



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, October 10, 2023 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 Chris Ausburn

Commissioner Keith Gardiner

Commissioner Bo Garrison

STAFF PRESENT

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

County Attorney Randall Frost

2. APPROVAL OF AGENDA

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

- * 13. Executive Session – Possible Litigation
- * 14. Adjournment

Motion to approve the agenda as amended.

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

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

Vote: 5:0

All yea votes and the motion passed.

3. PLEDGE TO THE AMERICAN FLAG:

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

4. CHAIRMAN'S REPORT

Ch. Turk reported on the following:

- * E911 received 308 Fire/EMS calls and 2,645 Sheriff Office calls.
- * Led a Moment of Silence for the Country of Israel.

5. APPROVAL OF MINUTES

a. 9/12/2023 Minutes

b. 9/20/2023 Minutes

c. 9/26/2023 Minutes

Motion to approve the minutes.

Motion made by Commissioner Gardiner, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

6. PUBLIC COMMENT:

a. Coker Rd Railroad Crossing: Claydean Coker

Claydean Coker - 310 W. Coker Road - Stated that they only had one way out of their road and when a train was blocking the crossing there were no way to get out or in and there were several on the road that may need emergency services.

She stated there were 82 houses on Coker Rd and Grant Mill Rd/Dr. and multiple businesses and chicken houses.

The Commissioners stated they were working on different solutions for the crossing being closed and providing more than one way out.

b. Grant Mill Rd: Derrick Williams

Derrick Williams - 1869 Grant Mill Rd - Stated he was just wanting to ask about any updates on getting another access for Grant Mill Rd when the railroad crossing was closed.

The Commissioners stated they were working on a solution.

7. CONTRACTS AND AGREEMENTS:

a. Public Transit: SFY 2024 Transportation Services MOU Agreement - Northeast Georgia Regional Commission Tracie Hammond

Tracie Hammond stated this was a contract that transit has had for several years transporting for Jackson Creative.

Motion to approve the agreement and authorize the chairman to sign the agreement.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Agreement filed in Attachment to Minute Book 11-1)

b. Public Transit: GDOT SFY2024 TTPF Grant Application Ratification Tracie Hammond

Ms. Hammond stated she was asking for approval of a grant application for transit that did not require a county match. She stated this was in addition to the 5311 funding for the transit and needed the grant application approved and authorization of the chairman's signature.

Ms. Gailey stated this would be a ratification of the chairman's signature on the application.

Motion to ratify the grant application and the chairman's signature on the application.

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

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

Vote: 5:0

All yea votes and the motion passed.

c. 2024 Uchee Lodge Lease Agreement - Boy Scouts

Boy Scout Troup Leader Kevin York stated this was a renewal of the lease and there were no changes. Mr. York stated this was the 32nd year that County had leased the property to the Boy Scouts and it had been a blessing for the youth of Banks County.

Motion to approve the 2024 Uchee Lodge Lease Agreement.

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Agreement filed in Attachment to Minute Book 11-1)

d. Banks County Veterinary Clinic Waterline Agreement

Ch. Turk stated this would be an agreement with the vet clinic, Solomon Land, L.L.C. He stated the Commissioners voted to pay for half of the cost of the waterline installation for the facility from Webbs Creek Road to their hydrant. The purpose of the cost sharing was because of their high usage of water and the County would get to utilize animal control services. He further stated they would charge us half price for animal services until the County had their part paid but he didn't know how long that would take because it depended on the amount of animals that were taken.

Comm. Ausburn asked how many animals were taken this year?

Ch. Turk stated since Code Enforcement Officer Dale Cash had been working for the County he had only taken two animals total but that's because there was no room at the current facility.

Comm. Garrison stated his only concern with this agreement was that he would like to have a total of what it cost per animal.

Comm. Ausburn asked if the commercial tap fee had been waived as discussed?

Ch. Turk stated that was not in the agreement and it had not been waived.

Vice Ch. Maxwell stated he had concerns about putting a waterline on private property.

Comm. Ausburn stated that if the vet clinic had the waterline installed then we had bypassed the bid process and he was not in favor of that.

Ch. Turk stated they had the documentation where they had contacted three companies and only one contractor had the time to install the line.

Comm. Ausburn stated this pained him for several reasons:

- He did not like to get into trading out services with the County and it looked like it would take 10-15 years for the county to recoup their money,
- He would not do a deal like this with his personal business because you didn't know what the services would cost
- Also, we were paying for a waterline on private property.

Comm. Garrison stated he felt like this was opening a door to install waterlines on private property.

Comm. Maxwell stated he would need more information on cost of animal services before he could vote for the agreement.

Motion to deny the agreement.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.
Voting Yea: Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison
Voting Nay: Chairman Turk, Commissioner Gardiner
Vote: 3:2
Motion passed by majority vote.

