

The Banks County Board of Commissioners held their regular meeting on April 9, 2013 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex. Present were Chairman Jimmy Hooper, Vice Chairman Charles Turk and Commissioners David Duckett, Danny Maxwell and Sammy Reece.

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

Ch. Hooper called the meeting to order.

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

Vice Ch. Turk made a motion to amend the agenda by deleting Item 8 Public Comment: Harold Ivey and add Lifting the Hiring Freeze and Hiring Personnel. Comm. Maxwell seconded. All aye votes and the agenda was approved as amended.

### **3. Prayer**

Ch. Hooper led a moment of silent prayer.

### **4. Pledge to the American Flag**

Ch. Hooper led the Pledge to the American Flag.

### **5. Approval of Invoices**

Comm. Maxwell made a motion to approve the invoices. Comm. Duckett seconded. All aye votes and the motion passed.

### **6. Approval of Previous Minutes – 3/1/2013, 3/12/2013**

Comm. Reece made a motion to approve the previous months minutes 3/1/2013 and 3/12/2013. Comm. Duckett seconded. All aye votes and the motion passed.

### **7. Planning Commission Recommendations:**

#### **a. CUP-13-01 – James S. & Elizabeth Shi – A conditional use permit for a firearms instruction/firing range to be located at 584 Line Church Road.**

Ch. Hooper closed the meeting and County Attorney Randall Frost opened the public hearing. Brad Day Development Authority Executive stated the applicants are James and Elizabeth Shi. The current zoning is ARR and the proposed zoning is a conditional use permit for firearms instruction/firing range on 44 acres. Map and parcel B37-20 and B37-15B located at 584 Line Church Road. The Planning Commission recommended approval with the condition of operating Monday through Saturday 9:00 a.m. to 6:00 p.m. and the firearms to be less than 50 caliber. The following citizens spoke concerning the application:

#### **Favor**

James S. Shi – 584 Line Church Road

Mr. Shi stated he and his wife were the applicants and he was applying for a Home Occupation Business License that has an emphasis on firearm training and a firearm range. Mr. Shi stated that under state law there are no limitations but he is willing to have conditions in order to be a good neighbor.

John Mitchell – 167 Marion Cape Road

Mr. Mitchell stated he was in support of Mr. Shi's proposed firearms instruction and firing range. He is also a former training counselor for NRA and has seen Mr. Shi run a safe firing range. Mr. Mitchell stated he gives Mr. Shi a high recommendation.

David Tolar – 290 Charity Road

Mr. Tolar stated that Mr. Shi was just asking to train people. He would be teaching several hours per day inside and then taking the students out to use what they learned. He stated he was in favor of the application.

Daniel Chadderdon – 522 Line Church Road

Mr. Chadderdon stated he was Mr. Shi's next door neighbor and he approved of what he is doing.

### **Opposition**

Scott Watkins – 941 C. Jordan Road

Mr. Watkins stated he was in opposition to the firing range. He stated he thinks there is a problem when a neighbor's activity impacts the rights of others. There will be noise issues and it needs to be taken into consideration that there is a threat that the neighbors can't take the noise and the conditional use can not be reversed. He stated the Commissioners needed to take a look at Wilson Shoals Firing Range. Also after working a long day he doesn't want to come home to shooting all afternoon and on the weekends. He stated he would prefer the hours of operation on Saturday to cease at noon and no Sunday operation. Mr. Watkins stated the commissioners are the only protection for the community.

Janice Calloway – 680 Moss Farm Road

Ms. Calloway stated she was opposed to the firing range because of the obsessant noise and irritation that it will cause her animals and she is also worried about other businesses moving in because of the range and the area becoming commercial.

### **Rebuttal**

Mr. Shi stated he needed to clear up a fact that it has not been him shooting excessively, It has been his neighbor. He also stated the Commissioners will retain control as to whether the area becomes commercial in the future and he also has ten rescue dogs and is concerned for their safety as well.

