

The Banks County Board of Commissioners held their regular meeting on April 27, 2021 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 Bo Garrison
Commissioner Sammy Reece
Commissioner Keith Gardiner

Staff Present

County Clerk Jenni Gailey
Assistant County Clerk Erin Decker
County Attorney Randall Frost
HR/Personnel Director Arlene Ivey
EMA/E911 Director Deidra Moore
Fire Chief Steve Nichols

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

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

3. Pledge of Allegiance

Vice Chairman Maxwell led the Pledge of Allegiance.

4. Public Comment

a. Jody Parks – Land Use, Lot Size

Ms. Parks stated that she had been hearing a lot of frustration and discontent in the community lately concerning all the massive build-up predominantly in Commerce. This prompted her to start talking to her community and call for this meeting so that the community could have some questions answered. She presented petitions from her neighbors that wanted to keep the area rural. She stated one thing that they had been concerned about was the land use and the lack of transparency they felt concerning the local government. They felt they were being excluded from any of the proposals that would impact their property and perhaps their way of life. As an example, the dirt track off Columbus Road on Hwy. 63. She stated it was brought to her attention that the notice that was placed there had fallen over, this road had little to no traffic, so no one saw the signs. Ms. Parks stated she wanted to propose that within a two-mile radius, the property owners be notified of the potential land use change via the mail. Included in the notification would be the property location, correct dates and times of the hearing and the posting notice should encompass not only the road that it was proposed on but also any side roads or adjoining roads within a two-mile radius. This would give the citizens the ability to know what was coming to their community. Ch. Turk asked what dirt track? Ms. Parks stated the one off Hwy. 63 and Comm. Reece stated that dirt track never came before the commissioners. Ch. Turk stated that was approved as a repair shop and no one knew about the dirt track. Ch. Turk stated Code Enforcement

Officer Ruark and himself went out there when they found out they were racing almost every day and now they should be shut down. Ms. Parks stated they were still racing. Ch. Turk stated the commissioners don't know until someone tells them.

Ms. Parks stated that another concern the community had was a subdivision across the road from her on Hwy. 63 close to Cedar Ridge Road. She stated that she went to 59 houses and one recused themselves but 58 houses were unanimous that this was a subdivision and they were very upset over those houses coming in and felt like they were not two acres. She stated that this property was not rezoned to residential and was still agriculture. She stated that was concerning to her, when large acre tracts could be divided into two acre lots. Her proposal was for large agriculture farm land, anything over 30 acres could not be subdivided into less than 5-acre tracts. Ms. Parks stated that Madison County required this. She stated another thing she would like to see was 10-acre tracts if it was involving rivers streams or creeks and at least 30% of mature trees left on the property in order to protect our green space and for every 100 acres of land, 10 acres should be used for greenspace. Ch. Turk asked about farm land and Ms. Parks stated that was different. She stated she was talking about agricultural land that was being turned into subdivisions.

Ms. Parks stated she was concerned about the dilapidated buildings at Banks Crossing and the empty warehouses and wondered why something couldn't be put there. She stated we didn't need to be the status quo of how Georgia had grown since the 80's.

Ms. Parks stated she had heard about a meeting in June held by a gentleman in Canada and she felt like this meeting needed to be more transparent. She suggested that since the Commissioners were going to be meeting with him why couldn't the community. She said it felt like things were being done behind the scenes and boom it was done.

Ms. Parks presented a series of questions:

- Where would the wildlife reside?
- Where would the farmer friendly area be for chicken houses?
- Why did some people believe that we had to extend Atlanta to these three remaining counties in Georgia?
- Which county does Banks County wish to emulate?
- Why can't Banks County dare to be different?

Don't let Banks County become Gwinnett County. Let the community have a voice.

