



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, August 13, 2024 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

Planning/Zoning Director Kerri Fincannon

County Attorney Randall Frost

Public Utilities Director Horace Gee

Human Resources Officer Arlene Ivey

2. APPROVAL OF AGENDA

Ch. Turk stated 7F. Recreation Parking Lot needed to be added to the agenda.

Motion to approve the agenda as amended.

Motion made by Commissioner Gardiner, 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.

3. APPROVAL OF MINUTES

a. 7/9/2024 Minutes

Motion to approve the minutes.

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.

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 received 316 Fire/EMS calls and 2,923 Sheriff's Office calls.
- Recreation Department was starting Basketball Registrations.

6. PUBLIC HEARINGS:

- a. Planning Commission: CU-24-03 An application by Steven Evans and April Turner for a Conditional Use permit on the property identified as B74 036A, a 1.06-acre parcel located at 3377 Hwy 63. The proposed use is a home occupation (vintage dirt bike restoration and service work) in an accessory structure.**

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

Atty Frost stated CU-24-03 was an application by Steven Evans and April Turner for a Conditional Use permit on the property identified as B74 036A, a 1.06-acre parcel located at 3377 Hwy 63. The proposed use is a home occupation (vintage dirt bike restoration and service work) in an accessory structure.

Kerri Fincannon stated the Planning Commission voted 5:0 to recommend the application for approval.

In Favor of the Application

Steven Evans – 3377 Hwy 63, Carnesville, GA - Stated he was requesting to do business as a vintage motor cycle service and repair shop. He stated he would be rebuilding motors, changing tires and servicing vintage motorcycles.

Ch. Turk asked what would be the hours of operation? Mr. Evans stated Monday thru Friday 8 am to 5 pm.

Comm. Ausburn asked if he would be working out of a garage? Mr. Evans stated he would be working out of a shop.

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

Motion to approve the Planning Commission recommendation for approval.

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.

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

- b. Planning Commission: CU-24-04 An application by Shawn Hill for a Conditional Use permit on the property identified as B65 069, an 85.04-acre parcel located at 1148 Hwy 164. The proposed use is a home occupation (woodworking and welding shop) in an accessory structure.**

Ch. Turk stated that Mr. Hill had withdrawn his application.

7. CONTRACTS AND AGREEMENTS:

- a. Public Utilities: Lift Station Consolidation C&S Project No.: B1350.032 Bid Award - Horace Gee**

Horace Gee stated this would be the final phase of the sewer master plan. This would allow the flow to be reversed and pump to the new treatment plant. Mr. Gee stated they received two bids from the following contractors:

Griffin Brothers, Inc: \$999,352.77 FS Scarbrough LLC: \$2,298,266.19

Motion to approve the low bid from Griffin Bros. in the amount of \$999,352.77.

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 Contract filed in Attachment to Minute Book 11-1)

b. Fire/EMS: Maysville Fire District - Automatic Aid Agreement – Ratification

Ch. Turk stated Banks County has had automatic aid with Maysville but when their Fire Chief passed away the agreement had to be renewed with the new Fire Chief.

Motion to approve the Automatic Aid Agreement and ratify the Chairman's signature.

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

c. Finance: Auditor's Engagement Letter - FY2024

Motion to approve the Auditors Engagement Letter for FY2024.

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

d. GA Power Illumination Agreement - Horse Arena

Motion to table the agreement until the September 10, 2024 meeting.

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.

e. GA Power Illumination Agreement - Roadway Lights

Motion to table the agreement until the September 10, 2024 meeting.

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.

f. Recreation Parking Area

Ch. Turk stated there was additional parking at the Recreation Department needed. He stated the additional parking area would cost around \$25,000. Stratton and Sons Construction stated he could do it while he was doing the other road paving projects in the County.

Motion to approve the parking lot at the Recreation Dept.

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.

8. RESOLUTIONS AND ORDINANCES:

a. 2024 Millage Rate

Ch. Turk stated the millage rate would be 5.704 and would be the lowest rate in 20 years.

Comm. Ausburn stated the County was taking the full rollback.

Motion to approve the millage rate of 5.704 for 2024.

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 Resolution filed in Attachment to Minute Book 11-1) 2024-44

b. FY2024 Budget Amendment Resolution

Ch. Turk stated this was a Budget Amendment Resolution for FY2024. He further stated that this didn't change the bottom line of the budget but rather adjusting some department totals.

Motion to approve the Budget Amendment Resolution.

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.

(Copy of Resolution filed in Attachment to Minute Book 11-1) 2024-45

c. **A RESOLUTION TO IMPOSE A MORATORIUM ON INDUSTRIAL M-1 AND RESIDENTIAL R-2 ZONINGS, ANNEXATIONS, RE-ZONINGS, AND BUILDING PERMITS FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS WHILE THE BANKS COUNTY CONSIDERS CHANGES TO ITS WATER DISTRIBUTION SYSTEM; TO PROVIDE FOR THE PURPOSE OF THE MORATORIUM, TO PROVIDE FOR FINDINGS FACT, IMPOSITION OF MORATORIUM, THE DURATION OF THE MORATORIUM; TO PROVIDE FOR AN APPEAL PROCESS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.**

Ms. Fincannon read the resolution and stated the Planning Commission voted 5:0 for approval.