8. MISCELLANEOUS:

a. **Avita Community Partners: Cindy Levi, Chief Executive Officer**

Cindy Levi, CEO for Avita Community Partners gave a presentation about the services Avita provided for the residents of Banks County. She stated they had served 211 clients in Banks County in the past year. Ms. Levi also recognized Carol Williams and Commissioner Bo Garrison for being on the board of directors.

b. **Natural Gas Mains, GA811 & Comprehensive Plan: Lonnie Robinson, City of Commerce**

Lonnie Robinson, with the City of Commerce gave an update about the cities gas mains and their plans for future expansion. Mr. Robinson stated that some of their gas mains were in Banks County and he would like to work with Banks County on any projects that may need natural gas.

c. **Dianne McQuillan – Subdivide**

Dianne McQuillen – 223 McDonald Circle – Stated she was trying to help her mother out with her property. She stated they had 27 acres and her mother could not handle the cost of the property taxes anymore. Ms. McQuillen stated the family was trying to get it divided up but didn't know property could only be divided every three years when her niece divided her part of the property. She stated that they just wanted to help her mother out and also keep the property in the family.

Ch. Turk stated the family had been there for years.

Comm. Garrison stated it was a family split.

Comm. Ausburn asked the other Commissioners if this didn't have to go before the Planning Commission and they answered no.

Ch. Turk stated that the hardship in the zoning code was meant to be for topographic problems with the lay of the land.

Vice Ch. Maxwell stated that if Ms. Cochran had known that if it all needed to be done at the same time she would have done it then.

Comm. Ausburn stated he understood the hardship but just didn't know if this was the proper way to handle the situation. He stated he just wanted to make sure the process was done correct.

Motion to approve the hardship subdivide and keep the property in the family name as long as Ms. Joan Cochran was alive.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Voting Nay: Commissioner Ausburn

Vote: 4:1

Motion passed by majority vote.

9. BOARDS & AUTHORITIES:

a. **Planning Commission: 4-year term to expire 10/31/2027**

Motion to appoint Steven Cain for a 4-year term to expire 10/31/2027.

Motion made by Commissioner Gardiner, Seconded by Chairman Turk.
Voting Yea: Chairman Turk, Commissioner Gardiner
Voting Nay: Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison
Vote: 3:2
Motion failed by majority vote.

Motion to appoint Terry Mick for a 4-year term to expire 10/31/2027.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.
Voting Yea: Chairman Turk, Commissioner Gardiner
Voting Nay: Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison
Vote: 3:2
Motion failed by majority vote.

Motion to appoint Taylor Griffith for a 4-year term to expire 10/31/2027.

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison
Voting Nay: Chairman Turk, Commissioner Gardiner
Vote: 3:2
Motion passed by majority vote.

10. PLANNING COMMISSION RECOMMENDATIONS:

a. Planning Commission: Various Recommendations for Code Amendments

Motion to table the Planning Commission recommendations until the October 24, 2023 meeting.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison
Voting Nay: Commissioner Gardiner
Vote: 4:1
Motion passed by majority vote.

11. RESOLUTIONS AND ORDINANCES:

a. Mental Health: Resolution Urging the Governor and General Assembly of Georgia to Continue Efforts to Reform and Improve Mental Health Services for The Citizens of Georgia

Cindy Levi CEO Avita Community Health Partners read the resolution that urged the Governor and General Assembly of Georgia to continue efforts to reform and improve mental health services for the citizens of Georgia.

Motion made to approve the resolution.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison
Vote: 5:0
All yea votes and the motion passed.
(Copy of Resolution filed in Attachment to Minute Book 11-1) 2023-15

12. PREVIOUS BUSINESS ACTION:

a. Tabled 9/26/2023: Public Utilities: Side by Side ATV Purchase Horace Gee

Motion to untable the item.

Motion made by Chairman Turk, Seconded by Commissioner Garrison.

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

Vote: 5:0

All yea votes and the motion passed.

Comm. Garrison asked if only Banks County employees would be using the Side by Side?

Ch. Turk stated he had shown all the Commissioners options on Side by Sides and he asked which ones did they want him to get prices on.

The Commissioners thought Ch. Turk should get prices for the Kawasaki and Honda.

Comm. Ausburn stated he liked the Honda and thought it needed a windshield and roof.

Motion to get quotes for a side by side with a windshield, 4-Wheel drive, roof and two seats.

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

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

Vote: 5:0

All yea votes and the motion passed.

13. EXECUTIVE SESSION – POSSIBLE LITIGATION

Motion to enter into executive session concerning possible litigation at 7:47 p.m.

Motion made by Commissioner Ausburn, Seconded by Chairman Turk.

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

Vote: 5:0

All yea votes and the motion passed.

Motion to close the executive session at 8:05 p.m.

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Affidavit filed in Attachment to Minute Book 11-1)

13. ADJOURNMENT

Motion to adjourn the meeting at 8:06 p.m.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

Chairman

Assistant County Clerk