



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, December 13, 2022 at 6:30 PM

MINUTES

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

2. APPROVAL OF AGENDA

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

Add: 9H. Compressor for Water Department

Motion to amend the agenda.

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.

3. APPROVAL OF MINUTES

Motion to approve the minutes.

a. 11/8/2022 Regular Meeting

b. 11/9/2022 Called Meeting

c. 11/15/2022 Appeal Hearing-TGriffith

d. 11/22/2022 Regular Meeting

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

Voting Yea: Chairman Turk, Commissioner Garrison, Commissioner Reece

Vote: 5:0

All aye votes and motion passed.

4. PLEDGE TO THE AMERICAN FLAG

Comm. Garrison led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported on the following items

- 911 received -305 Fire/EMS calls - 3788 Sheriff's Office
- Commissioners wanted to wish everyone a Merry Christmas and a Happy New Year

6. SPECIAL REPORTS/PRESENTATIONS:

a. 2022 Bench Press and Deadlift World Record Holder - Taylor Cheek

Commissioners presented Taylor Cheek with certificate of recognition for being the 2022 Bench Press and Deadlift World Record Holder

b. 2022 FFA Forestry Team National Champions

Commissioners presented the FFA Forestry Team with a certificate of recognition for being the 2022 FFA Forestry Team National Champions. The members of the team were Luke Jackson, Mark Suggs, Charlie Cochran, Matt Sanders and Advisor Kip Jackson.

c. 2022 FFA Agricultural Mechanics Team National Champions

Commissioners presented the FFA Ag Mechanics Team with a certificate of recognition for being the FFA Agricultural Mechanics Team National Champions. The members of the team were Grayson Segars, Luke Edwards, David Adams, Matthew Anderson and Advisor Chris Crump.

7. PUBLIC HEARINGS:

a. CU-22-11 - Conditional Use Application - Del Lago Ventures, Inc. for RaceTrac Expanded Diesel Option to be located on map and parcel B54D059 & B54D060 at 128 Frontage Rd & 149 Steven B Tanger Blvd, Commerce, GA

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

Kerri Fincannon Planning & Zoning Official stated the Planning Commission recommended approval of the application with the following conditions:

1. "No Exit" signs shall be posted at the entrances to contain traffic flow.
2. There shall be no further expansion beyond the proposed 4 islands.
3. There shall be a sign in place prohibiting the fueling of tractor-trailers.
4. There shall be no bath houses, no weighing scales, and no parking spaces in the new area.
5. All unused acreage shall be properly landscaped and maintained.
6. Project coordinator and team shall remain in contact and in compliance with GDOT during roadway transition.

Applicant

Rowshi Craven – Project Manager with Racetrac – 200 Galleria Pkwy SE, Atlanta, GA 30339 –

John Preide – Director of Real Estate with Racetrac – 200 Galleria Pkwy SE, Atlanta, GA 30339 –

Ms. Craven stated Racetrac was proposing to add 4 fueling stations to the behind of the existing store. The proposal was for the new canopy to have the Racetrac logo, canopy interior lighting, security cameras, sight serial lighting, access for trucks, addition of stairs, ADA ramp and sight landscaping.

She stated based on the recommendation and the conditions provided, Racetrac feels they could comply with all the conditions except number three in which they would like to remove that condition if possible.

Ch. Turk asked if they would be willing to put up a sign that stated, "Trucks 10-Wheels or Less".

Ms. Craven stated that the reason they came up with the design of having diesel tanks was because the current canopy was so crowded and the traffic flow was very uncomfortable.

Ch. Turk stated they had indicated earlier at the Planning Commission meeting that this new canopy wouldn't be designed for more than single axle trucks.

Mr. Preide said they had respectfully requested the removal of that condition because the condition couldn't be regulated. He further stated it was for the purpose of fueling diesel vehicles. He stated this would not be a truck stop in any way, shape or form. The canopy would be for commercial vehicles only and there would not be any overnight parking for long-term resting for tractor trailers.

The Commissioners were concerned with 18-Wheelers using the area and causing more congestion on Steven Tanger Blvd. Ms. Craven and Mr. Preide stated there were no scales, overnight parking or ultra-high flow pumps. He also stated they had been working with GDOT about the entrance and exit at the site.

Ms. Craven said there would be no additional parking and that everything that wasn't concreted would be landscaped.

Vice Ch. Maxwell stated that he had concerns that there would be a lot of tractor trailers coming in and out and that would cause a lot of congestion in the area.

Mr. Preide said they are pulling from traffic that was already on the road but just need to get fuel. He further stated they have done studies and plans to ensure bottle necks do not occur.

Mr. Preide stated they would not be promoting 18-Wheelers and it would be a small diesel canopy. He said they used high flow dispensers and not ultra-high flow pumps.

