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| Banks County Established 1858 Seal | **Banks County Board of Commissioners Meeting** |
| Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547 |
| Tuesday, August 12, 2025 at 6:30 PM |
| **Minutes** |

**1.** **CALL TO ORDER**

Chairman Griffith called the meeting to order.

**PRESENT**

Chairman Taylor Griffith

Vice Chairman Danny Maxwell

Commissioner Chris Ausburn

Commissioner Bo Garrison

**STAFF PRESENT**

County Clerk Erin Decker

Deputy County Clerk Julie Wofford

Planning/Zoning Director Kerri Fincannon

County Attorney Jeff Strickland

Sheriff Carlton Speed

**2.** **APPROVAL OF AGENDA**

Chairman Griffith stated the agenda needed to be amended as follows:

Add: 8c. Emergency Water Meter Moratorium

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 Garrison

Vote: 4:0

All yea votes and the motion passed.

**3.** **APPROVAL OF MINUTES**

**a. 7/8/2025 4:30PM Called Meeting**

**b. 7/8/2025 6:30PM Reg Meeting**

**c. 7/15/2025 3:00PM Called Meeting**

**d. 7/29/2025 1:30PM Called Meeting/Work Session**

Motion to approve the minutes for the above meetings.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0

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**

Chairman Griffith stated the Commissioners had been working on a few items

* doing interviews for Recreation Director
* working the EPD and engineers for potential sources for extra water
* working on a new scheduling format for Fire/EMS personnel
* working with Army Core of Engineers as well as county engineers to get the sewage plant online
* sent letter to GDOT requesting some amendments to the road median project at Banks Crossing

**6.** **Lanier Technical College: Adult Learning Center Presentation**

Scott Watson and Tracy Sheppard spoke about the Lanier Technical College-Adult Education program. The program was for adults who need to get their GED or High School Equivalency Diploma.  Last year the program had 336 people get their GED. The Center also helps adults get certifications for different jobs. Also had ESOL (English Speakers of Other Languages) classes available for the community. All their services were free

**7.** **PUBLIC HEARINGS:**

**a. Planning Commission: Noise Ordinance – Tabled**

Motion to bring the noise ordinance public hearing off the table.

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0

All yea votes and the motion passed.

County Attorney Jeff Strickland read the public hearing procedures for the record.

Chairman Griffith requested Planning Director Kerri Fincannon to speak on what had been concluded after the last work session.

Ms. Fincannon said while the need for a noise ordinance was understood the initial proposal presented was not well received by the public. The Planning Commission and Board of Commissioners had focused on key items such as residential noise impacts, reasonable allowances for schools, churches, and community events, and simplified enforcement processes that does not require specialized sound measurement equipment. Ms. Fincannon had prepared an alternative draft ordinance.

Chairman Griffith asked the other commissioners if they wanted time to act now or study over the new draft. Commissioner Ausburn said this was something we need to get right the first time.

Chairman Griffith asked Attorney Strickland if they wanted to table it before accepting public comment. Attorney Strickland said if there were modifications to the language, they could table it. If they want to hear comments on the language that was before them, they could discuss and if there were changes following public hearing those modifications could be adopted in a revised ordinance.

Motion to table Noise Ordinance Public Hearing for September 9th at 6:30pm.

Motion made by Chairman Griffith, Seconded by Commissioner Garrison.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0

All yea votes and the motion passed.

**b. Planning Commission: CU-25-07 Conditional Use**

Motion to open the public hearing in CU-25-07 Conditional Use.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Ms Fincannon stated that an application had been submitted by Daniel Gleen requesting a Conditional Use permit for the property located at 2810 Hwy 98, Lula. The request was to allow home occupation with additional structure on the 5-acre lot. The structure will be a Martial Arts Studio with approximately 20 students.  The additional structure was a 30x50 home gym that is under construction and small gravel parking lot that would hold 8-9 cars.

**Daniel Glenn, 2810 Hwy 98, Maysville** was going into retirement and wanted to open an MMA school with a few students.

He had spoken with DOT and verified the entrance was at a safe location.  Classes would be open Monday, Tuesday, Thursday, Friday, and sometimes Saturday and over by 8:30pm.