Comm. Duckett asked if Mr. Shi would consider not operating on Sunday. Mr. Shi stated he would consider this but he could have several students that the only day they could attend would be on Sunday because they work during the week. Comm. Maxwell stated he would rather not have any operations on Sunday because of the nearby church. Mr. Shi stated if the church is having an activity during the day on Sundays when he is operating, all they need to do is call and he will make sure he doesn't shoot during those hours.

Ch. Hooper stated he was concerned with the hours of operation and the number of people that would be shooting. Mr. Shi stated no more than eight people at a time would be shooting and the size of the gun would be less than 50 caliber.

Comm. Reece stated he observed the area and would like to know more about the times. Mr. Shi stated there would be shotguns, rifles and pistols and during a four hour session there would be three hours of classroom time and one hour of firing time. For a six hour course there would be four hours of classroom time and two hours of firing time.

Vice Ch. Turk stated the Commissioners had the right to put stipulations on the range and two hours of shooting a day were all the neighbors needed to tolerate. Eight people firing for two hours is a lot of noise. The neighbors have rights also and he would prefer Mr. Shi not to operate on Sunday. Comm. Turk stated he would only approve a two hour maximum firing time per day. Mr. Shi said he could agree to a limited amount of hours. Ch. Hooper asked Mr. Shi what was a reasonable amount of time for firing. Mr. Shi stated that would be weather dependant when he was able to shoot and it would be hard to say an exact time. Ch. Hooper thought two hours was two narrow of a time but didn't want more than four hours. Mr. Shi stated he didn't think he would make that much noise and he has been shooting for thirteen years on the property and has never had a complaint. He stated his neighbor shoots high caliber guns. Ch. Hooper stated Mr. Watkins deserves quiet time.

Sam Moon – 726 Hwy 51 Homer, GA

Mr. Moon stated Mr. Shi needs the proper time to train people and can't afford to send them home with a gun and they not have the proper safety.

Mr. Watkins stated he has been shooting all his life and he has a respect for his neighbors. He stated this wasn't a private individual that would be firing but this was a business. He stated if the Commissioners approved this, he would like to see Sunday operations denied, limited operation on Saturday and the caliber of the gun less than 50.

Attorney Frost closed the public hearing and Ch. Hooper opened the Commissioner's Meeting.

Comm. Reece made a motion to approve the conditional use permit with the conditions of Operating Hours, Monday thru Saturday 9:00 a.m. to 6:00 p.m. with no operations and Sunday, Three hours only per day open for the shooting range and No Sunday Operation. Comm. Maxwell seconded. Vice Ch. Turk voted nay. Four aye votes and the motion passed by a majority.

**b. CUP-13-02 - David Hicks, Windsel Martin – A conditional use permit for grinding, storage and sale of shavings at 389 Lefew Road.**

Ch. Hooper closed the Commissioner's meeting and opened up the public hearing. Mr. Day stated this application was a conditional use permit on 12.95 acres. The Planning Commission recommended approval.

Windsel Martin

Mr. Martin stated he was the applicant and would like to use an existing shed on Lefew Road and put the grinder in the back and store the shavings in the front. He said the

closest house is 1000 ft. away at the end of LeFew Road. He stated the logs would be hauled in by tractor trailer or a ten wheeler truck.

Attorney Frost closed the public hearing and Ch. Hooper opened the Commissioner's Meeting.

Vice Ch. Turk made a motion to approve the conditional use permit. Comm. Duckett seconded. All aye votes and the motion passed.

**c. Z-13-01 – Joseph & David Goodroe – Rezone request for 19.58 acres at Banks Crossing on Hwy 164 from ARR, Agricultural, Rural-Residential to R-1, Single Family Residential.**

Ch. Hooper closed the Commissioner's Meeting and Attorney Frost opened the public hearing. Mr. Day stated this was a rezoning request for 19.58 acres currently zoned ARR and proposed zoning R1. The map and parcel is B65F. The property consisted of 19.58 acres in 12 lots that are non-conforming buildable lots. The Planning Commission recommended approval.

