

The Banks County Board of Commissioners held their regular meeting on July 14, 2015 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

Chairman Jimmy Hooper
Vice Chairman Charles Turk
Commissioner David Duckett
Commissioner Danny Maxwell
Commissioner Sammy Reece

Staff Present

County Clerk Regina Gailey
Finance Officer Randy Failyer
Assistant County Clerk Erin Decker
County Attorney Randall Frost
Economic Developer Brad Day

Media Present

Access North Georgia – Rob Moore
Mainstreet News – Angela Gary

1. Call to Order

Ch. Hooper called the meeting to order.

2. Approval of Agenda

Ch. Hooper stated Item 8. FY2016 Proposed General Fund Budget Public Hearing needed to be removed from the agenda.

Motion to approve the agenda as amended: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the agenda was approved.

3. Moment of Reflection

Ch. Hooper stated 10 days ago should have been the most exciting and thankful days we should have as an American. He stated that he didn't observe as much patriotism in our country now. People have the mentality of my way or no way. He said we live in the greatest nation and should be thankful.

4. Pledge to the American Flag

Ch. Hooper led the Pledge to the American Flag.

5. Approval of Invoices

Motion to approve the invoices: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

6. Approval of Previous Minutes – 6/9, 6/9, 6/23

Motion to approve the previous minutes 6/9, 6/9, 6/23: Danny Maxwell

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

7. Recognitions:

a. Alicia Andrews: Planning Commission

Motion to accept letter of resignation from Ms. Andrews as a Planning Commission member:

Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and motion.

Comm. Reece presented Ms. Andrews with a plaque stating “In recognition and appreciation of Alicia Andrews for 15 years of dedicated service for serving on the Banks County Planning Commission”.

b. Keith Covington: Retirement as Code Enforcement Officer

Ch. Hooper presented a plaque to Keith Covington stating “In recognition and appreciation of John Keith Covington for 18 years of dedicated service for serving Banks County as Code Enforcement Officer”.

8. FY2016 Proposed General Fund Budget Public Hearing – Deleted Item

9. Planning Commission Recommendations:

a. CU-15-03 – Kevin Johnson – Conditional Use for a vintage auto parts sales at 20519 Hwy 441N. This property is zoned C-2, General Commercial.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing.

Attorney Frost stated this was a request for a conditional use to open a vintage auto parts sales at 20519 Hwy 441N. The property was currently zoned General Commercial.

Economic Developer Brad Day stated the Planning Commission had recommended approval.

Kevin Johnson stated he was new to the community and had recently acquired property on 441 that was bank owned and was hoping to open a retail establishment for the sale of vintage auto parts. Currently, he is mostly an e-commerce business and sells vintage auto parts throughout the world via e-bay and a website. He stated he would like to make his merchandise available to the local community.

Attorney Frost closed the public hearing and Ch. Hooper opened the meeting.

Motion to approve the conditional use: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

b. Z-15-01 Sarah Pritchard – An application to rezone 74.64 acres on Russ Rumsey Road from ARR – Rural-Residential to CAD, Comprehensive Agricultural District Intensive.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing.

Attorney Frost stated this was a rezoning application for 74.64 acres on Russ Rumsey Road. The current zoning was ARR, Agricultural Rural Residential and the proposed zoning was CAD, Comprehensive Agricultural District Intensive. Mr. Day stated the Planning Commission recommended approval.

Sarah Pritchard, 415 Parson Circle, Maysville, GA 30558. She stated she was representing Ridgeback Farms and that currently had a number of acres and are in the cattle business trying to expand into the poultry business. They currently have a 74.64 acre tract of land being used for cattle grazing and are seeking to rezone this property from ARR to CAD in order to build five broiler chicken houses. She further stated the property meets the setbacks and code.

Attorney Frost closed the public hearing and Ch. Hooper opened the meeting.

Motion to approve the application: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

c. CU-15-04 – Sarah Pritchard – A conditional use for five caretaker homes for proposed poultry houses on Russ Rumsey Rd. This property is zoned CAD, Comprehensive Agricultural District, Intensive.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing.

