



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, March 11, 2025 at 6:30 PM

MINUTES

1. CALL TO ORDER

Ch. Griffith called the meeting to order.

PRESENT

Chairman Taylor Griffith

Vice Chairman Danny Maxwell

Commissioner Chris Ausburn

Commissioner Keith Gardiner

Commissioner Bo Garrison

STAFF

County Clerk Regina Gailey

Deputy County Clerk Erin Decker

Planning/Zoning Director Kerri Fincannon

Human Resources Director Arlene Ivey

County Attorney - Angie Davis, Jarrard & Davis

County Attorney - Karen Pachuta, Jarrard & Davis

2. APPROVAL OF AGENDA

Ch. Griffith stated the agenda needed to be amended to delete Item 9c.

Motion to approve the agenda as amended.

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

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

Vote: 5:0

All yea votes and the motion passed.

3. APPROVAL OF MINUTES

a. 2/3/2025 Called Meeting Minutes

b. 2/6/2025 Called Meeting Minutes

c. 2/11/2025 Minutes

d. 2/25/2025 Called Meeting Minutes

e. 2/25/2025 Work Session Minutes

f. 2/28/2025 Called Meeting Minutes

Motion to approve the minutes of the meetings for:

2/3/2025 called meeting

2/6/2025 called meeting

2/11/2025 regular meeting

2/25/2025 called meeting

2/25/2025 work session

2/28/2025 called meeting

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

Voting Yea: Chairman Griffith, 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 Ch. Maxwell led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Griffith wanted to thank everyone for coming.

6. PUBLIC HEARINGS:

- a. **V-25-01: An application has been submitted by Lewis Dewberry for a Variance on the property identified as B85E 096, a 2-acre parcel located at 3150 Hwy 326, to reduce the rear setback by 40'.**
Motion to open the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Atty Pachuta went over the details of how the public hearing would be conducted.

Ms. Fincannon stated this was an application for V-25-01 that had been submitted by Lewis Dewberry for a Variance on the property identified as B85E 096, a 2-acre parcel located at 3150 Hwy 326, to reduce the rear setback by 40'.

Ms. Fincannon further read the report of the director stating Mr. Dewberry was issued a permit for his new manufactured home and there was a breakdown in communication that led him to believe that he only needed to be 30' from the property line on the northeast side of the property. The plat that he was using showed the property line to be the center of East County Line Rd. Banks County Code stated that no buildable structure other than driveways, parking lots or fences shall be erected which is located closer than 70' to the center line of any road right of way or 30' from the current property line, whichever is greater. Due to the misunderstanding, Mr. Dewberry's home was only 30' from the center of the road. He was asking for a variance of a minimum amount of 40' to achieve compliance. Planning Commission voted 5:0 yes to recommend for approval with the condition of an evergreen barrier.

In Favor of Application

Lewis Dewberry - 3150 Hwy. 326, Commerce, GA - Stated he had mistakenly placed his home in the wrong place. He was proposing to plant evergreens to off-set the view from the road. Mr. Dewberry continued by stating he apologized for the error and asked the Commissioners for favorable consideration of the variance.

No Opposition of the Application

Motion to close the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Comm. Ausburn was concerned about creating a precedent of people doing whatever and then coming and asking for a variance.

Comm. Garrison asked Ms. Fincannon if he owned the rest of the property? She stated yes and Ch. Griffith stated it was a separate parcel.

Ch. Griffith asked Mr. Dewberry about the property line? Mr. Dewberry stated the property line went to the middle of the road.

Ch. Griffith stated that he heard Comm. Ausburn's concern but in this case some of the variance criteria would apply because of the shape of the parcel.

Comm. Garrison asked if the inspectors measured setbacks? Ms. Fincannon stated they did not do that.

Ch. Griffith asked that in the future the inspectors were requested to do that.

Motion to grant variance V-25-01 with the conditions of an 8ft. solid wood board fence along the eastern property line to extend 10ft. past each side of the house and an evergreen opaque vegetative buffer on the eastern property line.

Motion made by Chairman Griffith, Seconded by Commissioner Gardiner.