Joseph Goodroe – 120 Sullivan Drive, Homer, GA

Mr. Goodroe stated he and his father were the applicants and when they purchased the property from the bank the property reverted back to ARR. He stated they only wanted to rezone 19.58 acres which is Phase I of the subdivision and leave the remaining acreage ARR. He stated he met with the property owners within the subdivision and their main concern was keeping it a residential neighborhood.

No one else spoke in favor or opposition of the application.

Attorney Frost closed the public hearing and Ch. Hooper opened the Commissioner's Meeting.

Ch. Hooper made a motion to approve the rezoning application. Comm. Maxwell seconded. All aye votes and the motion passed.

**d. Ordinance to amend Section 6-11 of the Banks County Code entitled "Buildings for Licenses for Consumption on the Premises of Alcoholic Beverages". Change of requirement for minimum square feet of an establishment from 2,000 square feet to 1,200 square feet.**

Ch. Hooper closed the Commissioner's meeting and Attorney Frost opened the public hearing. Mr. Day stated the advertising and public hearing requirements had been satisfied and stated the 60/40 food/alcohol ratio would not change but the square footage would change from 2,000 sq. ft. to 1,200 sq. ft. Mr. Day stated the Planning Commission recommended approval.

Attorney Frost closed the public hearing and Ch. Hooper opened the Commissioner's Meeting.

Comm. Maxwell stated the alcohol license was also based on the 60/40 food alcohol ratio. Ch. Hooper stated he was concerned with restaurants turning into bars but they

can't because of the food/alcohol ratio. Vice Ch. Turk stated if you decrease to please one then you decrease to please another and then the next step is back to bars. Comm. Maxwell made a motion to approve the change. Comm. Duckett seconded. Vice Ch. Turk voted nay. Four aye votes and the motion passed with a majority vote.

**8. Public Comment: H&D Pallets**

**Harold Ivey**

Deleted

**9. The Oaks at Banks Crossing Subdivision Road Acceptance: Oakwood Drive & Maple Drive**

Mr. Goodroe, property owner, stated a core sample had been tested and the roads had been striped so now he was asking the County to take the roads. Vice Ch. Turk stated he appreciated them getting a core test done. Vice Ch. Turk made a motion to accept Oakwood Drive .74 miles and Maple Drive .12 miles. Comm. Reece seconded. All aye votes and the motion passed.

**10. Proclamations & Recognitions:**

**a. County Attorney Randall Frost: Ralph Cleveland Distinguished Citizen Award**

Ch. Hooper stated Attorney Randall Frost was selected by the Gainesville/Hall County Chamber of Commerce to receive the Ralph Cleveland Distinguished Citizen Award.

**b. Commission Support of the Constitution of the State of Georgia and the Constitution on the United States. Tabled 3/12/2013**

Comm. Maxwell made a motion to bring the item off the table. Comm. Duckett seconded. All aye votes and the motion passed. Ch. Hooper read a letter stating the commissioners took an oath to uphold the constitution and that's what they will do. *(Copy of letter filed in Attachment to Minutes Book #9-4)*

**c. National Donate Life Month Proclamation**

Ch. Hooper stated the April 2013 is National Donate Life Month. Comm. Maxwell made a motion to approve the proclamation. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of Proclamation filed in Attachment to Minutes Book #9-4)*

**d. National Public Safety Telecommunications Week Proclamation – April 15-19**

Ch. Hooper stated that National Public Safety Telecommunication Week was April 15-19. The Commissioners recognized the 911 dispatchers. Comm. Maxwell made a motion to approve the proclamation. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of Proclamation filed in Attachment to Minutes Book #9-4)*

**11. Asset Management – KCI Technologies – Todd McDuffie**

Mr. McDuffie stated KCI provided engineering services and mentioned the Off System Safety Improvement Program in which federal funds were used to reduce fatalities on County roads. Mr. McDuffie stated the County would be the sponsor of this program and would only pay for administering the grant which would be 10% of the amount awarded for the grant. Comm. Reece made a motion to table the item. Vice Ch. Turk seconded. All aye votes and the motion passed.

