

The Banks County Board of Commissioners held their regular meeting on August 10, 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  
Finance Officer Randy Failyer  
Code Enforcement Officer Paul Ruark  
Fire Chief Steve Nichols  
County Attorney Randall Frost  
Shawn Wilson Chief Deputy

**Media**

Angie Gary, Mainstreet News

**1. Call to Order**

Ch. Turk called the meeting to order.

**2. Approval of Agenda**

Ch. Turk stated Executive Session – Litigation needed to be added to the agenda as Item 15. And move Adjournment to Item 16.

Motion to approve the agenda as amended: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

**3. Chairman's Report**

Ch. Turk reported on the following:

- Stated there were 348 Fire/EMS calls – 3,183 Sheriff Office calls – 616 Other Agency calls – 4,147 total calls.
- Stated there were 305 reported COVID cases in Banks County
- Stated that paving should begin on Steven Tanger Blvd.- Friday or Monday

**4. Pledge to the American Flag**

Banks County Boy Scout Troop 106 led the Pledge to the American Flag.

**5. Approval of Previous Minutes – 7/13, 7/27**

Motion to approve the minutes: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

## 6. Recognitions:

### a. E911 Dispatcher Award

Deidra Moore

Deidra Moore, E911/EMA Director stated that GEMA had recognized Ms. Barbara Langston for the Hometown Award in June for outstanding service.

### b. E911 Dispatcher Award

Deidra Moore, E911/EMA Director stated that the Sons of the American Revolution presented Joey Newkirk with the Bronze Good Citizenship Award for outstanding service including the ability to answer difficult emergency calls.

## 7. Public Hearings:

### a. Planning Commission: CU-21-05 – Hua Yang, Elegant Massage – An application for the conditional use of the property identified as 309 Steven B. Tanger Blvd. to be used for a massage therapy practice.

Ch. Turk closed the meeting and County Attorney Randall Frost opened the public hearing. Atty. Frost stated this was an application for a conditional use of the property identified as 309 Steven B. Tanger Blvd. to be used for a massage therapy practice. Code Enforcement Officer Paul Ruark stated the Planning Commission recommended approval at their meeting.

#### ***In Favor of Application***

Ms. Hua Yang – 2536 Sori Drive, Buford, GA 30519

Mr. Yang – 2536 Sori Drive, Buford, GA 30519

Mr. Yung Chow – State licensed interpreter to assist the Yangs with their license.

Ms. Yang stated that she would like for the government to approve her application to open a massage parlor.

Ch. Turk stated the application said the owner was Skyline Seven Real Estate, he then asked who was the owner of the property? Mr. Yang stated Skyline Seven owned the property.

Ch. Turk stated the tax records indicate that Vitruvius Property, LLC was the property owner. Mr. Yang stated they signed with the agent for the property.

Ch. Turk asked Ms. Yang if she had a criminal background. She stated no.

Ch. Turk asked Mr. Yang if he had a criminal background. He stated no.

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

Ch. Turk stated this was a conditional use and the definition was *a use that would be appropriate only with specified restrictions throughout a zoning district and this is not automatically permitted by right within a zoning district, but that may be permitted within a zoning district subject to meeting specific conditions contained in these regulations or otherwise required by the governing body. Such use shall be permitted only if approved in advance by the governing body in accordance with the regulations established herein as evidenced by the issuance of a conditional use permit.*

Motion to overturn the Planning Commission decision and deny the application: Charles Turk  
Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book 10-4)*

**b. Planning Commission Z-21-05 – Stewart Smith – An application to rezone the property identified as parcel B53F 002, a 9-acre lot at Hwy 441 and Webbs Creek Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a veterinary clinic.**

Ch. Turk closed the meeting and County Attorney Randall Frost opened the public hearing.

Atty. Frost stated this was an application to rezone the property identified as parcel B53F 002, a 9-acre lot at Hwy 441 and Webbs Creek Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a veterinary clinic. Code Enforcement Officer Paul Ruark stated the Planning Commission recommended approval at their meeting.

***In Favor of Application***

Stewart Smith – 331 Pride Drive, Commerce, GA

Jason Phillips – 172 Phillips Road, Commerce, GA – Stated they were wanting to build a new veterinary practice at this location where they would have indoor boarding and small animal vet services.

Ch. Turk asked if all the boarding would be inside and if it would be small animal only? Mr. Phillips said all boarding would be inside and the clinic would be for small animals.

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

Motion to approve the Planning Commission recommendation to rezone the property: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book 10-4)*

**c. Planning Commission: Z-21-06 – Robert Evans – An application to rezone the property identified as parcel B27 013B, located at 137 Beulah Ln, from C1 (Commercial) to ARR (Agricultural, Rural, Residential) to be added to residential parcel (commercial designation no longer needed).**

Ch. Turk closed the meeting and County Attorney Randall Frost opened the public hearing.

Atty. Frost stated this was an application to rezone the property identified as parcel B27 013b, located at 137 Beulah Ln, from C1 (Commercial) to ARR (Agricultural, Rural, Residential) to be added to residential parcel (commercial designation no longer needed). Code Enforcement Officer Paul Ruark stated the Planning Commission recommended approval at their meeting.

***In Favor of Application***

Robert Evans – 137 Beulah Lane – Stated he no longer needed the commercial designation for a business and would like to have the property rezoned back to ARR.

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

Motion to approve the Planning Commission recommendation to rezone the property: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book 10-4)*

**8. James Patrick Barber of Cracker Barrel # 339 located at 138 Eisenhower Dr. Commerce, GA has applied to Banks County for a "Beer & Wine Consumption License".**

James Patrick Barber – 25 Berkshire Drive, Rome, GA - Stated he was the district manager of the Commerce Store and had worked for Cracker Barrel for 13 years. He also stated that he knew a question everyone had was why now and he said Cracker Barrel had been testing this idea in Florida pre-covid and it seemed like something that the customers liked.