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

Voting Nay: Commissioner Ausburn

Vote: 4:1

Majority voted yea and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 11-2)

- b. Z-25-02: An application has been submitted by Zaidh Cuellar to Rezone the property identified as B48 011, a 5-acre parcel located on Hwy 441 from ARR- agricultural, rural, residential to C2-commercial to be used for self-storage units and recreational vehicle/boat storage.**

Motion to open the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Atty Pachuta went over the details of how the public hearing would be conducted.

Ms. Fincannon stated that Z-25-02 was an application that had been submitted by Zaidh Cuellar to rezone the property identified as B48 011, a 5-acre parcel located on Hwy 441 from ARR- agricultural, rural, residential to C2 - Commercial to be used for self-storage units and recreation/vehicle/boat storage.

Ms. Fincannon read the director's report stating the applicant was wanting to rezone from ARR to Commercial for self-storage buildings and RV/Boat parking. Both uses were listed as permitted in the Banks County Code. The proposed storage met the criteria of no individual unit being more than 800

square feet. The property would require access on Hwy 441 in accordance with the Georgia Department of Transportation. There was other commercial property within the immediate vicinity. The Planning Commission voted 5:0 yes to recommend approval with the condition of a vegetative opaque buffer.

In Favor of the Application

Zaidh Cuellar - Applicant - Stated his intent was to level the 5-acre tract and build self-storage units in the front and RV/Boat storage behind the units.

Motion to close the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Comm. Gardiner asked how much total property did Mr. Cuellar own? He stated 15 total acres.

Ch. Griffith asked Mr. Cuellar to describe the design. Mr. Cuellar stated the design will meet the code criteria and will have a brick front and brick on the side and then on the back side where the storage would be it would be metal.

Comm. Garrison asked what the operational hours would be? Mr. Cuellar stated since it was self-storage units it would have to be operational 24-hrs. He further stated the office hours would be 8:00 a.m. to 5:00 p.m. or 6:00 p.m. Monday - Sunday.

Ch. Griffith asked if there would be key card access? Mr. Cuellar stated yes because there would be a secure fence up.

Ch. Griffith asked if they had spoken with GDOT? He stated yes, they had been in conversation with Jason Dykes with GDOT about deceleration lanes and the entrance off Hwy 441.

Comm. Garrison asked how far off the neighbor's property line would the building sit? Mr. Cuellar stated 20 foot.

Vice Ch. Maxwell stated he was concerned with the narrowness of the parcel. Mr. Cuellar stated they had been working with engineers and architects about the design and if they needed to reduce the space they could.

Comm. Ausburn asked if the RV/Boat storage would be covered? Mr. Cuellar stated no.

Comm. Garrison stated his main concern was the long and narrow tract.

Ch. Griffith asked if the area would be fenced? Mr. Cuellar stated it would be fenced and lighted.

Motion to approve V-25-02 with the condition that it was fully fenced with an electronic entry gate, opaque vegetative buffer at a minimum on the northern property line and the use would be restricted to mini-storage, RV/Boat storage and top of sign no higher than 10 ft. from the ground.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.

Voting Yea: Chairman Griffith, 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 11-2)

c. **Z-25-03: An application has been submitted by Andy Pfirmman of Lamp Metal Trusses, Inc to Rezone the property identified as B34 062, a 2.9-acre parcel located on Otis Brown Rd. from ARR-agricultural, rural, residential to C2- commercial to be used for a storage warehouse for pre-fabricated metal trusses.**

Motion to open the public hearing.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

Ms. Fincannon stated Z-25-03 was an application that had been submitted by Andy Pfirmman of Lamp Metal Trusses, Inc. to rezone the property identified as B34 062, a 2.9-acre parcel located on Otis Brown Rd. from ARR-agricultural, rural, residential to C2 -Commercial to be used for a storage warehouse for prefabricated metal trusses.

Ms. Fincannon read the report of the director which the applicant was requesting rezoning to C2 commercial designation for a storage warehouse. The use was permitted in C2 zoning. The proposed warehouse met the criteria of occupying no more than 20,000 sq. ft. The property sits facing Hwy 441, but would be accessed from an existing entrance on Otis Brown Rd. There is existing commercial property within the immediate vicinity. The Planning Commission voted 3:2 not to recommend.

In Favor of the Application

Andy Pfirmman, Lamp Metal Trusses - Applicant - Asked if he could get a correction on what the Planning Commission vote was. He stated he was at the Planning Commission meeting last week and thought they voted 3:2 to recommend.

