



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, July 25, 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

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

Planning/Zoning Director Kerri Fincannon

Fire Chief Steve Nichols

Public Utilities Director Horace Gee

County Attorney Randall Frost

2. APPROVAL OF AGENDA

Ch. Turk stated the agenda needed to be amended to add Fire Dept. FEMA Grant Acceptance as 6c.

Motion made by Vice Chairman Maxwell, 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.

3. PLEDGE TO THE AMERICAN FLAG:

Commissioner Gardiner led the Pledge to the American Flag.

4. PUBLIC HEARINGS:

- a. **CU-23-06 - An application has been submitted by Eli Sanders for the property identified as B71 058A, a 57.13-acre lot located on Hwy 63 at the Hwy 184 and Sunshine Church intersection, to be conditionally used as a poultry operation with reduced setbacks.**

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

Atty. Frost stated CU-23-06 was an application that had been submitted by Eli Sanders for the property identified as B71 058A, a 57.13-acre lot located on Hwy. 63 at the Hwy. 184 and Sunshine Church Road intersection, to be conditionally used as a poultry operation with reduced setbacks.

Kerri Fincannon gave the following report stating an application has been submitted by Eli Sanders for the property identified as B71 058A, a 57.13-acre lot located on Hwy 63 at the Hwy 184 and Sunshine Church intersection, to be conditionally used as a poultry operation with reduced setbacks.

Poultry farms are permitted by right in the current ARR zone; however, Mr. Sanders cannot meet a

property setback on the front left corner of the property. The setback for permitted use is 400 feet from the surrounding property lines and the nearest line is just under the 400-foot measurement. Mr. Sanders does fall into the setback established by conditional use in ARR which is 200 feet from the property line. Mr. Sanders has provided a letter from his neighbor on that side stating that the setback will be no bother to them. There is no residence on that property that would cause issues with setbacks either.

Ms. Fincannon stated the Planning Commission voted 3:0 to recommend approval of the application.

In Favor of the Application

Mr. Eli Sanders – Stated he was building Cobb Poultry houses and he didn't meet the setbacks. He stated he had a letter from the adjoining property owners stating they were ok with the reduced setbacks.

Comm. Gardiner asked what was the closest point of the reduced setback? Ch. Turk stated the setback was only being reduced by about 50 ft.

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

Motion to accept the Planning Commission recommendation for approval of the application.

Motion made by Chairman Turk, 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 resolution filed in attachment to Minute Book 10-5)

b. CU-23-07 - An application has been submitted by Stanton Porter for the property identified as B55 018, a .92-acre lot located at 40081 Hwy 441, to be conditionally used as a convenience food and retail store with retail gasoline sales.

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

Atty. Frost stated CU-23-07 was an application that had been submitted by Stanton Porter for the property identified as B55 018, a .92-acre lot located at 40081 Hwy 441, to be conditionally used as a convenience food and retail store with retail gasoline sales.

Kerri Fincannon gave a report stating an application has been submitted by Stanton Porter for the property identified as B55 018, a .92-acre lot located at 40081 Hwy 441, to be conditionally used as a convenience food and retail store with retail gasoline sales. Mr. Stanton Porter will be presenting on behalf of the business owner, Mr. Husein Hamirani.

This parcel is currently zoned C2 with a commercial structure in place. The proposed convenience store/gas station is allowed as a conditional use provided that it is surrounded by an opaque fence buffer along the side and rear property lines. The intent is to renovate and utilize the existing structure and to add a fueling canopy with 5 dual sided pumps. The current code requires a 20-foot landscape buffer at the front of the parking area. This parcel does not currently have a buffer and would be covered by the grandfather clause to remain that way. However, the business owner has offered to create a 10-foot landscape buffer to help alleviate any concerns. Parking will also be updated to current code standards.

Ms. Fincannon stated the Planning Commission voted 3:0 to recommend approval of the application.
In Favor of the Application

Stanton Porter – 73 Church St., Winder, GA – Stated the proposal was for a convenient store in which the current building would be decreased in size and remodeled to a modern convenient store and update the parking to current standards. Mr. Stanton wanted to clarify that this store was not designed for tractor trailers, nor is their space.

Comm. Garrison asked how many and how wide were the entrances/exits? Mr. Porter stated there were two entrances/exits.

Vice Ch. Maxwell asked how close the gas pumps were to the entrances and had some concerns about the space? Mr. Porter stated that was the reasoning for increased landscape buffer.

