

The Banks County Board of Commissioners held their regular meeting on March 9, 2021 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 Bo Garrison
Commissioner Sammy Reece
Commissioner Keith Gardiner

Staff Present

County Clerk Jenni Gailey
Assistant County Clerk Erin Decker
Human Resources Director Arlene Ivey
Finance Officer Randy Failyer
Code Enforcement Officer Paul Ruark
Public Utilities Director Horace Gee
Fire Chief Steve Nichols
Recreation Director Brooke Whitmire
County Attorney Randall Frost

Media Present

Rob Moore, Access North Georgia

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

Ch. Turk stated the following item needed to be deleted from the agenda:

Item 16: Subdivision Regulations

Motion to approve the agenda as amended: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

3. Chairman's Report

Ch. Turk reported on the following:

- E911 received 275 Fire/EMS calls – 3494 Sheriff Office calls – 261 Other Agency calls.
- The Hwy 59 Roundabout was in the construction stage.
- Steven Tanger Culvert Replacement was underway and E.R. Snell had 120 days to complete the construction.
- SPLOST negotiations with the cities would begin soon and SPLOST projects were due from department heads by March 15, 2021.
- Permits issued through the Planning Office were 2 Mobile Homes – 5 Accessory Buildings – 4 Residential Dwellings

4. Pledge to the American Flag

Ch. Turk led the Pledge to the American Flag.

5. Approval of Invoices

Motion to approve the invoices: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

6. Approval of Previous Minutes – 2/9/2021

Motion to approve the previous minutes: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

7. Planning Commission Recommendations:

a. Z-21-01 Application to rezone property located on Map Parcel B49 016, an 8.86-acre lot at 113 Gallery Drive from ARR (Agricultural, Rural, Residential) to C1 (Commercial) for an office and shop for Upstate Curb, Inc.

Ch. Turk closed the meeting and County Attorney Frost opened the public hearing. Attorney Frost stated the public hearing was for an application to rezone property located on Map Parcel B49 016, an 8.86-acre lot at 113 Gallery Drive from ARR (Agricultural, Rural, Residential) to C1 (Commercial) for an office and shop for Upstate Curb, Inc.

Tal Martin stated he was the owner of Upstate Curb, Inc. and was trying to get a better building for his business. He stated a building would allow him office space and a shop to store and work on his equipment.

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

Comm. Garrison stated he would like to have Leland Cypress trees 20 ft. off property line along the south property line.

Vice Ch. Maxwell asked Mr. Martin if he would be storing materials on the property and Mr. Martin stated no job materials would be stored on the property.

Motion to approve the rezoning application with the conditions of a chain link fence with a gate at the front of the property facing US 441 and Leland cypress planted 20 ft. from the property line down the entire south side of the property line: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

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

8. Public Comment:

a. Recreation Policies: Kelby & Kelly Cronic

Kelby Cronic stated that he was a coach and a member of the community. He stated that recreation ball was about teaching kids and was also a foundation for kids that wanted to play at a higher level in the future. Mr. Cronic stated the current policy did not allow players to move

up because of talent and he thought this could be detrimental to the players. He also stated All-Stars were not offered which gave the best players an opportunity to compete at a higher level. Mr. Cronin further stated he had contacted surrounding recreation departments and who stated they allowed players to move up but they can't move back down. Mr. Cronin stated he felt like the policy needed to be changed.

9. Superior Court: Scanning Project - \$38,000

Ch. Turk stated that Superior Court Clerk Tim Harper would have 50 years of documents scanned when 1970-1989 documents are completed. By scanning these documents they would be preserved in the case of a disaster. The cost of the project would be \$37,483.50.

Motion to approve the scanning project: Charles Turk

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

10. Public Utilities: Tap/Connection Fees

Public Utilities Director Horace Gee stated several years ago the water connection fee was decreased to entice new customers. He suggested restoring the connection fee back to the normal rate for residential meters in the amount of 3/4" meter - \$1,475 and 1" meter - \$1,700. He stated this was in line with the suggested GEFA rates and he had also compared the rates with the neighboring systems. He further stated he would like this to become effective April 1, 2021 for all residents except those on Moccasin Gap Road and that rate would become effective as of January-1-2022.

Motion to approve the increased connection rates: Danny Maxwell

Second: Charles Turk

Vote: 5:0

All aye votes and the motion passed.