No one spoke in favor of CU-25-07 Conditional Use

No one spoke in opposition of CU-25-07 Conditional Use

Motion to Close public hearing.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Ms. Fincannon said the Planning Commission voted 5:0 to recommend with following conditions:

* Maintain details of LOI
* Maximum 15 students
* Safe lighting that is non-intrusive

Chairman Griffith made a motion to accept application CU-25-07 with conditions.

Motion made by Chairman Griffith, Seconded by Commissioner Garrison.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

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

**c. Planning Commission: Z-25-07 Rezoning**

Motion to open the public hearing in Z-25-07 Rezoning

Motion made by Vice Chairman Maxwell, Second Commissioner Ausburn

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

Vote: 4:0
All yea votes and the motion passed.

Ms. Fincannon stated an application had been submitted by Kim Orr representative of 441 Diesel Inc. requesting to rezone 3.635 acres portions of parcel B53F020 and B53F023. Properties were located at the intersection of Highway 441 and Highway 164.  Request was to rezone ARR to C2 for the purpose of expanding the existing 441 Diesel business operation. The properties were in a predominantly rural corridor however they were located at the intersection of 2 major highways creating an opportunity for commercial development.  The applicant was currently coordinating with GDOT to ensure all driveway access points were approximately placed in compliance with state requirements.

The Planning Commission voted 5:0 to recommend to rezone with the following recommendations:

* Only for auto/truck repairs and sales
* Outdoor lighting may not cast light onto adjacent or neighboring properties
* Vegetative buffer on North and West property lines
* No parts, vehicle, or trailer storage

**Zach Purcell and AJ Purcell, 127 Highway 164 Commerce**, spoke on behalf of their business 441 Diesel Inc.  They were wanting to grow their business to be able to take in and work on buses and bigger tractor trailers. This rezone would allow them the space they needed to expand their business.

No one spoke in favor of Z-25-07 Rezoning

No one spoke in opposition of Z-25-07 Rezoning

Motion to close public hearing.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Motion to accept the Planning Commission application Z-25-07 with conditions.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

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

**d. Planning Commission: Building Codes**

Motion to open the public hearing for Building Codes.

Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Ms Fincannon stated the amendment was updated to align our local ordinance with the most current Georgia minimum standard codes as adopted and amended by the Georgia Department of Community Affairs. The current language referenced outdated additions of the codes. The amendment does not introduce new standards beyond what was already adopted at the state level, it simply updated our ordinance to reflect the latest additions currently in affect. Insuring consistency, clarity, and compliance with guidelines. No substantial changes were being made to the enforcement approach and work code requirements at the local level.

No one spoke in favor of Building Codes

No one spoke in opposition Building Codes

Motion to close public hearing.

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Motion to approve the Building Code-Code Amendment

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

***(Copy of Resolution filed in Attachment to Minute Book 11-2) 2025-0812-01***

**e. Planning Commission: Permit Fees**

Motion to close the public hearing on Permit Fees

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Ms Fincannon said current Banks County permit fee schedule was no longer consistent with surrounding jurisdictions. Many of our fees fall below regional averages. After reviewing the fee structures in similar counties, the proposed 2025 schedule update was more closely aligned with regional standards. The revisions would restructure several categories in simple tiered format and increase certain base fees. In summary residential construction went from a per square foot rate to a flat-tiered rate, new fees were added for decks and porches, residential solar power, and permit renewal, and there were no new fees just updated ones.

No one spoke in favor of Permit Fees

No one spoke in opposition Permit Fees

Chairman Griffith clarified that this was updating the fees to be more align with surrounding counties and with what it cost the county to do the work associated with the permit.

**Wayne Martin, 121 Chitwood Rd**, asked if he built a wood/storage shed would be need a permit. Ms Fincannon said any building under 350 square feet would not need a permit.

Motion to Close public hearing for Permit Fees.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

Motion to Approve Permit Fees.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

***(Copy of Resolution filed in Attachment to Minute Book 11-2) 2025-0812-02***

**8.** **MISCELLANEOUS:**

**a. Planning Commission: Chambers Landing Plat Approval**

Ms. Fincannon spoke of the Chambers Landing Subdivision plat approval request. Chambers Landing Subdivision is located off Chambers Road in Maysville. It consisted of 37 residential lots. This subdivision was originally approved in 2020 under the development standards in affect at that time. Initial approval for the project was granted for 75 residential lots with a single entrance or up to 101 lots with 2 entrances and sewer availabity. The current submittal was for Phase 1 of the larger plan and was consistent with those original conditions. The developer will be grandfathered in under the previous minimum lot size requirement of 1.5 acres. All required infrastructure improvements appeared to follow current standards for final plat recording.  Additionally, the plat met the criteria set forth in Banks County Code Section 74-100 Final Plats Specifications.