Attorney Frost stated this was a conditional use for five caretaker homes for proposed poultry houses on Russ Rumsey Rd. The property was previously zoned CAD. Mr. Day stated the conditional use request was made last week at the Planning Commission meeting. The staff and the Planning Commission recommended that the Commissioners pass the application based on the code of Banks County.

Sarah Pritchard, 415 Parson Circle, Maysville, GA 30558 represented Ridgeback Farms. She said now that the property had been rezoned to CAD they are seeking a conditional use to erect five caretaker homes on the property. There are currently two caretaker homes on the property and they are seeking to add five more for employees and caretakers of the farm for the cattle and poultry business. She stated there was plenty of property for the five caretaker homes. Vice Ch. Turk asked if they had contracts with any poultry companies. She stated they had a contract with Wayne Farms. He asked if the caretaker homes were for just this farm or for other farms Ridgeback Farms owned. Ms. Pritchard stated they would be employees of Ridgeback Farms and caretakers for all of the properties. Ch. Hooper asked how Ms. Pritchard envisioned the homes being set on the land. Ms. Pritchard stated ideally they would like to have the homes grouped together. She said it was better for economic and environmental purposes. Mr. James Pritchard approached the podium during the public hearing and stated the homes would be

much closer than two acres apart. Ch. Hooper, Vice Ch. Turk and Comm. Duckett stated they had a problem with this. Ch. Hooper said "I think the ordinance reads 5 acres but I think that is probably too much". He stated concerns with the density of 5 homes on 2 acres if in the future the farm ceased to be operational. He further stated that he didn't know if that's the best interest of Banks County. Mr. Pritchard asked "Do you not allow subdivisions in Banks County?" Ch. Hooper said a subdivision is a whole different issue. Mr. Pritchard stated he had a subdivision in Banks County with over 350 lots. He stated the caretaker homes would not be for commercial purposes or rental properties. He stated he had 8 employees that work fulltime on the 300 acres and is working diligently to expand to 1500 acres with surrounding properties. Mr. Pritchard said "It's a waste of land, I hope you agree, to put 800 ft. homes to 1000 ft. homes on a 5 acre plot of property - tear up the grass and prevent it from being used for grazing. And also probably not the most ecologically friendly; it's probably pretty harsh compared to having a small 2 - 3 acre plot that shares a sewer system and water. It would be much more efficient maintaining the area within a restricted area as opposed to having it spread out over 25 acres." Ch. Hooper stated he wouldn't have a problem with 2 acre lots. He then clarified these are the conditions he is most comfortable with as one member of the Commission. Mr. Pritchard then said, "I understand there are other ways I could pursue it, but this isn't a critical piece for me right now. I'm just having a real time with the logic of wasting 10 - 25 acres of good agricultural land when we're struggling right now because of the drought. The more we waste things that are non-substantive, its bad for business, it's bad for the ecology and I'm trying to figure out why it was bad economically". Vice Ch. Turk said, "The rest of us had to do it, I've had to cut up every one of my parcels into 2 acres, but that doesn't mean I don't have fences around them." Mr. Pritchard asked "That was a little bit different issue wasn't it, my question is how is it negatively impacting the County by doing this?" Vice Ch. Turk asked "Five homes on a two acre tract?" Mr. Pritchard asked "On a 2 - 3 acre tract, how does that hurt you economically? Is it economically or is it one of fairness, where you have to do it a certain way?" Ch. Hooper said "I think my concern is you're wanting subdivision limits on lots but you're wanting the caretakers' exemption for your farm. He also said "My concern is, what if down the road these are no longer caretaker homes and they are just homes? Then we have 5 homes on 2 acres." Ms. Pritchard said, "I don't understand how the conditional use can be approved under the condition that these are used as caretaker homes in the future these properties could be transferred to someone else who doesn't intend to use them as farming or caretakers - how could they not keep caretakers in these homes?" Comm. Reece said, "I am in favor of putting homes on 5 - 2 acre lots." Mr. Pritchard stated he would just withdraw the application at this time and just pursue it in a different way and then proceeded to leave the meeting. Code Enforcement Officer Keith Covington stated the commissioners needed to make it clear to Mr. Pritchard that this item could not be brought back up before the board for six months if withdrawn. Mr. Pritchard returned to the podium and stated he would like the Commissioners to deny the application. Comm. Duckett asked for clarification that Mr. Pritchard wanted to put 5 houses or mobile homes on 3 acres of land. Mr. Pritchard said yes.