Comm. Gardiner stated this was just for M-1 and R-2 zoning.

Ch. Turk stated he did not feel like this was a reason for a moratorium and asked Atty Frost what was his opinion. Atty Frost stated that the Commission had to find and determine that there was an

emergency. He further stated that if there was an emergency, you could enact the moratorium for a maximum of 180 days.

Ch. Turk stated we did not have an emergency.

Comm. Ausburn stated three weeks ago we were out of water.

Ch. Turk stated technically we were not out of water.

The other Commissioners stated we were dangerously low and didn't need to have an emergency.

Comm. Gardiner asked at what stage were we at with getting water pumped from Toccoa.

Ch. Turk stated Mr. Gee had told him the pumps would be in place within two weeks.

Comm. Ausburn stated we still did not know exactly how much water we could get.

Comm. Ausburn asked Atty Frost if we could lift the moratorium anytime we needed to? Atty Frost stated yes.

Motion to approve the moratorium.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

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

Voting Nay: Chairman Turk

Vote: 4:1

Motion passed by majority vote.

(Copy of Resolution filed in Attachment to Minute Book 11-1) 2024-46

9. MISCELLANEOUS:

a. Opioid Settlement - Kroger: Signature Ratification

Ch. Turk stated that Kroger was added to the settlement and his signature needed to be ratified.

Motion to ratify the Chairman's signature.

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.

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

b. Fire/EMS: Station 51 Building & Construction RFP Award - Steve Nichols

Comm. Garrison stated he had a conversation with the Fire Chief about getting more information on quotes for all components of the project instead of just piecing it together. Comm. Garrison stated there was already an architect on board but his concern was that we didn't know the total cost of the project. He would like to see the project put out to bid.

Ch. Turk stated a general contractor would cost a lot more and that three stations had been done that way and not went over budget.

Comm. Garrison stated this project entailed a lot more because it included a Fire/EMS Station, E911 and Fire Admin Offices.

Comm. Ausburn stated he was concerned about the funding and needed more knowledge about what this would cost.

Comm. Garrison suggested to take no action until the processes can be bid out to see the cost of the total project.

No action taken.

c. Request to Initiate Code Amendments: Permitting Fees, Event Venues in ARR Conditional, Agritourism in Home Occupations Conditional - Kerri Fincannon

Permitting Fees:

Ms. Fincannon stated she was proposing to change some of the fees that included mobile home demolition, permit inspections, minor plats and other plat reviews.

Motion to accept the permitting fees.

Motion made by Chairman Turk, Seconded by Commissioner Ausburn.

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

Voting Nay: Commissioner Gardiner

Vote: 4:0

Motion passed by majority vote.

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

Event Venue:

Ms. Fincannon stated the recommendation had been received to amend the Banks County Code of Ordinances by adding to Section 302 Conditional Use in ARR, wedding and event venue, no more than seventy-five.

Ch. Turk stated they were just added to C1 and C2 back in May.

Comm. Ausburn stated there was a conversation about a smaller event venue if someone wanted to supplement some of their farm income by letting someone use their barn or something like that. He stated that this was just the starting process to look into something like this.

Ch. Turk asked what the suggested number was?

Ms. Fincannon stated 75 and Ch. Turk stated that wasn't very small because C1 was 100 and C2 was 100 to 250.

Vice Ch. Maxwell stated lets just do some research and see what we can do.

Motion to initiate the code change.

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

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

Voting Nay: Chairman Turk

Vote: 4:1

Motion passed by majority vote.

Agritourism:

Ms. Fincannon stated this was a request to initiate the change of Appendix A Zoning Article 4 General Provisions Section 417, Home Occupations. In Section 11, the following were conditional uses. We would be adding Agritourism. Cabinet shops and/or metal cutting, doctors, dentists and other medical professionals. Automobile body work, automobile repair and related work and any other home occupation where an accessory building is to be built on or moved to the property for such use.

Ch. Turk stated you are only talking about in Home Occupation so it's got to be an accessory structure by the house.

Comm. Ausburn asked if this was a Planning Commission recommendation? Ms. Fincannon stated yes. Comm. Ausburn asked again that if the Planning Board recommended this? Ms. Fincannon stated at least one of them and she was bound by the Code to accept a recommendation of change from any member of the Board.

Motion to initiate the code change.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Voting Nay: Commissioner Gardiner

Vote: 4:1

Motion passed by majority vote.

10. EXECUTIVE SESSION: Personnel & Potential Litigation

Motion to enter into executive session at 7:26 p.m. concerning personnel and potential litigation.

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.

Motion to close the executive session at 8:03 p.m.

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.

Horace Gee Resignation:

Motion to accept the resignation from Public Utilities Director Horace Gee effective 8/15/2024.

Motion made by Chairman Turk, 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 Affidavit filed in Attachment to Minute Book 11-1)

11. ADJOURNMENT

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

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.

Chairman

Assistant County Clerk