

The Banks County Board of Commissioners held their regular meeting on December 10, 2019 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

**Members Present**

Chairman Jimmy Hooper  
Vice Chairman David Duckett  
Commissioner Danny Maxwell  
Commissioner Sammy Reece  
Commissioner Charles Turk

**Staff Present**

County Attorney Randall Frost  
County Clerk Jenni Gailey  
Code Enforcement Officer Paul Ruark  
Assistant County Clerk Erin Decker  
E911/EMA Director Deidra Moore  
Fire Chief Steve Nichols  
Public Utilities Director Horace Gee

**Media**

Angela Gary, Banks County News

**1. Call to Order**

Ch. Hooper called the meeting to order.

**2. Approval of Agenda**

Motion to approve the agenda: Sammy Reece  
Second: Charles Turk  
Vote: 5:0  
All aye votes and the motion passed.

**3. Moment of Reflection**

Ch. Hooper stated he had traveled to Israel and went to Bethlehem and saw where the Prince of Peace was born. He asked was there peace in the world today at the national level, state level or local level? He said he had seen a lot of anger, hate and injustice. What can we do to show peace?

**4. Pledge to the American Flag**

Ch. Hooper led the Pledge to the American Flag.

**5. Approval of Invoices**

Motion to approve the invoices: Danny Maxwell  
Second: David Duckett  
Vote: 5:0  
All aye votes and the motion passed.

**6. Approval of Previous Minutes – 11/12**

Motion to approve the minutes: Charles Turk  
Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

**7. Proclamation: Banks County High School 2019 National Forestry Career Development**

The Commissioners presented the Banks County High School Forestry Team with a proclamation honoring them for placing 3<sup>rd</sup> in the 2019 National Forestry Career Development award.

*(Copy of Proclamation filed in Attachment to Minutes Book #10-2)*

**8. Public Comment: Metrosite – John Morris Road**

**Scott Ledford**

Scott Ledford owner of Metrosite stated that he had received continuous complaints about his mulching business located on John Morris Road. He stated numerous complaints had been made to several state agencies and the County. He said every time that any agency came out, he was found in compliance with the operation of his business. He would like the Commissioners to come out and look at his operation and see that everything was in compliance and maybe people would stop reporting him for not being in compliance. He also stated it was a waste of time, resources and money when unnecessary visits were made by state and local offices.

**9. Planning Commission Recommendations: NONE**

**10. Z-19-09 – Green River Builders – Rezoning for property located at map/parcel B54/044 located at on US441 at Banks Crossing, Commerce, GA from C2 General Commercial to R2 Multi Family Housing.**

Motion to untable the item: Danny Maxwell

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

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

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

*Mark Walton* – Patrick & Associates Surveyors and Engineers – Stated he represented Green River Builders. Mr. Walton stated he had several people that would be neighbors to the development that wanted to speak in favor of the application. They were as follows:

*Anna* – Former Banks County Leopard – Stated that when she graduated, she had looked for housing to rent in Banks County and there wasn't any suitable so she had to rent an apartment in Gainesville.

*John Speir* – Sweet Dreams Mattress – Stated he was a business owner and more people meant more business. He stated growth is coming and we should be prepared for it.

*John Williams* – Banks County Resident – Stated he was a business owner and most people between the ages of 18 & 27 had to live in Athens or Gainesville because they couldn't find a place to rent in Banks County.

*Joel Lewis* – Banks County Leopard – Stated he graduated in 2018 and he had wanted to live close to his family but couldn't find any apartments to rent.

*John Ramsey* – Cracker Barrell Manager – Stated this would help his business and his employees.

Mr. Walton stated that his clients had listened to the Planning Commission, Commissioners and citizens and had restructured the apartments to be built in phases. He stated the developers had a market study done that stated this type of complex was needed. The plan stated there would be 36 – 1 Bedrooms, 308 – 2 Bedrooms and 16 – 3 Bedroom apartments.

*William Reems* – Emory Chambers Road – Stated building these apartments would take away 360 opportunities from others that build and sell single family dwellings. He stated that what was presented tonight was different from what was presented to the Planning Commission and he didn't think that could be done. He stated these apartments were not what the County needed now.

*Chris Ausburn* – Hwy 105 – Stated he had received countless calls and messages from people that are against these apartments. He stated approval of these apartments would not reflect the wants of the Banks County citizens and a development of this magnitude would devastate Banks County.

*Bo Garrison* – Historic Homer Hwy – Stated he had served on the Board of Education for many years and had met with the school superintendent this afternoon and she stated the schools were not ready for this type of development. It would increase the number of students that would be added to an already overloaded school system.

*Ms. Amy Banks* – 186 Banks Road – Stated the developers had yet to contact the surrounding property owners.

*Jack Banks* – 30029 Hwy 441 S – Stated he was a property owner across the river from the proposed development. He stated do we need to house people working in Banks County or would we become a bedroom community for the City of Commerce. Mr. Banks suggested putting a moratorium on apartments until we get a clear picture of how apartments would affect Banks County.

*Martha Ramsey* – 1120 N. Mangum Bridge Road – Stated the property should be left commercial. She stated why have a Planning Commission if the Commissioners don't go by their recommendation.