Comm. Garrison asked how many square feet was the store? Mr. Porter said 6,000 sq ft.

Comm. Ausburn asked Mr. Porter to define convenient. Mr. Porter stated the store would be more like a QT/Racetrac style store with grocery/convenience items. He also stated there would not be retail space at the end of the store and would not be a smoke shop. Comm. Ausburn wanted to make sure it didn't turn into a vape shop.

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

Motion to approve the Planning Commission recommendation of approval with the following conditions:

- Limit Vape/CBD Cabinet to 3' x 5'.
- No signs for advertising Vape/CBD larger than 18" x 24".

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 resolution filed in attachment to Minute Book 10-5)

5. BOARDS & AUTHORITIES:

- Planning & Zoning Appeals Board - 3-year term to expire July 31, 2026**
- Planning & Zoning Appeals Board - 3-year term to expire July 31, 2026**
- Recreation Board: Resignation - Vacant term to expire 6/30/2026**

Ch. Turk stated Brad McCook wanted to withdraw his name since he wouldn't get the full support of the board.

Vice Ch. Maxwell stated he would like to table the issue in order to do some further research.

Motion to table the boards and authorities replacements until the August 22, 2023 meeting.

Motion made by Vice Chairman Maxwell, 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. CONTRACTS AND AGREEMENTS:

a. County Utilities: Lighting Services Agreement - Georgia Power

Ch. Turk stated this agreement would update driveway and parking lot lights to LED and would be the same cost of \$395.29/month.

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

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.

(Copy of agreement filed in attachment to Minute Book 10-5)

b. E911: Cyber Security Monitoring & Protection Agreement: Neatoware - Steve Nichols

Chief Nichols stated this contract was for security of computer equipment at the E911 center. He stated they had caught about 70 different attempts to violate our system over the past year. He stated they were a huge asset to E911. The price of the contract would be \$3,029/month which was a total of \$36,348/year and this amount had already been budgeted for in the FY2024 budget.

Chief Nichols further stated the was asking for the contract to be approved and for authorization for the Chairman to sign the contract.

Motion to approve the contract in the yearly amount of \$36,348 and authorize the Chairman to sign the contract.

Motion made by Commissioner Gardiner, 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.

(Copy of agreement filed in attachment to Minute Book 10-5)

c. Fire/EMS - FEMA Grant Acceptance

Chief Nichols stated that each year they look for grants to get equipment that they need. They found a grant through FEMA for a mini pumper truck in which would replace a high mileage brush truck that came from the Forestry Service.

Chief Nichols continued to state they have received a grant from FEMA in the amount of \$381,000. The grant required a match of \$35,421 and he was asking permission to move forward with the grant and authorization of the matching funds.

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.

d. Public Utilities: Notice of Award of Hudson River Gravity Sewer Main Project to Wilcorp, Inc. in the sum of \$10,873,933.10 - Horace Gee

Horace Gee stated bids were received for 4.7 miles of gravity sewer line. They only received bids from two contractors because of the time frame competition. The low bid was \$10,873,933 from Wilcorp, Inc.

Maxwell asked why there was such a big difference in the pricing? Mr. Gee explained the process.

Comm. Garrison asked about getting a better price if he had stayed ahead of the timeline? Mr. Gee stated he didn't know they were going to be so far ahead of schedule.

Comm. Garrison asked if the contract had a clause for change orders or was this a set price? Mr. Gee said this was the set price. Mr. Gee stated this is the bottom-line price.

Motion to award the bid to Wilcorp, Inc. in the amount of \$10,873,933.

Motion made by Commissioner Ausburn, 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.

7. MISCELLANEOUS:

a. **Public Utilities: Wetlands Credits with USACE for streambank encroachment for the Hudson River Gravity Sewer Main - Horace Gee**

Mr. Gee stated that because they would be working about 25 ft. from the Hudson River and working in a delineated wetlands area and will be disturbing a total of 3.28 acres so therefore the County would have to purchase 3.28 units of mitigation credits. He stated the purchase of these credits would go into a mitigation bank and would be used for restoration projects for watersheds. The mitigation bank credit cost \$88,000 per unit, which is approximately \$289,000 and the funding for these credits were included in the GEFA loan amount.

Motion to purchase 3.28 unit of wetland credits from a mitigation bank in the amount of approximately \$289,000.

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.

8. ADJOURNMENT

Motion to adjourn the meeting at 7:30 p.m.

Motion made by Commissioner Garrison, 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.

Chairman

Assistant County Clerk