Ms. Parks stated some of the additional concerns from members of the community that signed the petition were:

- They did not want subdivisions
- There was a lack of transparency regarding the growth of the county.
- They were not properly notified of things that were happening in the community or their own back yard.
- The need to convert the local volunteer fire department into a 24/7 station.
- Leave agriculture where it was already agriculture
- Not pay school taxes past the age of 65.
- Enforce the ordinances.
- Make more user-friendly ways of getting out information.

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

b. Kenneth S. Bennett – Economic Development Plan/Future of Banks County

Kenneth Bennett stated he lived at 1112 Bennett Road, Homer and stated he came before the board representing himself and not any organization, club or group and these are his views and his views only. He believed though that they were shared by many people in the County and that was evident by the response he got when he went out and talked to people.

Mr. Bennett referenced a gentleman that came to a prior meeting asking to have school taxes abolished for people over 70. The gentleman stated that Banks County was behind and some surrounding counties didn't charge residents over 70 school taxes. Mr. Bennett stated that Ch. Turk stated at that time that Banks County's taxes were lower than several surrounding counties and Mr. Bennett stated that he was glad they were.

Mr. Bennett stated it seemed that more developed counties paid higher taxes.

Mr. Bennett stated there was no reason for anyone in Banks County to not have a job because everywhere was hiring. Mr. Bennett stated that he didn't buy the argument that we needed jobs.

Mr. Bennett stated that crime was on the rise and quoted the Sheriff by stating that if growth continues like it was, crime would be a "beast". Mr. Bennett stated that our crime rate was lower than surrounding counties and he was glad for that.

Mr. Bennett stated that in the radio interview that Mr. Brooks did, he promoted Banks Crossing as one of the biggest areas for hotels and other amenities of I-85. Mr. Bennett further stated that it only took 55 years for Banks Crossing to get that way. He asked what was it going to be in the next 55 years.

He stated the Economic Development Plan called for more multi-family dwellings and more business development in that area. He asked the commissioners if they thought it could stand anymore and that there were already blighted areas in that part of the County. He stated 55 years of development is but a moment.

Mr. Bennett stated that the vision statement for the Economic Development Plan stated that people that were surveyed stated they did not want development to run over us. He stated that was in the plan and the feeling of just about everyone in the County. It also listed some values to be emphasized and they were country life, rural characteristic and agriculture, family atmosphere and rural lifestyles, and as far as he was concerned, that was as far as we should go. People in the County don't want to be Gwinnett, Hall, Jackson or Habersham counties. He asked why can't we be the shining light that everyone wanted to move to. Mr. Bennett stated that part of Mr. Brooks interview mentioned a "High-Tech Corridor" and what was a High-Tech Corridor. Was a warehouse job a "high-tech job"? No, it was just a selling point to sound good to people. Mr. Bennett also stated that he was encouraged last year on a no vote for hundreds of acres of land that was up for zoning and he appreciated that vote but has been recently discouraged with things that he had seen.

Mr. Bennett asked a series of questions concerning the proposed sewer line in the Hwy. 326/Hwy. 59/Hwy. 63 area. Mr. Bennett also asked about a survey line that was run along his property and asked Horace Gee Public Utilities Director to go with him to the site to look at the survey lines.

Mr. Bennet asked if you had to live in the County to be a member of the Economic Development Board? Ch. Turk stated as far as he knew everyone lived in the County.

Mr. Bennett asked who had the power to issue tax abatements in the County? Ch. Turk stated technically the Tax Assessors board.

Mr. Bennett asked was it a requirement that anyone appointed to boards not have any business dealings with or contracts for work with the County? Ch. Turk stated they could not vote on their own contracts. Mr. Bennett stated so people on a board could possibly have business dealings with the County. Ch. Turk replied yes.

Mr. Bennett asked if there was anyone on a board who would stand to benefit financially by any development promoted by the Planning/Development Board? Vice Ch. Maxwell stated there was someone on the Development Authority that had a business in the County. Mr. Bennett stated that seemed like a conflict of interest to him. Vice Ch. Maxwell stated that projects are put out to bid and anyone can bid on the project. If you live in the County you can bid on the project and if you have the lowest bid, you can win the bid.