Comm. Gardiner asked how many more stores sold beer and wine? Mr. Barber stated he didn't have that number but Georgia was the only state that Cracker Barrel didn't sell beer in.

Motion to approve the beer and wine license for Cracker Barrel: Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

**9. Fire/EMS: Purchase of 10 sets of firefighter turn-out gear- Bennett Fire: \$33,280 Steve Nichols**

Fire Chief Steve Nichols stated he needed additional turnout gear for additional volunteers and paid staff. He further stated the total price of 10 sets of turn-out gear from Bennett Fire Products would be \$33,280 and would take 150 to 180 days to arrive.

Motion to purchase 10 sets of turn-out gear from Bennett Fire Products in the amount of \$33,280 to be paid for from 2017 SPLOST: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

**10. Subdivision Moratorium Resolution: Expires August 10, 2021**

Ch. Turk stated the moratorium could be extended for another for 60 or 90 days to finalize the changes that had been made, send to the Planning Commission to advertise and have a public hearing and them approve.

Motion to extend the subdivision moratorium until November 9, 2021: Bo Garrison

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-10*

**11. 2021 Millage Rate Resolution**

Ch. Turk stated the Commissioners were considering a rollback for a 7.831 millage rate which would be the lowest millage rate since 2001. He stated that all the Commissioners committed when the budget sessions began this year that they were going to keep it as tight as they could so they could roll back the

millage rate. He further stated he wanted to thank all the Commissioners, department heads and elected officials for sticking to their budget. He further discussed the assessment process and the State requirements for keeping the assessments at 40%. He stated the Tax Assessors did a good job at the assessments and staying at 38.4%. Ch. Turk stated one way we keep the budget down was having SPLOST funds to purchase fire equipment, Sheriff vehicles, E911 equipment and other capital items that were needed. He also stated SPLOST funds have helped keep the budget down and have allowed our ISO rating to become a 3, which saves taxpayers on homeowners insurance.

Motion to approve 7.831 Millage Rate Resolution: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-11*

## **12. 2022 Special Purpose Local Option Sales Tax Call for an Election Resolution**

Ch. Turk stated the Commissioners were proposing the call for a 2022 SPLSOT election to be on the ballot on November 2, 2021. He stated the percentages would be based on population for the cities and county.

Motion to approve the Election Resolution: Danny Maxwell

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-12*

## **13. Sheriff: Vehicle Capital Expense Request**

**Shawn Wilson**

Shawn Wilson Chief Deputy with the Banks County Sheriff's Office stated he was here asking for the Commissioners to release funds from the Capital fund for them to purchase some additional vehicles. He also stated that all the vehicles that would be replaced were above the 150,000-mile mark in which ACCG Insurance recommended replacing. He stated all the vehicles that would be replaced were over 200,000 miles and two were totaled from previous accidents. He stated they needed \$222,000 from the Capital Fund plus another \$119,417 from the Capital Account, which were funds from the FY2021 budget that they did not use. He also stated they would need \$117,000 from 2017 SPLOST for equipping the 11 vehicles.

Chief Wilson stated this would allow them to purchase 11 vehicles which included 2 Ford Broncos, 2 F-150s and the remainder would be chargers or explorers.

Ch. Turk asked Chief Wilson if the Sheriff's Dept would reimburse the Capital Fund from SPLOST if it passed. Chief Wilson stated he didn't see why that couldn't happen.

Comm. Garrison asked Chief Wilson why the vehicles were left out of this year's budget. Chief Wilson stated they were left out of the budget because they tried to pay for vehicles from 2017 SPLOST.

Comm. Reece stated if they had been put in the budget, they would be included in property taxes and this way they would not be in the budget.

Motion to approve the request to use funds from the Capital fund and then reimburse the Capital Fund if 2022 SPLOST passed: Bo Garrison  
Second: Charles Turk  
Vote: 5:0  
All aye votes and motion passed.

#### **14. Contracts & Agreements:**

**a. Tax Assessors: FY2022 Personal Property Verification Reviews: Traylor Business Service, Inc.**

Ch. Turk stated this was a company that the Tax Assessors would like to use again for personal property audits.

Motion to approve the contract and authorize the Chairman to sign: Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Contract filed in Attachment to Minutes Book 10-4)*

**b. Roads: Additional On-Call Engineering and Construction Management: KCI Technologies**

Ch. Turk stated the additional funds needed was in the amount of \$15,750 which was for different projects including Steven Tanger Blvd. culvert replacement.

Motion to approve the additional funds in the amount of \$15,750: Danny Maxwell

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

**c. FY2022 Uchee Lodge Lease Agreement: Boy Scouts**

Comm. Reece stated the Boy Scouts had repaired the walking trail at the Recreation Department free of charge and stated the Commissioners appreciated that.

Kevin York Boy Scout Troop 106 Leader stated nothing had changed since last year and further stated the building was a blessing for the Boy Scouts, Cub Scouts and youth of Banks County.

Motion to approve the lease: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Lease filed in Attachment to Minutes Book 10-4)*

#### **15. Executive Session - Litigation**

Motion to enter into executive session concerning litigation: Bo Garrison

Second: Sammy Reece

Vote: 5:0

All aye votes and the executive session began at 7:38 p.m.

Motion to close the executive session: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the executive session ended at 7:51 p.m.  
*(Copy of Affidavit filed in Attachment to Minutes Book 10-4)*

**16. Adjournment**

Motion to adjourn the meeting: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the meeting ended at 7:52 p.m.

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Chairman

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Assistant County Clerk

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