

The Banks County Board of Commissioners held their regular meeting on February 11, 2020 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

### **Members Present**

Chairman Jimmy Hooper

Vice Chairman Charles Turk

Commissioner David Duckett

Commissioner Danny Maxwell

Commissioner Sammy Reece

*(Comm. Reece dismissed himself from the meeting at 7:10 p.m. for health-related issues)*

### **Staff Present**

County Attorney Randall Frost

County Clerk Jenni Gailey

Assistant County Clerk Erin Decker

Finance Officer Randy Failyer

E911/EMA Director Deidra Moore

Planning Commission Chairman Jack Stewart

### **Media**

Angela Gary, Banks County News

Rob Moore, Access North Georgia

### **1. Call to Order**

Ch. Hooper called the meeting to order.

### **2. Approval of Agenda**

Motion to approve the agenda: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and motion passed.

### **3. Moment of Reflection**

Ch. Hooper stated that he and his wife had to come united when naming their children. He stated that the United Methodist Church had become divided over political issues. The founding fathers in 1776 had to be united when naming the thirteen colonies. He also stated that according to the State of the Union Address given last Tuesday night that the United States does not seem united. Hopefully at the local level we can be united.

### **4. Pledge to the American Flag**

Ch. Hooper led the Pledge to the American Flag.

### **5. Approval of Invoices**

Motion to approve the invoices: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

## **6. Approval of Previous Minutes – 1/14**

Motion to approve the minutes: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

## **7. Planning Commission Recommendations:**

**a. Z-20-06 – Grace Groth – A rezoning application for property located at 4944 Hwy 51S, Lula, GA on Map and Parcel #B07 004 from C2 (Commercial) to ARR (Agricultural Rural Residential).**

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

Atty. Frost stated this was a rezoning application for property located at 4944 Hwy 51S., Lula, GA Map and Parcel #B07 004 from C2 (Commercial) to ARR (Agricultural Rural Residential).

Planning Commission Chairman Jack Stewart stated the property was posted by Code Enforcement Officer Paul Ruark and the ad was in the newspaper. He stated the Planning Commission recommended approval of the application.

Grace Groth – 4944 Hwy 51S, Lula, GA 30554 – Stated because of health issues she was unable to continue the bed and breakfast and wanted to change the zoning back to ARR. She stated she had a potential buyer for the property that would use the property as a residence.

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

Motion to approve the rezoning application: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minute Book 10-2)*

**b. CU-20-01 – Chelsea Patterson – A conditional use application for a used car dealership located at 1378 Yonah Homer Rd, Maysville, GA 30558 on Map and Parcel #B39 084.**

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

Atty. Frost stated this was a conditional use application for a used car dealership located at 1378 Yonah Homer Rd, Maysville, GA 30558, Map and Parcel #B39 084.

Mr. Stewart stated the Planning Commission recommended approval with the following conditions:

- No more than 8 cars on the lot at a time.
- No repairs or body shop on premises.
- Sell no models newer than 1980.

Douglas Brewster – 1330 Yonah Homer Road, Maysville - Stated he was an adjacent property owner and had no problems with his neighbor's business and hadn't been annoyed by any noises. He stated he saw no reason the conditional use shouldn't be approved as long as it was legally, ethically and morally correct.

Chelsea Patterson – Applicant – 189 Hammers Glen Drive, Homer – She stated she would like to operate a used car lot at 1378 Yonah Homer Road, Maysville.

Vice Ch. Turk asked the following questions:

- Will you have mostly online sales? Ms. Patterson stated yes.
- Do you consider classic cars anything 30 years or older? Ms. Patterson stated yes.

Comm Reece asked if the operating hours would be Monday – Friday 8:00 a.m. – 5:00 p.m.? Ms. Patterson stated yes.

Ch. Hooper asked the following questions:

- Do you have your used car selling license? Ms. Patterson stated she had to have the conditional use approved first before she can apply for the license.
- What additional signage will you have? Ms. Patterson stated probably a sign that says Chelsea's Classic Cars.

Ch. Hooper stated he commended her for trying to do things the right way.

#### Opposition

Carle Ball – 1388 Yonah Homer Road, Maysville – Stated there were already a lot of traffic from the towing business and noise from the trucks. He stated even with the conditions he would still be opposed to the business.

Amy Thomas Suratt – 1067 Stevenson Road, Stone Mountain – Stated she owned property across the road and was concerned with leaking contamination from older model cars. She suggested that the commissioners at least table the matter until Ms. Patterson had a firmer business plan.

Joan Ball – 1388 Yonah Homer Road, Maysville – Stated she was concerned with the number of cars allowed on the lot, the increased traffic and the environmental issues. She said Ms. Patterson didn't have a good business plan in place. Ms. Ball also said the property already had one conditional use permit for towing and shouldn't be granted another because the area was not a commercial area.

Keith Phagan – 1394 Yonah Homer Road, Maysville – Stated he was an adjacent property owner and Ms. Patterson was his niece. He said the business currently does not follow the rules. Trucks come in at 2:00 a.m. and 3:00 a.m. in the morning using their jake brakes whether they were going uphill or downhill. He stated he had been finding grease rags and trash along his property line. Also, people stop at his house trying to get a towed car from the business's lot and he was concerned for his wife's safety when she was the only one at home. Mr. Phagan stated he was totally against the rezoning.

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

Motion to approve the conditional use permit with the following conditions:

- No more than 10 vehicles on lot at least 30 years old which may include one vehicle less than 30 years old.

- Hours of operation: Monday – Friday 8:00 a.m. to 5:00 p.m. Not to be open on Saturday and Sunday.
- Signage in accordance to current County sign regulations.