Mr. Bennett asked who appointed the board members? Ch. Turk stated the Commissioners.

Mr. Bennett asked what was the definition of a high-tech development? Ch. Turk stated something that would come in and have good paying jobs.

Mr. Bennett asked why the trend toward courting foreign companies to come to Banks County and asked what was the purpose? Ch. Turk stated that if American companies wanted to talk about coming to Banks County they would certainly welcome that. Mr. Bennett stated why are we promoting it, he would understand if the companies were coming to us.

Mr. Bennett stated he had 4 proposals.

1. Extend the moratorium for multifamily dwellings past the September deadline for at least another year.
2. Complete a review and overhaul of the Economic Development Plan to bring it more in line of the wishes, needs and desires of the citizens of the County.
3. Remove any one who had a financial interest in any decision or proposal given to the Board of Commissioners from any board appointed by the Commissioners.
4. Since the pro-development element of the county had the Development Authority Board, either do away with that board or appoint another board for the promotion of maintaining the rural way of life in Banks County and give it equal weight with the economic development board.

Mr. Bennett concluded by saying just because you had the right to do something didn't make it right.

c. Barbara. Lindorme – County development and community discussions

Barbara Lindorme stated she lived at 980 Bennett Road and wanted to heed Ms. Parks and Mr. Bennett’s words. Ms. Lindorme stated she was concerned about the survey that was conducted her property and the possible sewer line that would be coming thru because she had not been notified of any happenings on her property. She stated that people realized development was here but it was about realizing what was the right development for the County. Ms. Lindorme stated what was the right way for the community to engage with the leadership of the community to develop and design something that worked and prospered the individual families. Ms. Lindorme further stated how can the communication flow to the Commissioners where it is pro-active and how can the community members get representation. She stated it was hard to reach people with the newspaper and could the County budget have a portion dedicated to advertising projects and happenings in the County. She stated that it was great that the County was updating the website. Ms. Lindorme stated, we the people carry the responsibility to get ourselves informed and have a responsibility to become involved. Ms. Lindorme stated there was such valuable assets in Banks County. Ms. Lindorme concluded by saying we could have a county that was pristine but also that made money and prospered.

Commissioners stated they would look at pursuing another board as Mr. Bennett and Ms. Lindorme stated.

Comm. Garrison stated that he personally would like any county board or authority to livestream their meetings.

5. HR/Personnel

a. Employee Self-Service Annual Hosting

Arlene Ivey, HR/Personnel Director stated that during the budget hearing she had talked about adding some additional software to Human Resources to make the department more efficient for the employees and the department. The Employee Self-Service Module was an application where the employees could view and change their personal information concerning payroll and benefits. She stated the total cost was \$3,195 which included recurring charges of \$2595 annually plus a \$395 maintenance and support. The recurring yearly charges would be \$2,990. Ms. Ivey stated that was something many counties were using now and it had proven to be an effective tool for the employees. Ms. Ivey stated she was asking for approval of the software and authorization for Ch. Turk to sign the agreement and have this effective July 1, 2021.

Motion to approve the software and authorize the Chairman to sign the agreement with an effective date of July 1, 2021: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

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

b. TimeClock Module Package

Ms. Ivey stated she was asking for approval for a new time management system through the current payroll software. She further stated the current time management system didn’t integrate with the payroll system and therefore had to be manually entered into the payroll system. The new system would integrate with the software and eliminate any human errors, lots of key punching and proofing. For the complete installation of the software, the total cost was \$16,972.50 which included the annual hosting. Recurring charges would be the annual

hosting of \$6,685 and \$814 annual maintenance and support for a total of \$7,499 annually. Ms. Ivey stated that was an approximate increase of \$1,259 compared to what was currently paying our provider for the annual hosting. Ch. Turk stated this would take the place of what we currently had and would be a lot more efficient for \$1,259 more.