**12. Boy Scouts:**

**a. District Camporee – Uchee Lodge – April 12, 2013 – Tom Nix**

Deleted

**b. Uchee Lodge Lease Agreement – FY2013**

Ch. Hooper stated this is an ongoing lease for the Boy Scouts. Comm. Reece made a motion to approve the lease. Comm. Duckett seconded. All aye votes and the motion passed.

**13. Banks County Property Line Location – Banks Crossing – BIC Carwash**

Mr. Sam Moon with the Board of Tax Assessors stated there is a dispute with Jackson County on the County Line at BIC Carwash. He stated Jackson County has given Banks County an ultimatum of accepting what they say or going to court. Mr. Moon stated there is a dispute on the line for about 2.5 miles and it has got to be settled for the taxpayers sake. Mr. Moon said the Commissioners are the only ones who have a chance to work the matter out. Vice Ch. Turk stated we needed to look out for the taxpayers. Ch. Hooper stated he would call Chairman Tom Crow of the Jackson County Commissioners and start working on a solution.

**14. Georgia Forestry Commission County Wildfire Protection Plan – Doug Andrews & Carl Melear**

Mr. Melear presented a wildfire protection plan for structural protection for Banks County. He said it was not a mandated plan but Deidra Moore, 911/EMA Director would like it incorporated in the Hazard Mitigation Plan. Ch. Hooper made a motion to adopt the plan. Comm. Reece seconded. All aye votes and the motion passed. *(Copy of plan filed in Attachment to Minutes Book #9-4)*

**15. Contracts & Agreements:**

**a. Emergency Medical Dispatch Program Agreement – APCO International, Inc. – Deidra Moore**

Comm. Reece made a motion to approve the ongoing agreement. Comm. Maxwell seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

**b. Legacy Link Local Share Commitment - \$8,450 – Randy Failyer**

Randy Failyer Finance Officer stated he needed permission to allow the Chairman to sign the renewal contract. This contract provides the seniors with extra assistance. Ch. Hooper made a motion to approve the contract. Vice Ch. Turk seconded. All aye votes and the motion passed. *(Copy of contract filed in Attachment to Minutes Book #9-4)*

**c. 2013 Georgia Mountain Regional Commission Youth Worker Worksite Agreement**

This would be for a youth worker during the summer and would be no cost to the County. Comm. Reece made a motion to approve the agreement. Comm. Maxwell seconded. All aye votes and the motion passed. *(Copy of agreement filed in Attachment to Minutes Book #9-4)*

**16. FY2013 LP Gas Bid Award**

Mr. Failyer stated sealed bids were opened for propane gas on 3/21/2013 and A Better Gas Company had the lowest bid at 1.346 per gallon since they had the local vendor preference of 3%. Vice Ch. Turk made a motion to approve the A Better Gas bid at \$1.346 per gallon. Comm. Maxwell seconded. All aye votes and the motion passed.

**17. Purchase of County Vehicles – 2012 SPLOST**

Ch. Hooper stated we have service vehicles that need to be replaced. Comm. Reece made a motion to purchase two new vehicles with 2012 SPLOST funds. Comm. Duckett seconded. All aye votes and the motion passed.

**18. Four Storage/Feed Bins at Recreation Center**

Ch. Hooper stated these bins serve no purpose. They are on good cement pads and a storage building could be built in their place. Vice Ch. Turk stated whoever took them down needed to have insurance. Comm. Reece made a motion to surplus the storage bins. Comm. Maxwell seconded. All aye votes and the motion passed.

**19. Lift Hiring Freeze: Full Time Maintenance Person**

Comm. Reece made a motion to lift the hiring freeze in order to hire a full-time maintenance person. Comm. Maxwell seconded. All aye votes and the motion passed.

**20. Adjournment**

Vice Chairman Turk made a motion to adjourn the meeting. Comm. Reece seconded. All aye votes and the meeting adjourned at 8:42 p.m.

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Chairman

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Assistant County Clerk

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