Second: Danny Maxwell

Vote: 3:2

Jimmy Hooper: Aye

David Duckett: Aye

Danny Maxwell: Aye

Sammy Reece: Nay

Charles Turk: Nay

Majority vote and the motion passed.

*(Copy of Resolution filed in Attachment to Minute Book 10-2)*

## 8. Roads

### a. Road Closing Public Hearing: CR81/ Segars Road

Assistant County Clerk Erin Decker stated the property owner for Martin Bridge Properties could not be here but they had purchased a tract of land where Segars Road was located. They wanted the County to abandon the road because it would no longer serve any public purpose. Ms. Decker stated the advertisement for the public hearing had advertised in the newspaper and property owners had been notified.

Motion to abandon CR81/Segars Road because it no longer serves any public purpose: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Map filed in Attachment to Minute Book 10-2)*

### b. Road Closing Public Hearing: Old Martin Bridge Road

Assistant County Clerk Erin Decker stated the property owner for Martin Bridge Properties could be here but they had purchased a tract of land where Segars Road was located. They wanted the County to abandon the road because it would no longer serve any public purpose. Ms. Decker said the advertisement for the public hearing had been in the newspaper and property owners had been notified.

Motion to abandon Old Martin Bridge Road because it no longer serves any public purpose:

Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Map filed in Attachment to Minute Book 10-2)*

### c. Road Closing Public Hearing: CR176/ Portion of English Road

Ms. Decker stated this would only be the portion of English Road from Historic Homer Highway to US 441. She stated the property owners had been notified and the advertisement of the public hearing had been placed in the paper.

Motion to abandon CR176/Portion of English Road from Historic Homer Highway to US 441 because it no longer serves any public purpose: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Map filed in Attachment to Minute Book 10-2)*

**d. Roads & Bridges Engineering Services: KCI Technologies**

Comm. Duckett stated that with all the rain and pipes being washed out, KCI needed to add more hours to their contract.

Motion to add an additional \$20,000 to KCI Technologies contract for Roads & Bridges

Engineering: David Duckett

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

**e. Roads On-Call Engineering: KCI Technologies**

Motion to add an additional \$20,000 to KCI Technologies contract for On-Call Engineering: David Duckett

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

**9. Second Amendment Sanctuary County Declaration Resolution**

Ch. Hooper stated every elected official had to be sworn in when elected to office and swore that they would uphold the constitution. The resolution was an affirmation stating as a group that the commissioners would never do anything that would take away the public's second amendment right.

Motion to approve the resolution: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minute Book 10-2) 2020-03*

Comm. Reece dismissed himself from the meeting at 7:10 p.m. for health-related issues.

**10. 2020 Annual E911 CAD Maintenance Contract**

Deidra Moore E911/EMS Director stated the contract was a renewal for maintenance and upkeep on all the 911 CAD equipment for the Sheriff's Office and all emergency services. She stated the contract amount increased \$500 from the previous year.

Motion to approve the contract: Charles Turk

Second: Danny Maxwell

Vote: 4:0

All aye votes and the motion passed.

*(Copy of Contract filed in Attachment to Minute Book 10-2)*

**11. Fire/EMS Vehicle Purchase**

Fire Chief Steve Nichols stated he would like to purchase a 2020 Ford F150 4x4 in the amount of \$29,800. He stated the current 2008 Ford Crown Vic that was in service would be moved down to a staff vehicle.

Motion to approve the purchase and pay from 2017 SPLOST Funds: Charles Turk  
Second: Danny Maxwell  
Vote: 4:0  
All aye votes and the motion passed.

**12. Public Utilities Restitution Contract: Tony's Water Service Inc. - \$444,666.98**

Ch. Hooper stated the County had worked out a contract for restitution to be paid to the County from Tony's Water Service. He stated he needed authorization to sign the contract. The effective date of the contract would be 2/11/2020.

Motion to approve the contract and authorize the Chairman to sign: Jimmy Hooper  
Second: Charles Turk  
Vote: 4:0

All aye votes and the motion passed.  
*(Copy of Contract filed in Attachment to Minute Book 10-2)*

**13. GEFA Loan: Sewer Expansion - \$5,000,000**

**Randy Failyer**

Finance Officer Randy Failyer stated the loan would be in the amount of \$5M for the expansion of sewer service to the Martin Bridge Road area.

Motion to accept and sign any and all documents connected with the GEFA Loan: Jimmy Hooper  
Second: Charles Turk  
Vote: 4:0

All aye votes and the motion passed.

**14. Board & Authorities:**

**a. Development Authority Member – 4-year term**

Motion to appoint Bill Griffin for a 4-year term to expire on 2/28/2024: Jimmy Hooper  
Second: David Duckett  
Vote: 4:0  
All aye votes and the motion passed.

**b. Development Authority Member – 4-year term**

Motion to appoint Huy Nguyen for a 4-year term to expire on 2/28/2024: Jimmy Hooper  
Second: Danny Maxwell  
Vote: 4:0  
All aye votes and the motion passed.

**c. Development Authority Member – 4-year term**

Motion to appoint Jonathan Bennett for a 4-year term to expire on 2/28/2024: Charles Turk  
Second: David Duckett  
Vote: 4:0  
All aye votes and the motion passed.

**d. Development Authority Member – 4-year term**

Motion to appoint Larry Sparks for a 4-year term to expire on 2/28/2024: Jimmy Hooper  
Second: Danny Maxwell  
Vote: 4:0  
All aye votes and the motion passed.

**15. Adjournment**

Ch. Hooper adjourned the meeting at 7:15 p.m.

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Chairman

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Assistant County Clerk

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