

The Banks County Board of Commissioners held their regular meeting on November 24, 2020 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

Chairman Charles Turk
Vice Chairman Danny Maxwell
Commissioner David Duckett
Commissioner Sammy Reece
Commissioner Keith Gardiner

Staff Present

County Clerk Jenni Gailey
Assistant County Clerk Erin Decker
County Attorney Randall Frost
Code Enforcement Officer Paul Ruark
Human Resources Officer Arlene Ivey

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

Motion to approve the agenda: Sammy Reece
Second: David Duckett
Vote: 5:0
All aye votes and the motion passed.

3. Pledge of Allegiance

Vice Ch. Danny Maxwell led the Pledge of Allegiance.

4. Public Hearings:

a. Planning Commission: Z-20-09 – NG Banks County 206, LLC – Application to rezone 212.08 acres on Map/Parcel B76/022 located on Neal Rd and Hwy 63 from ARR Agricultural, Rural, Residential to M1 Industrial for a proposed Industrial Park.

Ch. Turk closed the meeting and discussed guidelines of the public hearing.

County Attorney Randall Frost opened the public hearing and stated Z-20-09 – NG Banks County 206, LLC was an application to rezone 212.08 acres on Map/Parcel B76/022 located on Neal Rd and Hwy 63 from ARR Agricultural, Rural Residential to M1 Industrial for a proposed Industrial Park.

Code Enforcement Officer Paul Ruark stated that the Planning Commission recommended denial of the application.

In Favor of Application

Jeff Grant – Applicant – 2050 Hicks Bluff, Greensboro, GA – Stated when he purchased the property in 2017 it was zoned ARR but in 2018 the County approved the Economic Development Blueprint that stated this area would be designated as Industrial. He stated the other property he owned was designated Emerging Suburban and Industrial but it also bordered property that was already zoned M-1. He also stated that some neighboring property owners had contacted

him about some concerns about the rezoning. Mr. Grant asked the Commissioners if they would table the application until he was able to complete some environmental and impact studies. He stated more education was needed on both sides. He further stated he would like to ask to table both rezoning applications. Mr. Grant stated that change could be good.

Vice Ch. Maxwell asked Atty. Frost when the application would come up again if tabled. Att. Frost stated it could be tabled to a date certain.

Mr. Grant stated he would like to meet with the neighbors and see what they wanted to see in that area. He stated he was looking for some direction.

Vice Ch. Maxwell stated in his opinion he didn't see a reason to table the application and spend money on studies and test for something that probably wouldn't be approved tonight.

Ch. Turk stated the public hearing should proceed and hear what the other side says.

Mr. Grant presented the Commissioners with a constitutional challenge; in case the application was turned down. He further stated the 2018 Comprehensive Land Use Plan was what he was basing his decisions on.

Comm. Gardiner stated he would rather Mr. Grant work it out with the property owners.

Opposition to the Application

Jeff Jones – 870 Hwy. 63 – Stated the 212 acres that were up for rezoning wrapped around his property. He also stated he had just built a house on this property and moved in a month ago. He further stated that he feels the M-1 zoning should not be approved because he felt with a blank authorization anything could be allowed in M-1. The applicant had not presented any plans for anything that might locate on the property.

Allison Cochran – 3122 Hwy 63 – Stated she was in opposition of the rezoning on Neal Road and Bennett Road. She further stated that at the Planning Commission meeting that Mr. Wight stated his group had spent a good deal of time trying to understand the vision of Banks County. She further stated she disagreed with that, a simple search on the worldwide web would have been a good place to start where the 2018 Comprehensive Plan emphasized very strongly a rural/agricultural way of life and a small-town family atmosphere. Ms. Cochran quoted from the Comprehensive Plan stating "the County would be a great hometown first and pursue other objectives second". She further stated the vision of the developer and her neighbors were two different views. She said neighbors see the beauty of their home and the developers see an opportunity to exploit their home.

Ms. Cochran also stated at the Planning Commission Mr. Ledford stated that it was his duty to development that area and she was asking why that was. The Economic Development Blueprint does not represent that. Only a very small portion of the property actually was designated commercial/industrial. She stated the questions as citizens of Banks County was where does this stop and who can they trust. She stated the applicant does not meet the zoning criteria and at what period of time would it be tabled for.

Larissa Campbell – 2868 Hwy 51N – She stated she had lived there for 25 years and she was also opposed to the rezoning. Some of her reasons for opposition was the traffic, infrastructure and compatibility. She further stated she worked for a developer and you don't come to request something without a plan. She feels its just smoke and mirrors. If Mr. Grant was genuine then why didn't he talk to the property owners before he came before the Commissioners tonight. She stated this development would cause the budget to increase with increased abatements that would be given to these companies and disrupt their way of life.

John Pendergrass – Piedmont, SC – Stated he was a property owner on Wilson Bridge Road. He stated the developer continues to not be able to address the citizens concerns. The rezoning application identifies 11 criteria that needed to be met. He further stated the developer had not yet provided any studies or information to address any of the criteria. He concluded by stating based on the vagueness and incompleteness he strongly urged the Board to go along with the Planning Commission finding and deny both rezoning requests.

