



# BANKS COUNTY BOARD OF COMMISSIONERS MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, June 14, 2022 at 6:30 PM

## MINUTES

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### 1. CALL TO ORDER

Ch. Turk called the meeting to order.

#### PRESENT

Chairman Charles Turk

Vice Chairman Danny Maxwell

Commissioner Bo Garrison

Commissioner Sammy Reece

Commissioner Keith Gardiner

#### STAFF PRESENT

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

Fire Chief Steve Nichols

Recreation Director Brooke Whitmire

Code Enforcement Officer Paul Ruark

County Attorney Randall Frost

### 2. APPROVAL OF AGENDA

Ch. Turk stated the agenda needed to be amended as follows:

#### **Delete:**

- 6. Public Comment: a. Tanisha Hill: Treatment from staff and level of respect and communication

#### **Add:**

- 8d. Parks & Recreation: Walking Track Lighting RFP
- 8e. Parks & Recreation: Disc Golf Course
- 9e. Personnel: FY2023 Health Insurance Service Agreement with Northeast Georgia Health Partners Network
- 9f. Personnel: FY2023 Business Associate Agreement LLC with Laurel Mountain Consulting LLC DBA Pharmacist Concierge Services
- 9g. Personnel FY2023 Consulting Agreement LLC with Laurel Mountain Consulting LLC DBA Pharmacist Concierge Services

Motion to amend the agenda.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

### **3. APPROVAL OF MINUTES**

- a. 5/3/2022
- b. 5/10/2022

Motion to approve the minutes.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

### **4. PLEDGE TO THE AMERICAN FLAG**

Vice Chairman Maxwell led the Pledge to the American Flag.

### **5. CHAIRMAN'S REPORT**

Ch. Turk reported on the following:

- E911 calls received: Fire/EMS: 305, Sheriff Office: 2,918
- Covid Cases: 15 positives in the last two weeks

Ch. Turk also stated he would like to congratulate the following 4-H students:

- Cloverleaf Compound Archery Team-2nd Place
- Cloverleaf Recurve Archery Team-1st Place
- Junior Compound Archery Team-2nd Place
- Senior Compound Archery Team-3rd Place
- Senior Recurve Archery Team-2nd Place
- Grant English: 1st Place Senior Recurve Archery
- Brett English: 1st Place Cloverleaf Recurve Archery

### **6. PUBLIC COMMENT:**

- a. **Tanisha Hill: Treatment from staff and level of respect and communication**

Deleted from agenda

### **7. BOARDS & AUTHORITIES:**

- a. **Zoning Appeals Board: to finish incomplete term to expire 7/31/2023**

Motion to appoint Brad McCook to fill an incomplete term to expire 7/31/2023.

Motion made by Commissioner Gardiner, Seconded by Vice Chairman Maxwell.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

- b. **Zoning Appeals Board: to finish incomplete term to expire 7/31/2023**

Motion to appoint Harold Ivey to fill an incomplete term to expire 7/31/2023.

Motion made by Commissioner Reece, Seconded by Commissioner Gardiner.  
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner  
Vote: 5:0  
All yea votes and the motion passed.

## **8. CURRENT BUSINESS:**

### **a. Public Hearing Process for CU-22-03 - Taylor Griffith**

Taylor Griffith - 425 Evans Street, Homer - Stated he was a member of the Banks County Planning and Zoning Board and recently they held a public hearing for an extended stay hotel. He further stated over the course of the two weeks following the hearing, he and others started noticing inconsistencies in the zoning process described by law. GA law and Banks County Code lay out a very clear process that require lawful public notice of all zoning procedures brought before the County. He also stated for a conditional use application the public hearing notice was required to state the intended conditional use and in this case it did not. Mr. Griffith stated after the public hearing he brought his concerns to the Chairman of Commissioners and the explanation he was given was that the inclusion of the word "prototype" on the application meant that this was not an extended stay development and the Banks County Code was simply a set of guidelines that do not carry the force of law, seemingly applying that it could be disregarded at will. Mr. Griffith stated that Georgia actually required extraordinary strict compliance with the law in regards to due process and had allowed zoning challenges with improper notices. He stated when the County failed to provide unlawful public notice of zoning procedures, it leaves the public, the applicant and the County at large in an unnecessarily vulnerable position. He further stated the questions he had were not intended to stop the development of an extended stay hotel but to establish that we have not conducted the zoning process legally and to encourage a process to remedy this situation and to prevent others like it from happening in the future.