Ch. Turk stated that at the Planning Commission hearing it was stated the new canopy would be for vehicles with 10-Wheels or less. He stated Racetrac could put up signs and he understood that not everyone would obey the signage, but it would help with discouraging tractor trailer traffic. Ch. Turk stated his concern was the 18-Wheelers and the sign would help discourage that.

Mr. Preide said Racetrac's concern was they did not want to invest \$7 -8M and then the County decide to enforce the posted sign and shut them down. He further pointed out that a tractor trailer could pull onto the current site now.

In Favor of the Application

Barbara Lindorme – 980 Bennett Road – Stated it sound like it was designed not to be a truck stop and maybe the sign could say vehicles with only 10-wheels or less.

Will Cobb – Norton Agency – 434 Green Street, Gainesville, GA – Stated he had represented Racetrac for at least 15 years and they are the second largest privately held company in Georgia. He stated that had a great reputation and you can go to any of their stores and everybody likes them. He further stated there was and eyesore there with the burned down hotel where transients had been living. Mr. Cobb continued to state this was a chance to clean that up. He stated Mr. Patel plans on rebuilding the hotel if Racetrac does not purchase it, so you have to look at what's best for the community.

In Opposition of the Application

Jody Parks – 2151 Hwy 63 – Stated she did feel like 18-Wheelers would make a quagmire, but it seemed like the height of the canopy could determine whether 18-Wheelers would be able to use the pumps.

Greg Jewell – 116 Walkers Way – Stated there were entirely too many trucks right there already. He said it just was not the right place for that and hoped the Commissioners decided to vote against it.

Commissioner Gardiner asked Mr. Preide if they would have DEF. Mr. Preide said at most stores where diesel was sold, they had DEF and this canopy would have a DEF pump.

Mr. Preide said that Racetrac's fear was that the sign that was put up as a discouragement could be at some point enforced. He asked what the enforcement would look like and not knowing would be a huge risk for Racetrac.

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

Motion to accept the site plans presented by Racetrac with the addition of Condition 5 which was recommended by the Planning Commission that stated, "all unused acreage shall be properly landscaped and maintained" and the additional condition from the Commissioners that the County and Racetrac have an agreement on how to discourage tractor trailers from using the proposed new high flow pumps, pending County Attorney's approval.

Motion made by Chairman Turk, Seconded by Commissioner Garrison.

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 resolution filed in attachment to Minute Book 10-4)

8. BOARDS & AUTHORITIES:

a. Board of Tax Assessors - to finish unexpired term of Martha Threatt upon resignation effective 12/31/2022 - term to end 12/31/2024

Ch. Turk stated that Martha Threatt had resigned from the Board of Assessors and thanked her for serving 10 years.

b. Chestatee/Chattahoochee RC&D - 1 year term

Motion to appoint Keith Gardiner to the Chestatee/Chattahoochee RC&D for a one-year term to expire 12/31/2023.

Motion made by Vice Chairman Danny Maxwell, Seconded by Chairman Charles Turk.

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

Voting Abstaining: Commissioner Gardiner

Vote: 4

4:0

All aye votes and motion passed.

c. Chestatee/Chattahoochee RC&D - 1 year term

Motion to appoint Charles Turk to the Chestatee/Chattahoochee RC&D for a one-year term to expire 12/31/2023.

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

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

Voting Abstaining: Chairman Turk

Vote: 4:0

All aye votes and the motion passed.

d. Joint Development Authority - 4-year term

Motion to appoint Jimmy Morrison to the Joint Development Authority for a four-year term to expire on 12/31/2026.

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.

e. Joint Development Authority - 4-year term

Motion to appoint Danny Maxwell to the Joint Development Authority for a four-year term to expire on 12/31/2026.

Motion made by Commissioner Gardiner, Seconded by Chairman Turk.

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

Voting Abstaining: Vice Chairman Maxwell

Vote: 4:0

All aye votes and the motion passed.

f. Georgia Mountains Community Services Board - to finish unexpired term of Sammy Reece to end 12/31/2023

Motion to appoint Bo Garrison to the Georgia Mountains Community Services Board to complete the unexpired term to end 12/31/2023.

Motion made by Commissioner Reece, Seconded by Commissioner Gardiner.

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

Voting Abstaining: Commissioner Garrison

Vote: 4:0

All aye votes and the motion passed.

g. Recreation Board - to finish unexpired term of Ashley Hancock to end 6/30/2023

Motion to appoint Will Gordon to the Recreation Board to complete the unexpired term that will end 6/30/2023.

Motion made by Chairman Turk, 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.

h. 2023 Board of Commissioners Vice Chairman

Motion to appoint Danny Maxwell as Vice Chairman for 2023.