Jody Parks – 2051 Hwy. 63 – She stated she was here today because she wanted to maintain a safe country lifestyle that they enjoy now and don't want to be overgrown like Gwinnett County. She stated overgrown counties have seen such growth and development that have caused irretrievable devastating consequences such as run-down homes to boarded up business and empty warehouses, high crime and litter lining the streets. She stated the homeowners of the County would carry the burden of higher taxes and many negative impacts that come along with growth.

Atty. Frost closed the public hearing and Ch. Turk opened the meeting.

Ch. Turk said the Commission had three options. Table it, turn it down or approve it. What was the pleasure of the board?

Motion to deny the rezoning application: Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3)

b. Planning Commission: Z-20-10 – NG Banks County 704, LLC – Application to rezone 688.6 acres on Map/Parcel B63/007 located at Bennett Rd from ARR Agricultural, Rural, Residential to M1 Industrial for a proposed Industrial Park.

Ch. Turk closed the meeting and Atty. Frost opened the public hearing. Atty. Frost stated Z-20-10 – NG Banks County 704, LLC was an application for a rezoning on 688.6 acres on Map/Parcel B63/007 located at Bennett Road from ARR to M1 Industrial for a proposed Industrial Park.

Code Enforcement Officer Paul Ruark stated that the Planning Commission recommended denial of the application.

In Favor of the Application

Jeff Grant the applicant stated that he didn't need to speak.

In Opposition of the Application

Kenneth Bennett – 1112 Bennett Road – Stated he had lived on Bennett Road all of his life and had the common boundary with the property in question. He stated he didn't want development and felt that if it was changed to M-1 it would give the developer a blank check to do what ever he wanted. Mr. Bennett further stated if past performance reflected future behavior then the County better watch out. Mr. Bennet concluded by respectfully asking the Commissioners to deny the application.

Kevin Hall – 1344 Bennett Road – Stated his property was surrounded by the property that was being proposed for rezoning. He was concerned about the environment behind his house and for the safety of his family. He further stated rezoning the property could be a slippery slope and please vote no.

John Pendergrass – Piedmont, SC – He stated the plans showed 9 warehouses which would bring the need for more housing in Banks County. He further stated until more facts were presented, he would ask for the Commissioners to vote no.

Ms. Lindorme – 980 Bennett Road – She stated her family had owned property in the County since 1960's and she valued the land and was against the rezoning request. She further stated the opposition of the community to the rezoning was very clear. She suggested the Commissioners find a different revenue stream other than industries locating in Banks County.

Atty. Frost closed the public hearing and Ch. Turk opened the meeting.

Motion to deny the application: Danny Maxwell

Second: Charles Turk

Vote; 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3)

c. Planning Commission: Z-20-11 – RAI 59 Holdings, LLC – Application to rezone 13.4 acres on Map/Parcel B78/040 located at 2928 Hwy 59 from ARR Agricultural, Rural, Residential to M1 Industrial to add to adjacent M1 property also owned by the applicant.

Ch. Turk closed the meeting and Atty. Frost opened the public hearing. Atty. Frost stated Z-20-11 – RAI 59 Holdings, LLC was an application to rezone 13.4 acres on Map/Parcel B78/040 located at 2928 Hwy 59 from ARR Agricultural, Rural, Residential to M1 Industrial to add to adjacent M1 property which was also owned by the applicant.

Code Enforcement Officer Paul Ruark stated the Planning Commission recommended approval of the application.

In Favor of the Application

Harris Lowery – RAI Representative – The parcel in question will fall in with the rest of the property they own that was already zoned. This would allow them to plan for the future.

Atty. Frost closed the public hearing and Ch. Turk opened the meeting.

Motion to approve the application: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3)

5. Public Transportation: FY2022 GDOT Contract

Tracie Hammond

Senior Center/Transit Director stated this was an application and resolution to reapply for the 5311 Rural Transportation Grant.

Motion to authorize the Ch. to sign the grant and approve the resolution: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3)2020-17

6. GEFA Clean Water State Revolving Fund Loan Agreement Modification/Resolution Randall Frost

Atty. Frost stated this agreement/resolution was extending the time for drawdown and payback of the funds.

Motion to authorize the Ch. to sign the debt and loan modification agreement and approve the resolution: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3) 2020-18

7. On-Call Engineering – KCI Technologies, Inc.

Erin Decker

Assistant County Clerk Erin Decker stated this was additional funds for the On-Call Engineering contract in the amount of \$9,000 for KCI Technologies. This would allow for approximately 100 hours of construction supervision and/or project management.

Ch. Turk stated there have been lots of hours used on Yonah Homer bridge and a pipe on Garland White. These hours would only be charged if needed.

Motion to approve the additional funding: David Duckett

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

Ch. Turk stated that before the meeting was adjourned, he would like to thank Nails Creek Baptist Church and Cliff Hill for the work they had put into the upcoming youth hunt.

8. Adjournment

Motion to adjourn the meeting: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

Chairman

Assistant County Clerk
