sunday
2. All vehicles be stored behind the existing fence away from the view of Highway 441
3. The owners of the establishment be required to obtain any Secretary of State licenses required

Mr. White spoke in favor of the application by stating they would store and sell parts and restore antique vehicles. He stated they would store up to 30 vehicles but did not expect to ever store that many. He stated they would take the portion of the cars that are of no use to sell for scrap metal. He stated a wood fence had already been installed. Brenda Duckett also spoke in favor of the application by stating the site has been maintained better than others in the area and that she appreciated that they will be closed on Sunday. Ch. Dalton closed the public hearing and reopened the meeting. Vice Ch. Barefoot made a motion to approve the application with the following conditions:

1. Business be closed on Sunday
2. All vehicles be stored behind the existing fence away from the view of Highway 441
3. The owners of the establishment be required to obtain any Secretary of State licenses required

Comm. Rogers seconded. All aye votes and motion carried.

**g. CU-10-01 – National Hot Rod Association (Dan Moore) – Conditional use application for a go cart track at 500 E Ridgeway Rd.**

Ch. Dalton closed the meeting and opened the public hearing. Attorney Bill Blalock asked Code Enforcement Officer Keith Covington to present the application. He stated the property consisted of 321.6 acres located on Map/Parcel #B54A-079. He stated the current use was a drag strip with the proposed use being the addition of a go cart track. The Planning Commission recommended approval of the application with the following conditions:

1. Hours of Operation: Mon-Thurs 9 a.m. until 9 p.m. (close 5:30 p.m. on Wednesdays) Fri & Sat 9 a.m. until 10 p.m. (open 8 a.m. on race days).
2. On the eastern and southern sides a berm six feet high, five feet wide and trees of at least five feet high planted on top of the berm and an opaque fence around remaining portion not included within berm.
3. No alcohol sales or consumption during the go cart operation.
4. All go carts will have mufflers or silencers.
5. No night work after hours of operation.

Mr. Moore asked if this allowed Sunday operation from 1 p.m. to 6 p.m. Officer Covington stated the conditions did include those Sunday hours. Mr. Moore stated a shop would also be built on the property for cart maintenance and parts. He stated they would be renting carts Monday through Thursday to companies that wish to bring groups and would also rent to the public. He stated on Friday and Saturday it would be for renting carts to the general public. He also stated there would be handicap accessible hand controlled carts for rent as well. He stated club racing events would be held once to twice a month coordinating with events at the drag strip. Big events would be held two to three times a year and would be scheduled with drag racing events. He further stated he was

proposing creation of 5 to 20 new jobs for operation. He said the investment of improvement to the property would be \$500,000 to \$700,000 and yearly sales are projected to be in excess of \$1,000,000. Those speaking in opposition to the application were as follows:

- Brenda Duckett, Norton Agency stating decreased property values, church disturbances, congestion, late nights and litter.
- Elizabeth Gailey asked for clarification of what would be offered on Sunday and if there would be camping on site.
- A spokesperson for Grove Level and Ridgeway Rd Community also asked that there be no operation on Sunday. She also stated Flat Creek Church had no relationship with Mr. Moore.

Ch. Dalton closed the public hearing and reopened the meeting. Comm. Rogers asked for clarification of whether camping would be allowed. Mr. Moore stated there was no room for camping at the location. He stated he was not asking for a permit to allow camping on the site. Mr. Moore then asked for the citizens in favor to stand. Comm. Turk stated he would prefer the track not open on Sunday and that the track close at 7:30 p.m. on Friday and Saturday from Memorial Day to Labor Day and close at 6:00 p.m. the remainder of the year. Comm. Cain stated he had received a letter from concerned citizens specifying 9:00 a.m. to 9:00 p.m. as acceptable hours. Comm. Turk stated different hours were specified on different letters. Mr. Moore stated they were trying to stay close to the drag strip hours of operation. Comm. Cain made a motion to approve the application with the following conditions:

1. Hours of Operation: Mon-Sat 9 a.m. until 9 p.m. (close 5:30 p.m. on Wednesdays) (open 8 a.m. on race days).
2. On the eastern and southern sides a berm six feet high, five feet wide and trees of at least five feet high planted on top of the berm and an opaque fence around remaining portion not included within berm.
3. No alcohol sales or consumption during the go cart operation.
4. All go carts will have mufflers or silencers.
5. No night work after hours of operation.
6. No Sunday operation

Vice Ch. Barefoot seconded. The votes were as follows:

Dalton: Aye

Barefoot: Aye

Cain: Aye

Rogers: Aye

Turk: Nay

Majority aye votes and motion carried.