Ms. Fincannon stated they did have a clarifying meeting to clarify the votes. She further stated last week they voted to defeat the approval motion. This morning, 3/11 they met and voted to deny.

Mr. Pfirmman stated that was new news to him but that could be discussed at a later time.

Mr. Pfirmman stated he was here for a rezoning request and the purpose was for a storage of prefabricated metal trusses. He further stated they were a long time established Southeastern based company and had an office in Lula Georgia. Mr. Pfirmman stated they had been servicing school districts all over the Southeast for decades and as the company grew that were looking to make a permanent home for themselves instead of leasing a yard here and there, they were looking for something more permanent. He further stated that as he researched the area he found the 2023 Banks County Comprehensive Plan and his business fit in the East Homer 441 corridor that was intended to support commercial uses at US 441 major intersections. He stated the business impact on the community would be minimal and that the total impact would be positive. He stated the aesthetics would be outstanding especially versus the way its undeveloped right now. The traffic would be minimal coming in and out at a major intersection.

Motion to close the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Ch. Griffith stated he wanted to clarify that the rezoning did not fall into the East Homer Character Area.

Ch. Griffith stated the trusses were just going to be stored at the location. Mr. Phirman stated yes.

Comm. Ausburn asked if this would only be a storage facility and not fabricating the trusses? Mr. Phirman stated yes, the trusses would only be stored at the location.

Comm. Garrison asked how many trucks would be at the site? Mr. Phirman stated only about 15 trucks per year. He continued to explain that most of the trusses were fabricated and shipped to the job but there were some that were stored for outlying jobs in the future.

Ch. Griffith asked how big was the current building they were operating from? Mr. Phirman stated they were open air locations and with this location they were trying to grow their business and have a location that was more permanent. The proposed building was 7,200 square feet of storage facility space.

Motion to deny the application for V-25-03.

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

Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn

Voting Nay: Commissioner Gardiner, Commissioner Garrison

Vote: 3:2

Motion passed by majority vote.

(Copy of Resolution filed in Attachment to Minute Book 11-2)

- d. **CU-25-01: An application has been submitted by Angel Ortiz for a Conditional Use on the property identified as B66 023C, a 2-acre parcel located at 130 Gordon Rd. to operate a home occupation from an accessory structure. The proposed business is a spring water bottling operation.**

Motion to open the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Ms. Fincannon stated CU-25.01 was an application that had been submitted by Angel Ortiz for a Conditional Use on the property identified as B66 023C a 2-acre parcel located at 130 Gordon Rd to operate a home occupation from an accessory structure. The proposed business was a spring water bottling operation.

Ms. Fincannon read the director's report that stated the applicant requests permission to run a home occupation from an accessory structure, the proposed business was a bottling operation for spring water. The intent was to bottle water for sales at another location. This would not be a retail storefront and there should be no increased traffic in the area. There are no documented businesses similar in unincorporated Banks County. The Planning Commission voted 5:0o not to recommend for approval.

The applicant did not appear for the hearing.

No one spoke in favor or in opposition of the application.

Motion to close the public hearing.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

Ms. Fincannon stated the applicant did not request to postpone the hearing.

Ch. Griffith stated he thought this application far exceeded the scope of Home Occupation.

Motion to deny the application.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Griffith, 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 11-2)

- e. **CU-25-02: An application has been submitted by Huong Lan Nguyen for a conditional use on the property identified as B78 020, a 46.62-acre parcel located on Wrights Mill Rd. for a poultry farm with reduced setbacks.**

Motion to open the public hearing.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

Ms. Fincannon stated CU-25-02 was an application that had been submitted by Huong Lan Nguyen for a conditional use on the property identified as B78 020, a 46.62-acre parcel located on Wrights Mill Rd for a poultry farm with reduced setbacks.

Ms. Fincannon read the directors report that stated the applicant requested a conditional use for a poultry farmhouse setback. The intent was to enter into contract with IPP for 4 new poultry houses, but due to the direction that the houses needed to be situated they could not meet the 400 ft. setback. With a reduced setback of 200 ft. the houses would fit appropriately while still maintaining a distance of over 800 ft. to the nearest resident. The property borders industrial zoning. The request was within the intent of the surrounding area. The Planning Commission voted 5-0 yes to recommend.

In Favor of the Application

Huong Lan Nguyen, Applicant - Bowman, Georgia - Stated she applied for a conditional use because she wanted to build a breeder house and move to Banks County.