Mr. Griffith presented the Commissioners with a packet of questions he would be asking about the hearing and process.

Mr. Griffith asked numerous questions to the Commissioners and County Attorney Randall Frost concerning what happened and what he thought should have happened.

Mr. Griffith asked about the created application that stated "not an extended stay". Code Enforcement Officer Ruark stated that was the receipt. Mr. Griffith further stated the original application stated extended stay so why wasn't it advertised as such. Officer Ruark stated it was a prototype.

Mr. Griffith stated that an extended stay hotel was a different conditional use. Mr. Griffith also stated if Banks County was bound by our code to conduct zoning procedures, we were failing miserably.

*(Copy of questions filed in attachment to Minute Book 10-4)*

### **b. County Buildings: Gillsville Voting Precinct Quit Claim Deed to City of Gillsville**

Ch. Turk stated this was a quick claim deed to gift the building that elections were held in to the Town of Gillsville.

Motion to deed the building to the Town of Gillsville.

Motion made by Commissioner Reece, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

*(Copy of deed filed in attachment to Minute Book 10-4)*

**c. ACCG 2022 Liability Insurance Renewal**

County Clerk Regina Gailey stated this was a renewal policy for FY2023 Property and Liability Insurance. She stated the the total premium was \$358,075 which included a safety credit of \$20,662, rate credit of \$8,857 and a dividend credit of \$25,639.

Motion to approve the FY2023 Property and Liability Insurance from ACCG.

Motion made by Chairman Turk, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All aye votes and the motion passed.

*(Copy of agreement filed in attachment to Minute Book 10-4)*

**d. Parks & Recreation: Walking Track Lighting RFP**

Recreation Director Brooke Whitmire stated this was an RFP for lights at the track by the middle school which was also used as a multipurpose field. She further stated sealed bids would be received on June 28, 2022.

Motion to approve the RFP.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Garrison.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner.

Vote: 5:0

All aye votes and motion passed.

**e. Parks & Recreation: Disc Golf Course**

Ch. Turk asked what the difference was in the three quotes. Ms. Whitmire stated the quotes for \$13,33.92 was for a 24-hole course with 3 practice basket and a youth layout. The quote for \$12,145.24 was for a 24-hole course with 1 practice basket and the quote for \$9,523.28 was for a 18-hole course.

Ms. Whitmire further stated that this course would seamlessly be built into the Windmill Park layout around the ballfields and walking trail where there was already accessibility with parking and lighting.

Motion to approve the quote for Option 1 \$13,353.92 from 2022 SPLOST.

Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All aye votes and the motion passed.

## **9. CONTRACTS AND AGREEMENTS:**

### **a. Roads & Bridges: FY2023 GA Dept of Corrections Prison Detail Agreement**

Ch. Turk stated this was a Prison Detail Agreement with the GA Department of Corrections. Ch. Turk stated it was only paid when the prisoners came out.

Vice Ch. Maxwell stated the van that we used to transport the prisoners was now being used by the Sheriff's Office so we don't have transportation anymore for the prison detail from the Department of Corrections. He further stated why do we need this contract if the Sheriff's Office was supposed to be carrying out a trash detail.

Comm. Reece stated the Sheriff's Office didn't have anybody to carry a detail out at this time.

Ch. Turk stated the Ga Dept. of Corrections contract could always be canceled.

Motion to approve the contract.

Motion made by Commissioner Gardiner, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Voting Nay: Vice Chairman Maxwell

Vote: 4:1

Motion passed by majority vote.

*(Copy of agreement filed in attachment to Minute Book 10-4)*

### **b. Senior Services: Legacy Link Nutrition Program Services Contract Addendum #2**

Ch. Turk stated this was an addendum for the nutrition program for Meals on Wheels and congregate meals at the Senior Center.