Neil Watkins spoke in opposition to the application and asked how many bedrooms each home would have and further stated these homes would have a negative impact on our school system. Mr. Watkins further stated he was looking at the tax value of the houses and property.

Attorney Frost closed the public hearing and Ch. Hooper opened the meeting.

Ch. Hooper stated in order to maintain the integrity of our zoning, he heard nothing that would change his mind about the size of the lots.

Motion to deny the conditional use application: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

10. Northeast Georgia Food Bank Report John Becker

Mr. Becker stated they served Banks County and talked about some new programs that Northeast Georgia Food Bank were beginning. He stated that Banks County had provided 542,000 lbs. of food. He stated they were a regional food bank that served fourteen counties.

11. Public Utilities: Steve Reece

a. Water Line Request for Bushville Rd

Motion to untable the item: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

Mr. Reece stated that there was a water line request for Bushville Rd and the 4" line would cost \$17,305 but they were requesting a 6" line. A 6" line would cost \$40,802. The Commissioners requested Mr. Reece to get a price on a 6" line to be installed 1400 ft. and he said the length of pipe remaining would be 2" and the total price for both would be \$32,760.21. Ch. Hooper stated he would like to decrease it a little more. Mr. Reece stated the department would be supplying the 2" pipe, gate valves, blow offs and fire hydrants and that would decrease the amount that the County would have to pay Griffin Bros. to \$25,939.75 but it would not eliminate the other \$7,000 - \$8,000 that the County would have to pay because we would supply the materials. Ch. Hooper stated we would be using the inventory in stock. He also stated he thought there was a consensus that if we could keep it under \$25,000 then we would install the line. Vice Ch. Turk stated the County would gain four extra meters. Mr. Reece stated this could be approved pending the signing of the contracts.

Motion to accept the bid for \$25,939.75 with the understanding that before any work could begin the customers would have to enter into water contracts and pay down payments for four taps: Jimmy Hooper

Second: Danny Maxwell

Vote: 3:2

Jimmy Hooper: Aye

Danny Maxwell: Aye

David Duckett: Aye

Charles Turk: Nay

Sammy Reece: Nay

Majority vote and the motion passed.

Randy Failyer stated this would be paid for with the 2012 SPLOST funds.

b. Water Treatment Facility: Control System Update – 2012 SPLOST

Mr. Reece stated the control system needed to be updated. It is the original system that was installed when the water plant was built. The low bid was from JK Duren at \$6,250, who are currently our control specialist. He stated the current system had crashed and everything was obsolete.

Motion to approve JK Duren Company and funding from 2012 SPLOST: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

c. Water Purchase Agreement

Motion to authorize Mr. Reece to open up communication with the City of Toccoa about a water connection: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

Amendment

Motion to amend the agenda to add an amendment to Zoning Ordinance concerning towers as permitted uses: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

This item will be added as Item 14.

12. Bennett Road Improvement Bid & Contract Award

Assistant County Clerk Erin Decker stated only one bid was received on Bennett Road from Stratton & Sons Construction/Peachstate General Contractors in the amount of \$475,750. After verifying quantities, the bid amount was reduced to \$425,751 which was a reduction of \$50,000.