Motion to approve the software and authorize the Chairman to sign the agreement with an effective date of July 1, 2021: Keith Gardiner

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

c. Employee Unpaid Medical Leave

Ms. Ivey stated there was one employee that had been granted unpaid medical leave until June 1, 2021, however the employee notified her this weekend that the doctor had currently moved the date to June 11, 2021 when the doctor would re-evaluate the healing process and if they could return back to work on that date. She stated she was now asking to extend the unpaid leave period to June 11, 2021 and there was a probability that it would have to be extended again. She stated this was all unpaid leave and the employee was responsible for paying their own medical insurance during the time of the unpaid leave.

Motion to approve the unpaid leave until June 11, 2021: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

Ms. Ivey also stated she needed approval for unpaid leave for a part-time employee that had an accident on April 23, 2021 and the doctor currently had the employee out until May 10, 2021 and at that time the employee would be reevaluated for a definite date returning to full duty.

Motion to approve the unpaid leave for a part-time employee until May 10, 2021: Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

d. Health Insurance

Ms. Ivey stated that United Healthcare had proposed an increase of 9% and she asked them to go back and see if they could do a 6% increase and they came back with a 7.25% increase but then agreed to reduce to 3.96% if CVS Pharmacy was removed from our network and change the ER Co-pay from \$350 to \$450. Ms. Ivey stated these were very doable changes and was asking for the board to approve the changes and authorize the chairman to sign the new contract when provided. Ms. Ivey stated she didn't think these changes would affect many people. Comm. Gardiner asked if the \$450 ER Co-Pay would be waived if the patient was admitted. Ms. Ivey stated yes it would be waived and go toward the deductible.

Motion to approve the increase and changes to the employee health insurance plan through United Healthcare and authorize the chairman to sign the contract: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

6. Board of Elections Nomination List

Ch. Turk stated there were four names to consider for approval. If the Commissioners approved the names, they would be submitted to the Chief Judge of Superior Court to pick the names to fill the two vacancies. He stated there were two vacancies to fill, Carol Ayers and Linda Lewallen. The four names submitted from the Board of Elections for replacement were Ann Moon, Wanda Eubanks, Judy Harper and Sharon Pruitt.

Motion to approve the list of names to be submitted to the Chief Judge of Superior Court: Danny Maxwell

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

7. E911 Maintenance FY22 – Bid Award/Contract

Deidra Moore EMA/E911 Director stated this was a contract to include maintenance on all E911 systems. She also stated that this was put out to bid but only received one bid back from Gunby Communications which came in at \$150,984. She further stated her final recommendation was Gunby Communications and also needed direction on requiring a performance bond. She stated that since they had done business with the County for 20 years, she was requesting that the performance bond requirement be waived.

Motion to approve the bid/maintenance contract with Gunby Communications in the amount of \$150,984 and waive the performance bond requirement: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

8. Public Utilities:

a. Sewer Bid/Contract Award

Horace Gee Public Utilities Director stated he was coming before the Commissioners to ask them to award a project that had been in the works for a long time. He stated the project had been put out for bid. The bids were requested on March 22, 2021 where it was published in the Banks County News, on the county website and on the Georgia Procurement Registry website. That made the project open to any contractor in the Southeast. A mandatory meeting was held on April 7th, 2021 where 13 contractors attended the meeting and on April 23rd, 2021 where 7 contractors submitted bids that were opened. Mr. Gee stated the project came in at a lower price than anticipated. The low bid was \$4,240,022.56 from Griffin Brothers. Mr. Gee stated initially Legacy Construction appeared to be the low bid at \$4,388,985.75. However, after conferring with them and their submitted bid package they miscalculated their line item to complete the bore underneath Interstate 85. They weren't the only ones to do this Griffin Brothers also miscalculated the same line item. After revising the mistakes Legacy's proposal increased to \$4,487,145.75 and Griffin Brothers actually came down to \$4,240,022.56. He also stated the project would be funded by a GEFA loan and a \$1.5M EDA Grant.