Motion to approve the contract and authorize the Chairman to sign.

Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

*(Copy of contract filed in attachment to Minute Book 10-4)*

### **c. Fire/EMS: FY2023 Tates Creek Fire Contract**

Fire Chief Steve Nichols stated this was an annual contract with the Tates Creek Fire Department. The contract was for FY2023 in the amount of \$3,000.

Motion to approve the contract with the ending date being June 30, 2023 and authorize the Chairman to sign.

Motion made by Chairman Turk, Seconded by Commissioner Garrison.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and motion passed.

*(Copy of contract filed in attachment to Minute Book 10-4)*

**d. Parks & Recreation: Athletic Turf Fields and Common Areas Annual Field Maintenance Contract Award**

Ms. Whitmire stated she had received three RFPs for ground maintenance and chemical application. She stated after reviewing all documents her recommendation was Environmental Creations for Option B and add the Annex application for an annual amount of \$84,950.00. Ms. Whitmire stated they currently did the mowing and chemical application for the Recreation Department.

Motion to approve the RFP and contract with Environmental Creations.

Motion made by Commissioner Gardiner, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All aye votes and the motion passed.

*(Copy of contract filed in attachment to Minute Book 10-4)*

**e. Personnel: FY2023 Health Insurance Service Agreement with NEGA Health Partners Network**

Ch. Turk stated the contract was for health insurance for individual, spouses and/or family coverage.

Motion to approve the health insurance pending the county attorney's approval and that the provider list includes Piedmont and St. Marys in Athens and authorize the Chairman to sign.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All aye votes and the motion passed.

*(Copy of agreement filed in attachment to Minute Book 10-4)*

**f. Personnel: FY2023 Business Associate Agreement LLC with Laurel Mountain Consulting LLC DBA Pharmacist Concierge Services**

Ch. Turk stated this plan was the drug plan for ordinary medications.

Motion to approve the plan and authorize the Chairman to sign.

Motion made by Chairman Turk, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and motion passed.

*(Copy of agreement filed in attachment to Minute Book 10-4)*

**g. Personnel FY2023 Consulting Agreement LLC with Laurel Mountain Consulting LLC DBA Pharmacist Concierge Services**

Ch. Turk stated this was the drug plan for the higher tier medications.

Motion to approve the plan and authorize the Chairman to sign.

Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.  
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,  
Commissioner Gardiner  
Vote: 5:0  
All aye votes and motion passed.  
*(Copy of agreement filed in attachment to Minute Book 10-4)*

## **10. RESOLUTIONS AND ORDINANCES:**

### **a. Roads & Bridges: 2023 Road & Bridge Special Purpose Local Option Sales Tax Intergovernmental Agreement**

Ch. Turk stated Banks County and all cities within the County would have to sign an intergovernmental agreement and the attached project list to be on the November 2022 ballot.

Ch. Turk read the Banks County Road and Bridge Project List.

Motion to accept the project list and the intergovernmental agreement.

Motion to approve the project list, resolution and authorize the Chairman to sign the Intergovernmental Agreement.

Motion made by Commissioner Gardiner, Seconded by Danny Maxwell.  
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,  
Commissioner Gardiner  
Vote: 5:0  
All yea votes and motion passed.  
*(Copy of resolution including intergovernmental agreement and project list filed in attachment to Minute Book 10-4) 2022-23*

### **b. Roads & Bridges: Banks County Speed Zone Ordinance**

Ch. Turk stated that the Sheriff's Office contacted GDOT about changing the school zones.

Motion to approve the ordinance and authorize the Chairman to sign.

Motion made by Commissioner Gardiner, Seconded by Commissioner Reece.  
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,  
Commissioner Gardiner  
Vote: 5:0  
All aye votes and the motion passed.  
*(Copy of ordinance filed in attachment to Minute Book 10-4) 2022-24*

## **11. ADJOURNMENT**

Motion to adjourn the meeting at 7:42 p.m.

Motion made by Commissioner Reece, Seconded by Commissioner Gardiner.  
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,  
Commissioner Gardiner  
Vote: 5:0  
All yea votes and motion passed.

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Chairman

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Assistant County Clerk