

The Banks County Board of Commissioners held their regular meeting on November 9, 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
Code Enforcement Officer Paul Ruark
County Attorney Randall Frost
Tax Commissioner Becky Carlan

Media

Angie Gary, Mainstreet News

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

Ch. Turk stated Item 13d. Recreation: Gym HVAC Replacement needed to be deleted.

Motion to approve the agenda as amended: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

3. Chairman's Report

Ch. Turk reported on the following items:

- Stated E911 calls received in October consisted of 306 Fire/EMS calls and 3,625 Sheriff Office calls.
- Stated COVID numbers were about 150 positive cases per 100,000 people.
- Stated Yonah/Homer Road was now open and the culvert repair came in under budget.
- Stated the new Med Unit had been certified by the State and was now in operation.
- Stated the Commissioners wanted to honor the veterans for their service and have a moment of silence in special recognition of the service that Max Cleland who recently passed away provided in Vietnam.

4. Pledge to the American Flag

Bo Garrison led the Pledge to the American Flag.

5. Approval of Previous Minutes – 10/12, 10/26

Motion to approve the agenda: Danny Maxwell

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

6. Public Comment: NONE

7. Public Hearings:

a. Planning Commission: An Ordinance to Amend Article VII(B). R-2, Residential Multifamily District to Provide for Purpose and Intent; To Provide for Permitted Uses; To Repeal Conditional Uses; To Provide for an Effective Date and To Repeal Conflicting Ordinances and Resolutions, And for Other Purposes.

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

Atty. Frost stated this was a public hearing to amend an ordinance Article VII(B) *R-2, Residential Multifamily District to Provide for Purpose and Intent; To Provide for Permitted Uses; To Repeal Conditional Uses; To Provide for an Effective Date and To Repeal Conflicting Ordinances and Resolutions, And for Other Purposes.*

Code Enforcement Officer Paul Ruark read aloud the proposed amended ordinance and stated the changes that the Planning Commission had recommended.

Motion to delete EPD approved septic from Section 5.1: Sammy Reece

Second: Keith Gardiner

Comm. Reece withdrew his motion.

The Commissioners discussed the proposed changes and Ch. Turk listed the proposed changes as follows:

Section 702(B) 1.iv: Delete "EPD approved septic".

Section 702(B) 2.ii: Add "by subtracting the total acreage when determining maximum density".

Section 702(B) 2.iii: Delete "Density 6" and change to "Density 4".

Section 702(B) 2.xvi: Delete "laundry building, water and sewer building, fitness center not to exceed 1,500 square feet, swimming pool and swimming pool building not to exceed 1,000 square feet, park and playground building not to exceed 500 square feet, and common use building not to exceed 2,000 square feet". Add "Laundry building, water/sewer building and fitness center not to exceed 1,500 square feet. Swimming pool building not to exceed 1,000 square feet. Park building not to exceed 500 square feet. Common use building not to exceed 2,000 square feet. Accessory structures shall not occupy more than 10%".

Section 702(B) 2.xii: Add "for the first seventy-five (75) units. In the event the number of units in the development exceed seventy-five (75) units, the following shall apply: Seventy-six (76) units to one hundred fifty (150) units – one (1) additional ingress/egress point shall be required. One hundred fifty-one (151) units to two hundred twenty-five (225) units – one (1)

additional ingress/egress point shall be required. The above equation shall apply up to the full allowable capacity of the development.

Section 702(B) 3.vii: Delete “Facility and 3 stories” and change to “Unit and 2 stories”.

Section 702(B) 3.xiii: Delete “laundry building, water and sewer building, fitness center not to exceed 1,500 square feet, swimming pool and swimming pool building not to exceed 1,000 square feet, park and playground building not to exceed 500 square feet, and common use building not to exceed 2,000 square feet”. Add “Laundry building, water/sewer building not to exceed 500 square feet”.

Motion to approve the above listed changes pending county attorney approval: 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) 2021-16

8. Tabled: Roads & Bridges: Steven B. Tanger Blvd. Culvert Replacement Contract Change Order #1 – ER Snell Construction - \$148,939.49

Motion to untable the item: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

Comm. Garrison stated that Vice Ch. Maxwell and himself met with Joe Barron, KCI Technologies and looked over the project. He further stated 300 ft. of curb and gutter had to be added for the correct drainage and the additional cost in asphalt was a result of milling that had to be done in order to have the correct slope and crown. He furthermore stated he asked the question if any of the overrun was because of the City of Commerce having to reroute their gas line several times. Mr. Garrison said he was assured that none of that cost was incurred by Banks County.