Michelle Ramsey, Realtor - 2463 Hwy 51 S, Lula GA - Stated she was the realtor for Thelma Hart and represented her in the sell of her property and they were respectfully asked for approval of this conditional use application as it was neither a variance nor a request for rezoning but was simply a request to adhere to the current zoning regulations for conditional use. Specifically for a poultry farm that meets the qualifications set forth under ARR zoning parameters on poultry houses for a reduced setback. She further stated the reduced setback was allowed when the condition for use has been met for the zoning requirements for poultry houses. She further stated they were not asking the board to step outside of the zoning guidelines for use. She stated Banks County supports farming and the entirety of the property is buffered and hidden by trees with a 20 ft. ingress/egress entering the property.

In Opposition of the Application

The following people spoke in opposition of the application:

Roger Bregenzer - 123 Wrights Mill Road - Stated he wasn't against the use of the property but the safety of the ingress/egress coming to and from the property and also stated Wrights Mill Road wasn't wide enough to accommodate the added truck traffic.

Cindy Bregenzer - 123 Wrights Mill Road - Stated they have had a great relationship with the Harts and use of the easement road for over 20 years but however with the conditional use permit this would deny the safe use of their own land. She stated having a poultry farm with reduced setbacks would significantly deteriorate the value of their property at resale and if the conditional use was approved, they did intend to appeal the judgement in order to protect their land. She further stated the purpose of zoning was to protect property owners and tax payers so why would an exception be made to the ordinances. This could have a negative impact on their farming business, destroy a public thoroughfare, compound existing traffic problems and endanger the safety of all concerned.

Kimberly Herald - 261 Wrights Mill Rd - Stated for her it was a safety factor and continued to state that she had been almost hit several times because of the site distance and with the Conditional Use it would even be more dangerous because of the semi-trucks. Also, her safety concern was huge because of the people riding horses and the children on the road.

Brittney Purcell - 432 Wrights Mill Rd - Stated the width of the road was a safety concern. She also stated that she sent the Commissioners an email with her concerns. She stated the setback was 400 feet but the Conditional Use was asking the setback to be changed to 200 feet. If changed to 200 feet you were effectively changing the zoning to CAD and the zoning of the area was ARR. She further stated the setback should be done for a little and not a lot.

Rhonda Holloway - 564 Carlan Rd - Stated she was opposed to the Conditional Use because it could make Carlan Rd unsafe if the big trucks come down Carlan Rd.

Spencer Holloway - 564 Carlan Rd - Stated he had called 911 numerous times about speeders and big transfer trucks would increase of safety issues of the road. He stated Carlan Rd nor Wrights Mill Rd were wide enough for tractor trailer trucks.

Brett Herald - 261 Wrights Mill Rd - Stated he was the farm manager for the Bregenzer's. He continued to state that the road was not wide enough for two semi-trucks to pass and the intersection at Sims Bridge Road was unsafe.

Richard Shockley - 429 Wrights Mill Rd - Stated he lived on the side of the road where the water/sewer line was and the manholes where in the ditch. He stated he walked 7 miles every day and had almost been hit several times. He stated if this was approved it was an accident waiting to happen because the road was unsafe.

Lisa Woodall - 1222 Sims Bridge Road - Stated Wrights Mill Rd was a terrible road and she was opposed to the Conditional Use. She stated her property value would go down and the chicken houses would cause terrible smells and rodents.

Martha Threatt - 1236 Wrights Mill Rd - Stated she lived on the dirt part and was opposed to the variance. She stated they should adhere to the zoning in place and not approve the variance. She stated approval of the variance would set a precedence.

Jack Williford - 164 Rylee Road - Stated he worked for the Bregenzer's and had no problem with agricultural farming but his problem was with the safety of the road. He stated traffic would increase and big trucks had no room to pass.

Rebuttal

Michelle Ramsey - Stated she urged the Commissioners not to be influenced by the opposition that's seeking to rewrite the County regulations. She stated there were some here that have also taken advantage of reduced setbacks without asking for approval. She further stated denying the application

would be an injustice to the applicant and the property owner who had met the necessary qualification within the County code and who were coming before the Commissioners legally to ask for these 200-foot setbacks. She stated the Georgia Department of Transportation would not be investing \$2.6M in a bridge restoration if the road was unsafe and she also had spoken with the school system and they conveyed the reason there was not a bus route down Wrights Mill Road was because there was not a public turnaround but after the bridge construction was complete they could reassess the route for reconsideration.