## 10. Personnel:

### *a. Employee Retirement: Defined Benefit Plan – Sheryl Dallas*

*Tabled: 3/23/2010*

Vice Ch. Barefoot made a motion to bring the item from the table for discussion. Comm. Rogers seconded. All aye votes and motion carried. Ms. Dallas stated the plan was frozen in 1997 with 45 people included in the plan. 11 are still employed and the remainder are retired or no longer employed by the county. She stated the yearly fee that is currently being paid is to maintain the existing benefits at the 1997 frozen benefit amount. She further stated that the plan promised a retirement benefit based on the salary of the employee in 1997 when the plan was frozen. Comm. Rogers asked why the yearly contribution increases yearly if it was based on 1997 figures and if the plan was frozen. Ms. Dallas stated the money is invested and the yearly amount paid would be invested over the life of the employees included in the plan. Comm. Rogers asked Ms. Dallas to get with the personnel officer to set up a time to meet to discuss the plan with each Commissioner

in order for them to ask any questions they may have.

**b. Planning Commission Member – Keith Segars**

*Tabled: 3/23/2010*

Comm. Turk made a motion to bring the item from the table for discussion. Comm. Cain seconded. All aye votes and motion carried. Comm. Rogers made a motion to appoint Neal Pulliam to the position to replace Keith Segars with a 4 year term to expire 10/31/2013. Comm. Turk seconded. All aye votes and motion carried.

**11. Public Utilities:**

**a. Water Leak: 438 Bellamy Rd**

*David Lou Atwood*

Mr. Atwood stated he is a part time resident of Banks County. He stated he built a house approximately 1½ years ago and had recently received a water bill for \$1,158. He stated the meter had been tested, the Public Utilities Director had visited the property several times and no leaks had been discovered. He asked that the Commissioners reduce the water bill to his prior average monthly bill. The Commissioners instructed the Public Utilities Director to pull the meter and test it once more.

**b. Water Leak: 419 Scales Creek**

*Skipper Smith*

Mr. Smith stated he had also received a large water bill and a leak was found during a snowstorm in his pasture. He asked that the Commissioners consider giving a discount when the leak is due to an act of God. No action was taken on this item.

**c. Town of Alto Water Purchase/Sale Agreement**

*Tabled: 3/23/2010*

Comm. Cain made a motion to untable the agreement. Vice Ch. Barefoot seconded. All aye votes and motion carried. Public Utilities Director Steve Reece stated this was for an emergency connection with the City of Alto. He stated this could be paid by remaining stimulus funds after the Clearwell is completed. He stated the connection would cost approximately \$75,000. He asked for permission to approach the City of Alto with a contract for the connection. He stated the contract would be considered at a future meeting. Each jurisdiction would maintain their own connection. Comm. Rogers made a motion to move ahead with the agreement. Comm. Cain seconded. All aye votes and motion carried.

**12. Homer Chevron Beer/Wine Package Store License**

Ch. Dalton stated this was for a beer/wine package license only. Comm. Cain made a motion to approve the application. Vice Ch. Barefoot seconded. All aye votes and motion carried.

**13. Surplus Property**

Ch. Dalton stated the listed property as follows no longer served a public purpose and recommended the items be surplus.

2000 FORD CR VICT 2FAFP71W4YX191491  
2000 FORD CR VICT 2FAFP71W6YX143443  
2003 FORD CR VICT 2FAFP71W93X204809  
2003 FORD CR VICT 2FAFP71W23X204814  
1999 FORD CR VICT 2FAFP71W8XX117215

Panasonic Fax Ser #4IAFD133697

Honda 8HP GX2403355489 - Ser #HQ2050125 Homelite 3" Trash Pump

Country Boy Stove Fireplace Insert - 38 1/2" w x 24" d

4-Wooden Desks

Vice Ch. Barefoot made a motion to surplus the property listed. Comm. Cain seconded. All aye votes and

motion carried.

**14. Adjournment**

With no further business, Comm. Rogers made a motion to adjourn the meeting. Comm. Cain seconded. All aye votes and meeting adjourned at 8:50 p.m.

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Chairman

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County Clerk

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