Mr. Gee stated that he would like to propose that the bid be awarded to Griffin Brothers in the amount of \$4,240,022.56. He stated after the contract was signed, they had 240 days was allowed for completion of the contract after the Notice to Proceed was issued

Comm. Garrison asked if the project included the landfill sewer line also. Mr. Gee stated this was only getting sewer underneath Interstate 85 into the Sanford Orkin property on the western side of I-85. He stated it would dead end into the Orkin property that was accessed from Hwy. 63.

Comm. Garrison stated that on the original bid several companies had errors. Mr. Gee stated yes, three companies had errors and mainly all but one, had the error on Line Item 17. The mistakes were both made by Legacy and Griffin Brothers. The consultants with Carter & Sloope reviewed the documents from each company that submitted a bid and convened a conference call with the three companies that had an error in their bid and verified the changes with all three and that when the bids changed it made the apparent low bidder Griffin Brothers. Comm. Garrison asked how was the process handled on letting the bid be adjusted? Mr. Gee stated that when the bids were opened here in the Board Room in public form on Friday that was open to the available bidders, the packages were then sealed back up and taken to Canton to Carter & Sloope. They were not in the hands of the County until he received the bid tabulation sheet at 12:30 p.m. today. Mr. Gee further stated that when Carter & Sloope discovered the three errors, they contacted the bidding contractors, making sure they were in agreement with the changes/corrections.

Mr. Gee stated the contractor had 240 days to complete the project but there was an incentive if they completed the project earlier

Comm. Garrison stated he wanted to clarify for the citizens that the bid changes were done by Carter & Sloope. Mr. Gee stated yes, they were made by Carter & Sloope and they were the ones that contacted the three companies that had mistakes on their bid that needed to be changed.

Motion to approve the bid and contract for Griffin Brothers in the amount of \$4,240,022.56:

Keith Gardiner

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

9. Fire/EMS Trauma Grant

Fire Chief Steve Nichols stated this was a grant that was issued each year from funds that are collected by super speeder fines. He stated this year they were awarded \$5,515.51. Chief Nichols stated he was asking permission to receive the grant and would use the funds to stock the ambulances.

Motion to approve the grant: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

10. Roads and Bridges:

a. KCI Technologies – On-Call Engineering Services

\$15,500

Ch. Turk stated this was for projects like overseeing the Tanger Culvert and any further road work. This would be on the hourly basis when we request them. These funds could be used or not be used, just depended on the need. Vice Ch. Maxwell stated that should come from the 2017 SPLOST.

Motion to approve the additional on-call engineering services to be paid for from the 2017 SPLOST funds: Bo Garrison
Second: Danny Maxwell
Vote: 5:0
All aye votes and the motion passed.

b. KCI Technologies – Road and Bridges Projects **\$14,500**
Ch. Turk stated the county was about to begin paving four roads. Trout Lane, Hebron Road, Borders Road and Hawkins Road. He said this was for construction supervision for this project and the funds would be paid for from the 2018 Road and Bridge SPLOST.
Motion to approve the additional road and bridge project engineering services to be paid for from the 2018 Road and Bridge SPLOST funds: Danny Maxwell
Second: Keith Gardiner
Vote: 5:0
All aye votes and the motion passed.

11. Executive Session: Personnel

Motion to enter into executive session concerning personnel: Bo Garrison
Second: Danny Maxwell
Vote: 5:0
All aye votes and the executive session began at 8:57 p.m.

Motion to close the executive session: Danny Maxwell
Second: Sammy Reece
Vote: 5:0
All aye votes and the executive session ended at 9:13 p.m.
(Copy of Affidavit filed in Attachment to Minute Book 10-3)

12. Adjournment

Motion to adjourn the meeting: Danny Maxwell
Second: Sammy Reece
Vote: 5:0
All aye votes and the meeting ended at 9:15 p.m.

Chairman

Assistant County Clerk
