

The Banks County Board of Commissioners held their regular meeting on December 8, 2020 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

Chairman Charles Turk
Vice Chairman Danny Maxwell
Commissioner David Duckett
Commissioner Sammy Reece
Commissioner Keith Gardiner

Staff Present

County Clerk Jenni Gailey
Assistant County Clerk Erin Decker
Human Resources Director Arlene Ivey
Code Enforcement Officer Paul Ruark

Media Present

None

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

Ch. Turk stated Item 7. Recognition: The Governor's Circle Award – Keep Our Mountains Beautiful and Item. 14. Personnel: Emergency Paid Sick Leave Act Expiration 12/31/2020 needed to be deleted.

Motion to approve the amended agenda: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

3. Chairman's Report

Chairman Turk reported the following:

- E911 calls received – 4,254 total calls – 305 Fire/EMS calls – 3,676 Sheriff calls – 273 other calls
- Griffin Bros. had installed the waterlines on Moccasin Gap Road and now were filling them to begin testing.
- Stated he attended a Board of Health meeting and Banks County Covid-19 cases had reach 839, had resulted in 12 deaths and testing was results were at a 22% positive rate. He further stated that the COVID-19 vaccine from Pfizer would be in delivered to the Banks County Health Dept. next week and would be issued to health care and workers on the front line first.
- Recognized Commissioner David Duckett for being a Commissioner from 1977 – 1980 and 2013 – 2020.

4. Pledge to the American Flag

Comm. Reece led the Pledge to the American Flag.

5. Approval of Invoices

Motion to approve the invoices: David Duckett

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

6. Approval of Previous Minutes – 11/10, 11/24

Motion to approve the minutes: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

7. Recognition: The Governor's Circle Award – Keep Our Mountains Beautiful - Deleted

8. Planning Commission Recommendations:

a. Z-20-12 – Michael Veal – An application to rezone the property identified as parcel B48 072A, a 5.532-acre lot on Old Hwy 441N from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for vehicle sales.

Ch. Turk closed the meeting and Attorney Frost opened the public hearing. Atty. Frost stated this was an application to rezone the property identified as parcel B48 072A, a 5.532-acre lot on Old Hwy 441 from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for vehicle sales.

Code Enforcement Officer Paul Ruark stated the Planning Commission recommended approval.

In favor of application

Michael Veal – 3648 Castoff Ct, Gainesville – Stated he would be opening a car dealership with a 50 x 80 shop. He stated this would be a significant source of revenue for the County and his main focus would be 2011 -2017 diesel model trucks and would have 15 – 20 on the lot. Vice Ch. Maxwell asked if he owned the land and could place the outdoor lighting where it would not be a hazard to passing traffic. Mr. Veal stated he would purchase the land if the zoning was approved and would place the lights at a safe angle.

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

Motion to approve the zoning application: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3)

b. CU-20-10 – Paradise Recreation of GA, LLC – An application for property identified as parcel B79 021. A 19.71- acre lot at 256 Hebron Rd, to be conditionally used for a recreational retreat for churches, families and corporations.

Ch. Turk closed the meeting and Attorney Frost opened the public hearing. Atty. Frost stated this was an application for property identified as parcel B79 021. A 19.71-acre lot at 256 Hebron Road, to be conditionally used for a recreational retreat for churches, families and corporations.

Officer Ruark stated the Planning Commission recommended approval of the application with the following conditions:

- Owners/staff have to be on the premises when guests were present

- Quite time would be 10 p.m.
- Mr. Weeks property line, approximately 900 ft., would be posted with no trespassing signs according to Georgia law
- All dogs would be leashed
- Maximum of 2-night stay would be allowed

In favor of the application

Marjorie Mantilla – 5130 Antler Ct., Suwanee, GA – Stated she was the property owner and seeking a conditional approval for a retreat/activity center. The Planning Commission had requested that she provide rules for the operation of the site. She provided the Commissioners with a copy of the rules.

Tony Valdez – 3237 Drummond Drive, Stone Mountain, GA – Stated the property was planned for a retreat for small church groups, boy scouts, and any group wanting to do small activities. He stated the rules and regulations had addressed the conditions by the Planning Commission.

Ch. Turk asked Ms. Mantilla where people would stay? She stated they have small cabins.

Ch. Turk stated he was concerned about no fence and only having “no trespassing” signs posted because people didn’t always obey signs. She stated they were reaching out to peaceful church groups and the participants would also have to sign a waiver stating they understood the rules and would follow them.

Ch. Turk stated he read that it wasn’t just church groups but anyone that wanted to rent the facilities. He asked if it would be advertised on Airbnb. Ms. Mantilla said yes. Ch. Turk stated that turned the application into more of a hotel/motel establishment. He asked if they would collect hotel/motel tax and she stated no.

Vice Ch. Maxwell stated he was concerned about the total amount of people on the property. He was concerned about the restroom and overnight facilities? She stated they had adequate facilities. Maxwell stated that he was also concerned about people coming in and out of the facility and dogs that would be allowed on the property. She stated this would also be her home and safety was a priority. She further stated that people traveled with their fur babies and she would have to accommodate someone traveling with a service dog. Maxwell stated that she would have to reinforce the no trespassing signs for them to work.

Ch. Turk stated the application was more of a commercial operation and should be C2.

Vice Ch. Maxwell asked if they had enough space for separate bunks for girls and boys. She stated yes.

Comm. Reece asked how many restrooms were available. She stated twelve.

Ch. Turk asked if the septic system was commercial? She stated she wasn’t sure.

Ch. Turk stated as he sees it the property qualifies as a C2 property. He asked officer Ruark if this qualified as a C2 property and he stated yes it could.