Vice Ch. Maxwell stated that any damage done by the utility companies would be repaired by them and not Banks County.

Comm. Garrison stated that he felt like from now on we needed to have a called meeting to vote on change orders before the work was done. He stated he supported the project that was done.

Vice Ch. Maxwell stated the project was constructed how it should be but we just didn’t know about the change order with the quickness of everything happening. He stated after talking with the engineers he thought it was very appropriate to do the extra work for the safety of the people traveling that road. He further stated in regards to any work that Jackson EMC, City of Commerce and Windstream did with their utilities, everything will be put back the way it should be and not be an extra expense for Banks County.

Ch. Turk stated that the utility companies paid for the moving of their utilities, not Banks County.

Motion to approve the change order in the amount of \$148,939.49: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

9. Subdivision Moratorium: Expires 11/9/2021

Ch. Turk stated the subdivision moratorium expires today and new regulations would be brought up for approval in December.

Motion to extend the subdivision moratorium until December 15, 2021: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-17

10. Planning Commission decision on Osborn property split on Crowe Rd

Barry Lord

Mr. Barry Lord stated he was representing the Osborn family. He further stated they had a plat come before the Planning Commission last week and there was a question whether that family split fell under the subdivision moratorium. Mr. Lord stated the family had asked him to get clarification from the Commissioners.

Ch. Turk stated the definition they had right now for subdivision means a division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale, legacy, new roads or change of the existing streets that includes a re-subdivision where appropriate to the context. Subdivisions also relate to the process of subdividing or to the land or area subdivided.

Ch. Turk stated a subdivision was two or more lots and that's what the moratorium was on.

Ch. Turk suggested tabling the item until the moratorium was lifted. Mr. Lord stated he would like to table the item.

11. Planning Commission plat approval on Marshburn Rd property, Code Section 74-93 (5)

Aubrey Lunsford

Aubrey Lunsford asked if his plat had been tabled by the Planning Commission and the Commissioners stated it had. Mr. Lunsford stated that he would request this item to be tabled until the next meeting.

Mr. Lunsford stated that he also had another tract that they presented to Officer Ruark that was a 72-acre tract that was created when they sold one of the neighbors 117-acres. Comm. Garrison stated that the same person wanted to buy the 72-acre tract. The Commissioners suggested putting the tracts back as one. Mr. Lunsford stated when the property was closed then they could combine the tracts. Officer Ruark stated he could approve that as one continuous tract.

12. Tax Commissioners: Resolution Electing Not to Require Mobile Home Decals

Becky Carlan

Becky Carlan Tax Commissioner stated that she had submitted a resolution for the stating that mobile home decals would no longer be required. Senate Bill 193 was passed during the 2021 GA State Legislative Session stating mobile home decals were no longer required.

Motion to authorize Ch. Turk to sign the resolution: Keith Gardiner

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-18

13. Contracts & Agreements:

a. Annex: Postage Machine Rental Agreement – Pitney Bowes

Ch. Turk stated this was an agreement for a new postage meter.

Motion to approve the rental agreement in the amount of \$951.21 quarterly for 5 years: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

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

b. Courthouse: Postage Machine Rental Agreement – Pitney Bowes

Ch. Turk stated this was an agreement for a new postage meter.

Motion to approve the rental agreement in the amount of \$1,158.90 quarterly for 5 years:

Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

c. Senior Center: Nutrition Program Contract Addendum #1 – Legacy Link

Ch. Turk stated this was an amendment from Legacy Link.

Motion to approve the addendum: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

d. Recreation: Gym HVAC Replacement – DELETED

14. Executive Session: Personnel & Litigation

Motion to enter into executive session concerning personnel and litigation: Keith Gardiner

Second: Danny Maxwell

Vote: 5:0

All aye votes and the executive session began at 7:48 p.m.

Motion to close the executive session: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the executive session ended at 9:00 p.m.

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

Recreation Reclassification

Motion to give Recreation Director Brooke Whitmire the authority to reclass the Assistant Director position since Kim McEntire had resigned and to hire an Operations Supervisor to replace the Assistant

Director: Charles Turk

Second: Keith Gardiner

Vote: 5:0
All aye votes and the motion passed

Opioid Resolution

Motion to authorize Ch. Turk to sign the opioid settlement documents: 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) 2021-19

15. Adjournment

Motion to adjourn the meeting: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the meeting was adjourned at 9:02 p.m.

Chairman

Assistant County Clerk