Motion to close the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Ch. Griffith stated this was a Conditional Use and not a Variance and would not be changing the code. He stated he almost had zero concern about the application until he saw the property easement and was concerned with the high banks on both sides of the easement.

Comm. Gardiner asked what type of chicken houses? Ms. Ramsey stated layers.

Comm. Gardiner stated that would cut down on the traffic coming in and out of the farm. He stated that chicken companies usually would not put in houses if they can't get in and out.

Comm. Maxwell asked how many trucks would be going in and out?

Comm. Ausburn stated he had spoke with someone at a hatchery and Ch. Griffith stated there would be 2 -4 egg trucks per week, 2 feed trucks per week and once a year there would be trucks when they pick up the birds and cleanout the houses.

Comm. Ausburn suggested tabling the item until engineers could go out and look at the road.

Ch. Griffin stated even if the setbacks weren't decreased they could still fit two houses on the property.

Comm. Ausburn also stated he was a fan of farming and rural Banks County but if there was a traffic concern we needed to look at that.

Comm. Garrison stated go look at Sims Harris Road, its a narrow road and there are a lot of chicken houses so the precedence was already set.

Comm. Ausburn stated he wanted to make sure we got it right.

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

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

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

Voting Nay: Chairman Griffith

Vote: 4:1

Majority vote and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 11-2)

f. Planning Commission: Code Amendment - Flag Lot

Motion to open the public hearing.

Motion made by Commissioner Gardiner, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

Ms. Fincannon stated this was a resolution to amend Chapter 74- Subdivisions, Article III- Definitions, Section 74-61 definitions by changing the Definition of Lot, Flag or Panhandle as follows:

Lot, flag or panhandle means a piece of land that is shaped like a flag, with a long, narrow strip providing access to a public street. And a recommendation to amend Chapter 74- subdivisions, article VII- Design Standards for Blocks and Lots, Section 74-204 Panhandle or Flag Lots:

Panhandle or flag lots are prohibited. The narrowest portion of any strip of land providing access between a public street and the main portion of the lot shall be at minimum 100 feet. See Figure 6.

And a recommendation to amend Chapter 74- Subdivisions, Article XVI- Appendices and Figures, Section 74-482 Figures: Figure 6. Flag & Panhandle Lots.

Ms. Fincannon stated the Planning Commission recommended approval with a 5:0 yes vote.

No one spoke in favor or opposition to the recommendation.

Motion to close the public hearing.

Motion to accept the Planning Commission recommendation for approval.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

Voting Yea: Chairman Griffith, 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 11-2) 2025-07

Comm. Garrison stepped out of the meeting at 8:14 p.m.

g. Planning Commission: Code Amendment - Minimum Road Frontage

Motion to open the public hearing.

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

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

Vote: 4:0

All yea votes and the motion passed.

Ms. Fincannon stated this was an ordinance to amend Chapter 74- Subdivisions, Article VII. - Design Standards for Blocks and Lots, Section 74-202- Lot Sizes and Proportions.(d) Residential lots shall have a width of not less than 100 feet at the street providing access to the remainder of the property except in the case of documented easement. The Planning Commission recommended approval of the ordinance with a 5:0 yes vote.

No one spoke in favor or in opposition of the application.

Motion to close the public hearing.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

Motion to approve the Planning Commission recommendation to approve the ordinance.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 11-2) 2025-08

h. Planning Commission: Code Amendment - Subdivision Definition

Motion to open the public hearing.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

Ms. Fincannon stated that this an ordinance to amend Chapter 74- Subdivisions, Article III- Definitions, Section 74-61. Classes of subdivisions means subdivisions as divided into four classes as follows:

(1) Class I: A subdivision involving the division of a tract or parcel of land between immediate family members (parents, grandparents, siblings, children, or grandchildren) into two or three lots with a two-acre minimum per lot size OR a subdivision involving the division of a tract or parcel of land among parents and/or children of the landowner into two or more lots with a two-acre minimum per lot size;

(2) Class II: A subdivision involving the division of a tract or parcel of land into three to nine lots with a five-acre minimum per lot size; and

(3) Class IV: A subdivision involving a division of a tract or parcel of land into ten or more lots and shall be zoned R-1 with a two-acre minimum per lot size.