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

Motion to accept the Planning Commission's recommendation for denial of the application: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

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

## **11. Fire EMS:**

### **a. ISO Rating Proclamation**

Fire Chief Steve Nichols stated that home owners should see a significant decrease in their home owners insurance premiums. He stated that through joint efforts with all departments the ISO Rating had decreased to 3. The Commissioners passed a proclamation recognizing the accomplishments by Banks County departments for working together to accomplish the common goal of lowering the ISO Rating.

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

**b. 2020 Trauma Grant**

Chief Nichols said every year the State of Georgia gives an opportunity for entities to apply for grant funds that are generated from super speeder fines. This year Banks County would receive \$4,356.92. The funds would be used for professional training and new trauma equipment for the med units. No match was required for the grant only a motion to accept the funds.

Motion to accept the grant funds: Jimmy Hooper

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

**c. Air pack Purchase Request – NAFECO**

Chief Nichols stated that he needed to purchase 10 airpacks for new Station 25. He stated the cost of each airpack was \$3,650 and would be paid from the 2017 SPLOST funds.

Motion to purchase 10 airpacks and purchase with funds from 2017 SPLOST: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

**12. Statewide Mutual Aid Agreement**

Deidra Moore 911/EMA Director stated she was coming before the board to ask approval for the Statewide Mutual Aid Agreement. The agreement would enable the County to recoup funds whether we send out mutual aid or mutual aid was received.

Motion to approve the agreement: Sammy Reece

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

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

**13. Board of Tax Assessors Member Reappointment Recommendation**

**Len Dalton**

Motion to re-appoint Len Dalton to the Board of Tax Assessors for a six-year term ending December 31, 2026: Jimmy Hooper

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

*(Copy of Resolution filed in Attachment to Minute Book 10-2) 2019-14*

**14. Senior Center Interior Ceiling & Sheetrock Repair Agreement Ratification**

**Simco Interiors**

Regina Gailey County Clerk stated the contract needed to be ratified and was to repair and correct the ceiling, sheetrock and walls at the Senior Center.

Motion to ratify the contract and pay from the 2017 SPLOST funds: Sammy Reece

Second: Charles Turk

Vote: 5:0

All aye votes and motion passed.

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

**15. Building Design Standards Resolution**

Ch. Hooper stated this resolution was in support of locally-established building design standards for residential dwellings.

Motion to approve the resolution: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and motion passed.

*(Copy of Resolution filed in Attachment to Minute Book 10-2) 2019-15*

**16. Hotel/Motel Class Action Suit Continuation of Administration after December 2020: J. Anderson David of Brinson, Askew, Berry, Seigler, Richardson & Davis LLP**

Ch. Hooper stated this was a class action suit filed against companies that booked hotels online and didn't charge hotel/motel tax. He stated the County was awarded about \$1,300 from the suit. Ms. Gailey stated this was a request to allow the law firm that is currently managing it to continue to handle it.

Motion to approve the request: Jimmy Hooper

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

**17. 2020 Alcohol Licenses**

Paul Ruark

Officer Ruark stated that all the vendors have paid and back ground checks had been approved.

The following licenses were considered for approval:

Patel's Grocery	Racetrac #284	Pizza Hut #4776
Munia's BP	La Hacienda of Commerce	Sonny's Real Pit BBQ
Walmart Supercenter #3	TA Operating LLC	Ruby Tuesday #4652
Royal Foods Chevron #4	Applebee's #34	Outback Steakhouse #1174
Longhorn Steakhouse #5259	El Azteca Mexican Restaurant	Funopolis Family Fun Center
Pritam Krupa, Inc. – Homer Grocery	Oshi Investment, LLC	4 Way Country and Grocery
Koji Group	Quicktrip #828	Service America Corporation
Blazer's Hot Wings	AA Fuels LLC	Fuddruckers
JRBBQ2, LLC	Taqueria Y Mas	Seoul Garden Restaurant, LLC

Motion to approve the alcohol license except NHRA: Charles Turk

Second: David Duckett

Vote: 5:0

All aye votes and the motion passed.

**18. 2020 Vice Chairman**

Ch. Hooper stated it had been a pleasure serving with Comm. Duckett and he hoped when his term ended the rotation of Vice Chairman would continue. Ch. Hooper opened the nominations.

Motion to nominate Charles Turk: David Duckett

Second: Sammy Reece

Abstained: Charles Turk

Vote: 4:0

All aye votes and the motion passed.

**19. Executive Session: Personnel**

Motion to enter into executive session concerning personnel: Charles Turk

Second: Sammy Reece

Vote: 5:0  
All aye votes and the executive session began at 7:28 p.m.

Motion to close the executive session: Sammy Reece  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the executive session ended at 7:44 p.m.  
*(Copy of Affidavit filed in Attachment to Minute Book 10-2)*

Motion for Danette Wilbanks a part-time A/P Clerk in the Commissioners Office to become full-time:  
Jimmy Hooper  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the motion passed.

Adjournment  
Ch. Hooper adjourned the meeting at 7:47 p.m.

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Chairman

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Assistant County Clerk  
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