In opposition of the application

Tom Weeks – 124 Hebron Road, Commerce – Stated last week at the Planning Commission meeting he was being open minded and believed in property rights and that people should be able to do what they wanted to with their property but after he started research, he had become very much opposed to this application. Last week he thought it was only going to be small groups but now that it is 60 people and he found on the internet where it stated they could accommodate up to 200 people for business meetings he was opposed. He stated he and his wife have saved up for many years to retire and he would hate for something like this to ruin the years they had left. He also stated he was concerned about people coming onto his property and him being liable. Mr. Weeks concluded by stating he was opposed to the application.

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

Ch. Turk stated that he feels like this should be C2 and Comm. Gardiner stated the same.

Motion to overturn the Planning Commission recommendation and deny the application: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3)

9. 2021 Alcohol License

Code Enforcement Officer Paul Ruark stated all establishments that were applying for a license except one, Taqueria Y Mas, had all required documents. He stated Taqueria Y Mas would be applying at a different time.

Motion to approve the 2021 Alcohol License: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

The following license were approved:

4 Way Country and Grocery

Applebee's #34

El Azteca Mexican Restaurant

Funopolis Family Fun Center

Koji Group DBA Koji Japanese Steakhouse

Longhorn Steakhouse #5259

Oshi Investments LLC

Patel's Grocery

Pritam Krupa, Inc DBA Homer Grocery

Racetrac #284

Seoul Garden Restaurant LLC

Sonny's Real Pit BBQ

Walmart Supercenter #3

AA Fuels LLC

Blazer's Hot Wings

Fuddruckers

JRBBQ2, LLC

La Hacienda of Commerce

Munia's BP

Outback Steakhouse #1174

Pizza Hut #4776

Quicktrip #828

Royal Foods Chevron #4

Service America Corporation

TA Operating LLC

10. Legacy Link Contract Amendment

Ch. Turk stated the amendment was an increase in State and Federal funds in the amount of \$54,035.

Motion to approve the amendment: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of Contract filed in Attachment to Minute Book 10-3)

11. 2021 Gravel Hauling Bid/Contract Award

Assistant County Clerk Erin Decker stated that Triple H Transport was the only company to submit a bid in the amount of \$4.95/ton for hauling gravel.

Motion to approve the bid of \$4.95/ton from Triple H Transport: David Duckett

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

(Copy of Contract filed in Attachment to Minute Book 10-3)

12. Personnel: FY2021 Salary Increase Exemption Clarification from the April 16, 2020 minutes

Arlene Ivey Human Resources Director stated she was requesting the minutes from the April 16 & 20, 2020 work session/meeting to be amended. She stated the department heads and directors that were mentioned in these minutes needed to include the language “with the exemption of any other increases considered in the FY2021 budget year”. Ms. Ivey stated that was mentioned on one but was the intent for all.

Motion to amend the minutes: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

13. Personnel: Amendment to Employee Assistance Program Agreement

Mrs. Ivey stated that on May 13, 2020 we entered into a contract with Northeast Georgia Medical Center for the Employee Assistance Program. The original contract stated that the health system would bill on a quarterly basis. NEGA Medical Center was now asking to change Exhibit A to state the plan would be billed on an annual basis based on the employee census provided by Banks County instead of a quarterly basis.

Motion to approve the amendment and authorize the Chairman to sign: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

(Copy of Agreement filed in Attachment to Minute Book 10-3)

14. Personnel: Emergency Paid Sick Leave Act Expiration 12/31/2020 – Deleted

15. Boards & Authorities

a. Joint Development Authority – 4-year term

Motion to appoint Larry Sparks for a 4-year term to the Joint Development Authority: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

b. Georgia Mountains Community Services Board – 3-year term

Motion to appoint Sammy Reece for a 3-year term to the Georgia Mountains Community Services Board: Charles Turk
Second: David Duckett
Abstained: Sammy Reece
Vote: 4:0
All aye votes and the motion passed.

c. Chestatee Chattahoochee RC&D – 1-year term

Motion to appoint Sammy Reece for a 1-year term to the Chestatee Chattahoochee RD&D Board: Danny Maxwell
Second: Charles Turk
Abstained: Sammy Reece
Vote: 4:0
All aye votes and the motion passed.

d. Chestatee Chattahoochee RC&D – 1-year term

Motion to appoint Charles Turk for a 1-year term to the Chestatee Chattahoochee RC&D Board: Danny Maxwell
Second: Keith Gardiner
Abstained: Charles Turk
Vote: 4:0
All aye votes and the motion passed.

16. Executive Session: Possible Litigation, Land Acquisition/Disposal & Personnel

Motion to enter into executive session concerning possible litigation, land acquisition/disposal & personnel: David Duckett
Second: Sammy Reece
Vote: 5:0
All aye votes and the executive session began at 7:22 p.m.

Motion to close the executive session: Sammy Reece
Second: David Duckett
Vote: 5:0
All aye votes and the executive session ended at 9:09 p.m.
(Copy of Affidavit filed in Attachment to Minute Book 10-3)

Motion to lift the hiring freeze to hire a 21 hour per week employee for the Extension Service: Danny Maxwell
Second: Keith Gardiner
Vote: 5:0
All aye votes and the motion passed.

Motion to extend the emergency sick pay from the federal government until 2-9-2021: Sammy Reece
Second: Charles Turk
Vote: 5:0
All aye votes and the motion passed.

17. Adjournment

Motion to adjourn the meeting: Sammy Reece
Second: Keith Gardiner
Vote: 5:0
All aye votes and the meeting adjourned at 9:14 p.m.

Chairman

Assistant County Clerk