Motion to approve the bid and contract from Stratton & Sons Construction/Peachstate General Contractors in the amount of \$425,751 pending the County Attorneys approval: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

13. Budgets: Randy Failyer

a. FY2015 Budget Amendment Resolution

Randy Failyer stated this was "A resolution of the Board of Commissioners of Banks County, Georgia, amending the budget for the fiscal year beginning July 1, 2014 and ending June 30, 2015. Mr. Failyer stated there were \$727,000 being reallocated to the Capital Fund plus an additional \$73,000 for additional sheriff vehicles for a total of \$800,000.

Motion to approve the budget resolution and to transfer \$800,000 to the capital fund: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in attachment to Minutes Book #9-7)

b. FY2016 Budget Approval Resolution

Mr. Failyer stated the FY2015 Budget Approval Resolution stated "A resolution of the Board of Commissioners of Banks County, Georgia, adopting a Budget for the Fiscal Year Beginning July 1, 2015, and ending June 30, 2016, covering the various amounts shown in each budget as expenditures, adopting the several items of revenue anticipation, prohibiting expenditures to exceed actual available funding; and for other purposes."

Motion to approve the resolution: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in attachment to Minutes Book #9-7)

14. Planning Commission Recommendations: Amendment to Agenda

d. An Ordinance to Amend Appendix A of the Code of Banks County, Georgia, Pertaining to Zoning Regulations for Banks County, so as to delete paragraph 2 as a conditional use of Section 503 of Title V "CAD, Consolidated, Agricultural District – Intensive" in its entirety and to reserve said paragraph 2 for future use; to amend Appendix A of the Code of Banks County, Georgia, Pertaining to Zoning Regulations for Banks County so as to include paragraph 18 antenna and towers as a permitted use under Section 502 of Title V "CAD, Consolidated, Agricultural District-Intensive";

To amend Appendix A of the Code of Banks County, Georgia, pertaining to Zoning Regulations for Banks County, so as to Delete Paragraph 2 as a Conditional Use of Section 603 of Title VI" ARR, Agricultural-Rural Residential District: in its entirety and to reserve the said paragraph 2 for future use; to amend Appendix A of the Code of Banks County, Georgia, Pertaining to zoning regulations for Banks County so as to include Paragraph 19 pertaining to television, land mobile, communication, broadband, microwave, and radio transmission antennae and towers as a permitted use of Section 602 of Title VI" ARR, Agricultural-Rural Residential District" to provide for an effective date for said resolution; to repeal conflicting ordinances and resolutions, and for other purposes.

Ch. Hooper closed the meeting and Attorney Frost opened the public hearing.

Attorney Frost stated the resolution was to amend Section 503 & 603 of the Zoning Ordinance Cell Towers to allow towers to be a permitted use instead of a conditional use.

The Planning Commission recommended approval.

John Smith, Gunby Communications, 39 Collier Road, Toccoa, GA stated he wanted to expand his wireless internet services into Banks County and to do so he needed a revision of the current tower ordinance. He stated his facilities had a distinct difference compared to cell towers. He stated the proposed changes would greatly assist him on the expansion.

Attorney Frost closed the public hearing and Ch. Hooper opened the meeting.

Motion to approve the ordinance: Charles Turk
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.
(Copy of Ordinance filed in attachment to Minutes Book #9-7)

15. Executive Session: Personnel

Motion to enter into executive session concerning personnel: Danny Maxwell
Second: David Duckett
Vote: 5:0
All aye votes and the executive session began at 7:20 p.m.

Motion to close the executive session: Charles Turk
Second: Sammy Reece
Vote: 5:0
All aye votes and the executive session ended at 7:24 p.m.
(Copy of Executive Session Affidavit filed in attachment to Minutes Book #9-7)

16. Planning Commission Member Replacement: Alicia Andrews

Motion to appoint Jay O’Kelley to complete the term of Alicia Andrews which will expire 10/31/2018:
Charles Turk
Second: David Duckett
Vote: 5:0
All aye votes and the motion passed.

17. Adjournment

Ch. Hooper adjourned the meeting at 7:28 p.m.

Chairman

Assistant County Clerk