Ms. Fincannon said the Planning Commission voted 5:0 to recommend the approved of the final plat of Phase I of Chambers Landing Subdivision.

Owner Bill Griffin stated there were 2 phases. Each phase had 35 lots. Phase I already had the septic work done.

Commissioner Garrison asked Mr. Griffin if he was planning on building or selling the lots. Mr. Griffin stated he was only selling the lots and Adams Homes will purchase and build on the lots.

Motion to accept the recommendation of the Planning Board.

Motion made by Chairman Griffith, Seconded by Commissioner Garrison.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

**b. Planning Commission: Taqueria Mi Jalisco - Liquor Consumption**

Ms. Fincannon said that Taqueria Mi Jalisco wanted to upgrade their existing alcohol license from beer only to include liquor. The applicate had completed all the requirements including background check, fingerprinting, state level processing, and submission of a complete application. All requirements had been met and the application was compliant with Banks County Regulations.

There was no representative present. No action taken

**c. Roads & Bridges: Tractor / Side Arm Cutter Purchase**

The Road Department has requested to buy a tractor and a side arm for cutting. The Mower-Maxes the Road Department had now were good for wide, flat roads but the county needed equipment for narrow paved roads and dirt roads.

They had received 3 bids from 3 different companies

Commissioners wanted to do more research about the equipment before deciding. No action taken

**d. Sheriff: Jail/Administration Roof Repairs**

Chairman Griffith said there were three serious leakages on the building.

Sherriff Carlton Speed said they had patched on the roof for the past 3 years but it needed to be fixed.

Chairman Griffith asked if they would be able to work on the building and still house the inmates?

Sherriff Speed said they should be able to work on the roof while still housing inmates.

Chairman Griffith said roof repair would be paid out of Capital, however, with the large dollar amount they will need to accept sealed bids.

Motion to put the Jail/Admin building roof repairs out for sealed bids.

Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

**e. Emergency Water Meter Moratorium**

Chairman Griffith read the Resolution of the Banks County Boad of Commissioners enacting an Emergency Moratorium on acceptance of rezoning applications, applications for land disturbance permits, building permits, or preliminary plat approval for new developments.

The document stated that the Banks County Board of Commissioners was the governing body of Banks County and therefore, was responsible for regulating development and providing appropriate public infrastructure and services to best serve the public interest, including but not limited to such infrastructure and service.

The Board had determined that residential and commercial growth throughout the County had outpaced the County's ability to provide adequate infrastructure, water, utilities, and services

The situation with particularly with respect to water supply, existing customers were subject to occasional discontinuations of service

The Board desires that the Planning & Development Department, Planning Commission, and Public Utilites formulate proposed changes to the standards, guidelines, and requirements for the development of property within Banks County.

The Board desired that Public Utilities work with County management on developing new sources of raw and potable water or securing an additional water allocation from the EPD.

Chairman Griffith stated the resolution was written for new development, but it was for the purpose of water.

The Public Utilites Director Chad Wilbanks said that with our Mountain Creek Water Treatment Plant we were allowed 1 mgd but with the industries, residential, and chicken farms that were in Banks County there had been several instances where people had been out of water.  Mr. Wilbanks stated that the biggest thing was we needed to plan for the future. There were plans in place to submit application to the state to acquire more water. This would get us out of danger zone, but we would still need to prevent lots of development at this time.

Commissioner Ausburn stated there was not a stone left unturned that they hadn’t tried to get more water for the county. We were also hoping to get more water from City of Toccoa.

Attorney Strickland added to the Moratorium to include that property owners with independent access to potable without the need to connect to the counties water supply maybe be considered as exempt from the water moratorium.

Motion to approve the resolution as amended.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

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

**9.** **PREVIOUS BUSINESS ACTION:**

**a. Recreation: Gym HVAC Split System**

Chairman Griffith stated that the Board had three quotes but only one had recently sent an updated quote and they were waiting on the other two to send a new quote before deciding. No action taken.