(4) Minor subdivision: A subdivision involving the division of a tract or parcel of land into two lots with a two-acre minimum per lot size.

Ms. Fincannon stated the Planning Commission recommended approval of the recommendation.

Motion to close the public hearing.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

Comm. Garrison returned to the meeting at 8:17 p.m.

Motion to approve the recommendation of the Planning Commission for approval.

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

Voting Yea: Chairman Griffith, 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 11-2) 2025-09

i. Planning Commission: Code Amendment - Combination Plat

Motion to open the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Ms. Fincannon stated this was an ordinance to amend Chapter 74-Subdivisions, Article III- Definitions, Section 74-61 Definitions. Combination plat means a plat or survey that combines a minor subdivision with either a Class I or Class II subdivision. A minor subdivision cannot be combined with a Class IV subdivision.

2. All resolutions, or ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance, or law, which may be applicable hereto and aid in carrying out and make in effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part thereof.

Ms. Fincannon stated the Planning Commission voted in a 5:0 yes vote to recommend the ordinance for approval.

No one spoke in favor or opposition of the amended.

Motion to close the public hearing.

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

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

Vote: 5:0

All yea votes and the motion passed.

Motion to approve the Planning Commission recommendation for approval.

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

Voting Yea: Chairman Griffith, 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 11-2) 2025-10

7. CODE AMENDMENT INITIATIONS:

a. Subdivisions: Recommend Class I Plats to be Signed in Office

Ms. Fincannon stated this was an initiation for a subdivision code amendment to change the way Class I Subdivisions were signed off on. She stated it changed the wording so that Class II and Class III came before the Planning Commission and Board of Commissioners for approval and Class I could be approved in the office.

Motion to accept the recommendation to initiate the public hearing on the subdivision code amendment.

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Initiation filed in Attachment to Minute Book 11-2)

b. Planning Commission: Recommend changing Director's Recommendation to Director's Report

Ms. Fincannon stated this was an initiation to change the wording of the code to state "Director's Report" instead of "Director's Recommendation".

Motion to accept the recommendation to initiate the public hearing to change "Director's Recommendation" to "Director's Report".

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Initiation filed in Attachment to Minute Book 11-2)

c. Zoning: Recommend dividing Industrial Zone into Industrial and Light Industrial

Ms. Fincannon stated currently we only had an Industrial Zone and this would initiate a division of Industrial and Light Industrial.

Motion to accept the recommendation to initiate the public hearing for the code change.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Initiation filed in Attachment to Minute Book 11-2)

d. Zoning: Recommend Moving Landfill Requirements into a New Article

Ms. Fincannon stated this was an initiation to move "Landfill Requirements" into a new article.

Motion to accept the recommendation to initiate the public hearing to move "Landfill Requirements" into a new article.

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Initiation filed in Attachment to Minute Book 11-2)

8. PREVIOUS BUSINESS ACTION:

a. Finance: Infield Mix Quote to be paid from the 2022 SPLOST

Ch. Griffith stated this was approved last year but now was completed. He stated it included infield mix and laser grade for a total of \$31,000 and this would be paid out of 2022 SPLOST.

Motion to approve the invoice for \$31,000 to be paid from 2022 SPLOST.

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

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

Vote: 5:0

All yea votes and the motion passed.

9. CONTRACTS AND AGREEMENTS:

a. Group Insurance Broker Selection - Arlene Ivey

Ms. Ivey stated at the request of the board she had put out RFP's for insurance broker services and had received 5 RFP's. The 5 companies had been narrowed down to 3 by a panel that was comprised of the county clerk, deputy county clerk, herself, HR generalist and the fire chief. The finalist of 3 brokers were asked to come and do a presentation of their services. Out of the 3 brokers the panel voted that Turner Wood & Smith should continue as the broker for Banks County. Ms. Ivey stated at this time she would ask the Commissioners to extend the broker service offer to Turner Wood & Smith as the Agent of Record starting July 1, 2025.

Motion to accept the proposal and allow the Chairman to sign the agent of record letter.

