



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, September 26, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER

Ch. Turk called the meeting to order.

PRESENT

Chairman Charles Turk
Commissioner Chris Ausburn
Commissioner Keith Gardiner
Commissioner Bo Garrison

ABSENT

Vice Chairman Danny Maxwell

STAFF

County Clerk Regina Gailey
Assistant County Clerk Erin Decker
Human Resources Director Arlene Ivey
Public Utilities Director Horace Gee
Chief Finance Officer Randy Failyer
County Attorney Randall Frost

2. APPROVAL OF AGENDA

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

4. Public Comment
5. Public Hearings
6. Miscellaneous
- 6b. Public Utilities - Wastewater Treatment RTV
7. Executive Session: Personnel/Litigation
8. Adjournment

Motion to approve the agenda as amended.

Motion made by Chairman Turk, Seconded by Commissioner Garrison.

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

Vote: 4:0

All yea votes and the motion passed.

3. PLEDGE TO THE AMERICAN FLAG:

Comm. Ausburn led the Pledge to the American Flag.

4. PUBLIC COMMENT: CHRISTOPHER DANIEL – Hembree Road Waterline

Christopher Daniel – 664 Hembree Road, Maysville – Stated he would like to know why water couldn't be provided to his address since there was a trailer above him that had county water. He stated there was a 3" line on Hembree Rd that was connected to an 8" line on McDonald Circle and there was a lot of pressure on the 3" line so that was the reason the water department gave him for not being able to get water.

Horace Gee stated that it was cost prohibitive because of the terrain of the land. Mr. Gee stated Mr. Daniels could put a meter at the end of the line and get an easement from another property owner to run a waterline through their property and down to his house at Mr. Daniel's expense.

5. PUBLIC HEARINGS:

- a. AN ORDINANCE TO AMEND ARTICLE III, ENTITLED "DEFINITIONS OF TERMS" OF THE BANKS COUNTY CODE OF ORDINANCES; TO PROVIDE FOR DEFINITIONS IN THE ZONING PROCEDURES LAW; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.**

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

Atty. Frost stated this was a public hearing for an ordinance to amend Article III, entitled "Definitions of Terms" of the Banks County Code of Ordinances; to provide for definitions in the Zoning Procedures Law; to provide for an effective date and to repeal conflicting ordinances and resolutions; and for other purposes.

Atty. Frost stated this was a procedural matter where in some cases there were definitions in the ordinance but not in the code and vice versa.

Motion to approve the ordinance.

Motion made by Chairman Turk, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

(Copy of Ordinance filed in Attachment to Minute Book 11-1) 2023-10

- b. AN ORDINANCE TO AMEND ARTICLE XV, ENTITLED "BOARD OF APPEALS", SECTION 74-453, ENTITLED "APPEAL-PROCEDURE" OF THE BANKS COUNTY CODE OF ORDINANCES; TO PROVIDE FOR THE PROCEDURE FOR APPEALS TO THE ZONING BOARD OF APPEALS; TO PROVIDE FOR JURISDICTION; TO PROVIDE FOR MINIMUM TIME TO APPEAL; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.**

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

Atty. Frost stated this was a public hearing for an ordinance to amend Article XV, entitled "Board of Appeals", Section 74-453, entitled "Appeal-Procedure" of the Banks County Code of Ordinances; to provide for the procedure for appeals to the Zoning Board of Appeals; to provide for jurisdiction; to provide for minimum time to appeal; to provide for an effective date and to repeal conflicting ordinances and resolutions; and for other purposes.

Atty. Frost stated this ordinance was concerning the time limits for filing an appeal and having the hearing. He also stated this was not an appeal of the Board of Commissioners decision.

In Favor of the Ordinance

Taylor Griffith – 425 Evans Street, Homer – Stated he wanted to clarify that this was just for Section 74 that dealt with subdivisions.

Atty. Frost stated that this procedure was for any part of the code.

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

Motion to approve the ordinance.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All ye a votes and the motion passed.

(Copy of Ordinance filed in Attachment to Minute Book 11-1) 2023-11

- c. **AN ORDINANCE TO AMEND ARTICLE XV, ENTITLED "BOARD OF APPEALS", SECTION 74-454, ENTITLED "NOTICE OF HEARING" OF THE BANKS COUNTY CODE OF ORDINANCES; TO PROVIDE FOR A HEARING; TO PROVIDE FOR NOTICE; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.**

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

Atty. Frost stated this was a public hearing for an ordinance to amend Article XV, entitled "Board of Appeals," Section 74-454, entitled "Notice of Hearing" of the Banks County Code of Ordinances; to provide for a hearing; to provide for notice; to provide for an effective date and to repeal conflicting ordinances and resolutions; and for other purposes.

Atty. Frost stated this was laying out the appeal process and time deadlines in which you must file an appeal, notify the parties of interest and have the hearings.

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

Comm. Auburn stated he wanted to clarify the 20-day period. Atty. Frost stated you had to set the hearing within 20 days of the request.

Motion to approve the ordinance.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison
Vote: 4:0

All ye a votes and the motion passed.