**b. Grand Jury: Bailiff Pay**

Chairman Griffith stated that current bailiff pay was $75 per day.

Sherriff Speed said that the county was having a hard time finding bailiffs. Bailiffs were in integral part of the court system and they need to increase pay to attract more bailiffs

Chairman Griffith asked what was a typical day for a bailiff?

Sherriff Speed responded Superior Court could go from 8am till 10pm just depending on how long the judge wanted to stay. Other days they could come and stay 4 hours.

Sherriff Speed said he understands that the bailiff pay will be coming out of the Sheriff Department's budget.

Chairman Griffith asked how many bailiffs did the county have?

Sherriff Speed stated they had two but need at least four.

Motion to increase the Bailiffs pay to $130 per day.

Motion made by Chairman Griffith, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

**c. Maintenance: Vehicle Purchase.**

The current maintenance truck had over 200,000 miles on it. The Commissioners had 3 bids for a truck quote.

* Jacky Jones Ford- $40,652.84
* Hayes Chevrolet- $43,625
* Lake Hartwell Ford- $43563

Motion to purchase the Chevy from Hayes Chevrolet in the amount of $43,625 to be paid by SPLOST.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Garrison.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

**10.** **CONTRACTS AND AGREEMENTS:**

**a. Public Utilities: POS SaaS Agreement 2025**

Mr. Wilbanks stated this was for Government Windows LLC, a new Point of Sale software system for taking payments for the water department.

Currently when someone comes in to pay their water bill the employees go to the same site the customer would use at home. It also takes extra time to process the payment when the employees must do it.

The current POS charges a 3.5% fee. The new POS would charge a 3% fee

The new company will come in and provide all the equipment and setup at no cost to the county. A 36-month contract would have to be signed with the new company and if the county decides to break the contract all equipment would need to be paid for.

Motion to approve the Public Utilities: POS SaaS Agreement 2025

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

***(Copy of Agreement filed in Attachment to Minute Book 11-2) 2025-0812-03***

**b. Opioid Litigation Settlement**

Chairman Griffith stated there are three opioid settlements currently going on. The county attorney had approved 2 of them but needs more time to go over the 3rd settlement. No action taken

**c. GA Power Easement: 1489 N. County Line Road**

Chairman Griffith stated Georgia Power wants an easement to clear vegatation for better service at 1489 N. County Line Rd.

The county will be compensated $6,102

The county attorney has looked over the easement.

Motion to approve the easement and allow the Chairman to sign the document.

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

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

**d. Windstream DSL - Ratification**

Chairman Griffith needed to ratify the signature for the Windstream DSL that was put in to assist with internet outages in the Annex building.

Motion to ratify the chairman's signature.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

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

**11.** **RESOLUTIONS AND ORDINANCES:**

**a. Sheriff: FY2025 Budget Amendment**

Chairman Griffith stated there were still outstanding invoices from the Sheriffs Depart for FY2025 in the amount of $90,000. Sheriff Speed said that Hart County was still owed for May, June, and July. Chairman Griffith state that only June was owed and it was covered by the $90,000.

The July payment will be a part of the FY2026 budget.

The $90,000 amendment will cover everything outstanding that was provided by the sheriff's office. It had been approved by the county and will close out the FY2025 budget. Sheriff Speed requested a weekly printout be sent to the Finance Director at the Sheriff's Department of what bills had been paid.

Motion to approve the FY2025 budget amendment to the Sheriff's Office for $90,000.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0
All yea votes and the motion passed.

**12.** **PUBLIC COMMENT:**

Chairman Griffith requested that anyone who would like to speak to limit their time to 3 minutes.

**Brenda Chatham 3035 Hwy 51 Carnesville** spoke expressing her concerns about problems in the county government offices. She submitted a proposed update to Banks County Charter that states there should be no nepotism and no families working together in government offices.

**13.** **EXECUTIVE SESSION**

Motion to enter in executive session at 8:10pm for potential litigation.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0

All yea votes and the motion passed.

Motion to close the executive session at 8:42 p.m.

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0

All yea votes and the motion passed.

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

**14.** **ADJOURNMENT**

Motion to adjourn the meeting at 8:43 p.m.

Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Garrison

Vote: 4:0

All yea votes and the motion passed.