Motion made by Commissioner Gardiner, Seconded by Commissioner Garrison.

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

Voting Abstaining: Vice Chairman Maxwell

Vote: 4:0

All aye votes and the motion passed.

9. CURRENT BUSINESS:

a. 2023 Alcohol Licenses

Motion to approve the following license.

Beer/Wine Pouring

Cracker Barrel

Beer Wine Package

Racetrac, Inc.

Motion made by Commissioner Reece, 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.

Motion to approve the following license pending the approval background checks and fingerprints by December 31, 2022.

Beer Wine Package

Diamond Exxon

Commerce Food Mart

Royal Food Mart

Patel's Grocery

Homer Grocery

Walmart

Commerce Lucky

Beer Only Pouring

Funopolis

Blazers

Taqueria Mi Jalisco

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.

Motion to approve the following license pending the approval background checks and fingerprints by December 31, 2022.

Beer Wine Liquor Pouring

Applebee's

Longhorn

El Azteca

Motion made by Chairman Turk, 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.

b. Roads & Bridges: 2023 Gravel Haul Bid & Contract Approval

Ch. Turk stated Triple H Transport was the only bidder and their bid was \$5.99/ton for gravel hauling for 2023.

Motion to approve the gravel hauling bid and contract.

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

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

All yea votes and motion passed.

Vote: 5:0

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

c. Roads & Bridges: 2023 LMIG Hickory Flat Request for Proposals

Ch. Turk stated he was requesting permission to advertise the bid to resurface Hickory Flat Road. He stated this would be paid from 2023 LMIG and the remainder and the match would be paid from the 2018 R&B SPLOST funds.

Motion to advertise the RFP and pay for the paving from the 2023 LMIG Funds and the 2018 R & B SPLOST Funds.

Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.

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

All yea votes and motion passed.

Vote: 5:0

d. Roads & Bridges: Request for Proposal for Resurfacing of Industrial Blvd, Harden Bridge Rd, Morris Gardiner Rd, Anthony Lane & W Ridgeway Rd

Ch. Turk stated he was requesting permission to advertise the bid to resurface Industrial Blvd, Harden Bridge Road, Morris Gardiner Road, Anthony Lane and West Ridgeway Road. The funds would come from 2018 R & B SPLOST.

Motion made by Commissioner Gardiner, Seconded by Commissioner Garrison.

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

All yea votes and motion passed

Vote: 5:0

e. Fire/EMS: 2022 50/50 Grant from the Forestry Service for Equipment - \$5,187.72 - Fire Chief Steve Nichols

Fire Chief Steve Nichols stated he was asking permission to apply for a 50/50 match grant from the Georgia Forestry Service. He stated the match would be \$5,187.72 and would be used for equipment if the grant was awarded.

Motion to move forward with the grant.

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

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

All yea votes and motion passed.

Vote: 5:0

f. Fire/EMS: Purchase of 2 Ford F150 Trucks - \$49,870 each - Fire Chief Steve Nichols

Fire Chief Steve Nichols stated that in SPLOST they had requested two additional pick-up trucks and he was now wanting to move forward and purchase the trucks.

Comm. Garrison asked if the priced included an extended warranty. Chief Nichols said it included a 3-year bumper to bumper warranty and a 5-year 100,000-mile drivetrain warranty.

Ch. Turk stated he would prefer to buy one now and one later.

Motion to purchase trucks.

Motion made by Commissioner Reece, Seconded by Commissioner Garrison.

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

All yea votes and motion passed.

Vote: 5:0

g. Fire/EMS: Training Moodle with Target Solutions for online training - \$6,330 - Fire Chief Steve Nichols

Chief Nichols stated currently they were using a training program that was internet based. He stated they were sharing the cost with Hall County, but this year Hall Co. was moving away from the program. Chief Nichols further stated it would cost around \$6,000 initially for Banks County to have their own training moodle and the second year would cost \$8,400. This program would be through Vector Solutions.

Motion to approve the training moodle.

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 contract filed in attachment to Minute Book 10-4)

h. Compressor for Water Department

Horace Gee Public Utilities Director stated the department had been having issues with the compressor that they use to do underground bores and taps. He stated currently they were having to rent one when the one they had was in the shop for repairs. He further stated he had looked around and thought they could get a good used one for \$25,000.

Motion to authorize Public Utilities Director Horace Campbell to purchase a compressor in the \$25,000 range.

Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.

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

All yea votes and motion passed.

Vote: 5:0

10. ADJOURNMENT

Motion made to adjourn the meeting at 8:04 p.m.

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

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

All yea votes and motion passed.

Vote: 5:0

Chairman

Assistant County Clerk