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Agent of Record filed in Attachment to Minute Book 11-2)

b. IT Services RFP Award & Contract Approval - Arlene Ivey

Ms. Ivey stated 11 RFP's had been received for IT Services. The panel that reviewed the RFP's was comprised of herself, county clerk, deputy county clerk, GIS Analyst and GIS Specialist with Georgia Mountains Regional Commission. She stated after review of the RFP's which included the consideration of cost, references, length of experience, experience with other governmental agencies, location and other considerations, the panel would like to recommend TK Smallwood, LLC of Commerce, GA with an annual cost of \$33,600. She stated she was asking for the approval of the RFP as submitted by TK Smallwood, LLC and approval of the contract pending the County Attorneys review and approval. She further stated the effective date of the contract would begin April 1, 2025.

Motion to approve the RFP as submitted by TKSmallwood, LLC and approve the contract pending county attorney review and approval with an effective date of April 1, 2025.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.

Voting Yea: Chairman Griffith, 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 11-2)

c. Senior Services: FY2026 Local Share Commitment - Legacy Link

Ch. Griffith stated this was the item he deleted from the agenda by mistake.

Ch. Griffith stated he needed a motion to reconsider the approval of the agenda.

Motion to reconsider the approval of the agenda.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

Motion to add Item 9C. back to the agenda.

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

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

Vote: 5:0

All yea votes and the motion passed.

Ch. Griffith stated this was for senior center services and our share would be \$16,500. He stated Legacy Link would provide \$123,153 to Banks County for services.

Motion to authorize the Chairman to sign the Legacy Link Local Share Commitment letter for FY2026.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

Voting Yea: Chairman Griffith, 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 11-2)

10. MISCELLANEOUS:

a. Alcohol License: Neighborhood Market Beer/Wine Retail Package - Kerri Fincannon

Ms. Fincannon stated this was for a beer/wine retail package for Neighborhood Market Beer/Wine Retail Package. She stated the applicants had been fingerprinted and background check approved.

Motion to approve the beer/wine package for Neighborhood Market Beer/Wine Retail Package.

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

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

Vote: 5:0

All yea votes and the motion passed.

b. Recreation: Recreation Fees - Katherine Roberts

Ch. Griffith stated that Recreation Director Kat Roberts had proposed some increased fees for Recreation sports. Comm. Ausburn and Vice Ch. Maxwell were concerned with the increase in fees and wanted to make sure that all children that wanted to play sports were able too.

Motion to table Recreation Fees until the April 8, 2025 meeting.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

c. Board of Commissioners: Rules of Procedure

Ch. Griffith stated the Rules of Procedure would be part of an ordinance and could be adopted at a regular meeting. He further stated he had those in his office if anyone wanted to stop by and look at them.

d. Development Impact Fee Committee

Ch. Griffith stated they had talked about putting a Development Impact Fee Committee together but he had found out that before we could do that the Comprehensive Plan had to include a Capital Improvements Element. He further stated he had talked to Adam Hazzel with GMRC about starting the process to add that to our Comp Plan.

Comm. Garrison stated what concerned him about impact fees was how it was going to affect young couples and how it would add \$15,000 to \$20,000 on their first home.

Ch. Griffith stated his understanding was that the County set the fees and we also would establish criteria for waving those fees.

Atty. Davis stated it may be something the County finds they don't want to do but you can't even look at it until the Comp Plan is updated.

e. Offsite Storage: Candler Building - Tim Harper

Ch. Griffith stated this was talked about at the worksession. The cost of the storage system would be \$10,450 and would be paid for from the Capital Fund in the scanning expenses line item. Ch. Griffith continued to state the Capital Fund would be reimbursed for the expense from the scanning fees that the Clerk of Court collected.

Motion to approve the storage system expense in the amount of \$10,450 to pay from the Capital Fund in the scanning expenses line item.

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

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

Vote: 5:0

All yea votes and the motion passed.

11. PUBLIC COMMENT:

No public comment.

12. EXECUTIVE SESSION: Real Estate Acquisition/Disposal & Potential Litigation

Motion to enter into executive session for real estate acquisition/disposal and potential litigation at 9:01 p.m.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Griffith, 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 10:04 p.m.

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

Voting Yea: Chairman Griffith, 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 11-2)

13. ADJOURNMENT

Motion to adjourn the meeting at 10:05 p.m.

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

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

Vote: 5:0

All yea votes and the motion passed.

Chairman

Deputy County Clerk