(Copy of Ordinance filed in Attachment to Minute Book 11-1) 2023-12

- d. **AN ORDINANCE TO AMEND ARTICLE XVI, ENTITLED "LAND USE PUBLIC HEARING POLICIES AND PROCEDURES", DIVISION 2, ENTITLED "PROCEDURES FOR THE ADOPTION OF CHANGES TO LAND USE ORDINANCES AND THIS ARTICLE", SECTION 1605, ENTITLED "PROPOSALS FOR MODIFICATIONS RELATING TO PARTICULAR PROPERTY" OF THE BANKS COUNTY CODE OF ORDINANCES BY ADDING A SUBSECTION (A); TO PROVIDE FOR HEARINGS AND NOTICE IF THE ZONING DECISION RELATES TO OR WILL ALLOW THE LOCATION OR RELOCATION OF A HALFWAY HOUSE, DRUG REHABILITATION CENTER, OR OTHER FACILITY FOR THE TREATMENT FOR DRUG DEPENDENCY; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.**

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

Atty. Frost stated this was a public hearing for an ordinance to amend Article XVI, entitled "Land Use Public Hearing Policies and Procedures", Division 2, entitled "Procedures for the Adoption of Changes to Land Use Ordinances and This Article", Section 1605, entitled "Proposals for Modifications Relating to Particular Property" of the Banks County Code of Ordinances by adding a subsection (a); to provide for hearings and notice if the zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for the treatment for drug dependency; to provide for an effective date and to repeal conflicting ordinances and resolutions; and for other purposes.

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

Motion to approve the ordinance.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

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

Vote: 4:0

All yea votes and the motion passed.

(Copy of Ordinance filed in Attachment to Minute Book 11-1) 2023-13

e. AN ORDINANCE TO AMEND SECTION 22-99, ENTITLED "APPEAL OF FINAL DECISIONS" OF THE BANKS COUNTY CODE OF ORDINANCES; TO PROVIDE FOR APPEALS OF FINAL DECISIONS OF THE BOARD OF COMMISSIONERS OF BANKS COUNTY; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.

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

Atty. Frost stated this was a public hearing for an ordinance to amend Section 22-99, entitled "Appeal of Final Decisions" of the Banks County Code of Ordinances; to provide for appeals of final decisions of the Board of Commissioners of Banks County; to provide for an effective date and to repeal conflicting ordinances and resolutions; and for other purposes.

Atty. Frost explained the differences in the procedural differences between the types of appeals.

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

Motion made by Commissioner Gardiner, Seconded by Chairman Turk.

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

Vote: 4:

All yea votes and the motion passed.

(Copy of Ordinance filed in Attachment to Minute Book 11-1) 2023-14

6. MISCELLANEOUS:

a. Finance: Audit Services Proposal: Rushton - Randy Failyer

Randy Failyer stated he was notified by the current audit firm that they would not be providing the audit for the County any longer. He stated that they had done a great job and he had enjoyed working with Duncan and Kitchens over the last several years.

Mr. Failyer stated that himself and the Chairman had met with several companies and had decided Rushton and Company was the best option for Banks County to provide audit services.

He stated that he was asking the Commissioners to approve the agreement for audit services and authorize the Chairman to sign the agreement.

Comm. Ausburn asked about the cost. Mr. Failyer stated it would be an increased cost and they do charge additional fees for required single audits for federal funding.

Motion to approve the agreement with Rushton and Company for audit services and authorize the Chairman to sign the agreement.

Motion made by Commissioner Gardiner, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

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

b. Public Utilities: Side by Side

Horace Gee stated he was asking to purchase a Kubota RTV X1100 for both Hudson River Water Reclamation Facility and for Sewer Line installation Inspection from Wrights Mill Road to Duncan Road.

He also stated this unit would be used by both Carter and Sloope's Inspector and himself to oversee Sewer Line Construction and once both projects were complete the unit would be stationed at the Wastewater Treatment site for daily plant control. Mr. Gee stated he had received three quotes but Kubota unit entitles us to use the State Contract Quote for a considerable savings. He further stated the unit could be paid for through the GEFA Wastewater Loan. The price of the unit from James Short Tractor in Alto would be \$21,899.

The Commissioners had some concerns on the price of the unit and also about Carter and Sloope using the RTV for inspections.

Mr. Failyer stated the item could be purchased with SPLOST funds instead of the GEFA Wastewater Loan.

Motion to table the item for further research until the October 10, 2023, meeting.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

7. EXECUTIVE SESSION: PERSONNEL/LITIGATION

Motion at 7:13 p.m. to enter into an executive session concerning personnel and possible litigation.

Motion made by Commissioner Garrison, Seconded by Chris Ausburn

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

Vote: 4:0

All yea votes and the motion passed.

Motion to close the executive session at 7:40 p.m.

Motion made by Commissioner Garrison, Seconded by Chris Ausburn

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

Vote: 4:0

All yea votes and the motion passed.

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

8. ADJOURNMENT

Motion to adjourn the meeting at 7:41 p.m.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

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

Vote: 4:0

All yea votes and the motion passed.

Chairman

Assistant County Clerk