Flat Rate for Hydrant Meters

Mr. Gee also stated he would like to recommend a change to the Hydrant Meter Rate. He said they were having a lot of contractors pulling water from our hydrants because we were the least expensive around and that was taxing on our systems especially in the summer. He stated the hydrant usage needed to change to a base rate. Comm. Garrison stated that he would like to see agricultural usage stay the same. Mr. Gee stated the flat rate would actually be more cost effective. Ch. Turk stated they had looked and in one year there was one hydrant rental that could be classified as agricultural. Mr. Gee stated the current fee was a \$20 base rate for up to 2,000 gallons. Mr. Gee was purposed a flat rate of \$8 per one thousand gallons of water.

Motion to approve the hydrant flat rate of \$8 per one thousand gallons of water: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

11. Fire/EMS

a. Station 24 Construction

Fire Chief Steve Nichols stated he was moving forward with building renovations and personnel at Station 24. He stated the cost of the renovation would be about \$120,000. He stated half of the cost would be in concrete and the rest would be building an 825 sq. ft. addition and remodeling the existing building. Ch. Turk stated that the station could also be used as a possible voting precinct. Mr. Maxwell asked if the project would be bid out for materials such as

concrete? Chief Nichols stated yes it would. Chief Nichols also stated he should have personnel in place by the end of March.

Motion to proceed with the building expansion and renovation in the amount of \$120,000 to be paid for from the 2017 SPLOST: Charles Turk

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

b. Station 41 Construction

Chief Nichols stated that he was asking permission to send out an RFP for building a new building for Station 41.

Motion to start the RFP process for Station 41: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

12. Road & Bridges

a. Wrights Mill Road Bridge Replacement

Chuck McGee – 637 Wrights Mill Road – Stated he was a property owner that adjoined the property to the bridge. He stated he had talked to GDOT and it was going to cost \$2M – \$5M to replace the existing bridge. He stated the road did not receive enough traffic to justify spending that amount of money. He also stated GDOT told him the reason for replacement was not that the current bridge wasn't safe but it didn't meet GDOT Standard Designs. He further stated the new bridge would take shade trees from his pasture and he would like to see the Commissioners rescind the vote to replace the bridge.

Comm. Maxwell read some of the bridge deficits from a bridge deficiency report issued by GDOT.

Ch. Turk stated that Anelia and Alex Chambers, property owners on Wrights Mill Road, had sent a letter stating they were against the bridge replacement.

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

Sam Baxter – 628 Wrights Mill Road – Stated he was a property owner that adjoined the property to the bridge. He stated he had lived there since 2010 and didn't want to see the rural setting upset. He also stated the traffic study that was done only showed 225 vehicles crossing the bridge daily and he and the neighbors loved the bridge the way it was. He further stated he would love to see the vote rescinded.

Comm. Garrison stated that emergency services were not able to cross the bridge.

Ch. Turk stated they would contact GDOT to see if the bridge replacement could be stopped.

b. Off-System Safety Programming Grant Application/Plan – Inventory/Priority – KCI Technologies

Ch. Turk stated the work authorization was for KCI to do the plans for the Federal Off-System Safety Program for roadway striping and signage in the amount of \$15,500.

Motion to approve the work authorization and authorize the Chairman to sign the authorization: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

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

c. School Zone Speed Detection Device Agreement – BOE

Ch. Turk stated there would need to be an MOU with the County and School to collect funds from speeding fines.

Motion to table this item until the April 13th, 2021 meeting for further information to be gathered: Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

d. Water Plant Road Paving

Ch. Turk stated the price for paving and pipe installation on Water Plant Road would not exceed \$16,000 - \$12,000 for paving and \$4,000 for pipe replacement.

Motion to accept the paving of Water Plant Road entrance: Keith Gardiner

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

e. Right of Entry Agreement for Steven B. Tanger Culvert Replacement – Home Depot

Assistant County Clerk Erin Decker stated the Right of Entry Agreement with Home Depot was for the Steven Tanger Culvert Replacement. Home Depot's property extended all the way to the creek and they just want to make sure their investment was protected. She stated the Chairman's signature and the agreement needed to be ratified effective March 1, 2021.

Motion to ratify the chairman's signature and the agreement effective March 1, 2021: Keith Gardiner

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

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

13. Windmill Park Multipurpose Field Project Bid Award and Contract Approval

Recreation Director Brooke Whitmire stated 2017 SPLOST included a Multi-Purpose Field. She stated the bids had been received and Reeves Young was the apparent low bidder. She stated their original bid was \$1,274,610 but not to exceed \$1,415,650 if unforeseen conditions existed. Ms. Whitmire stated with some value engineering all the deductions totaled a price of \$1,189,610. Some of the deductions included taking out the plaza area, sod at the ball field, hauling material off site and laser grading.

Ch. Turk stated that the contractor was willing to work with the County if there were any unforeseen conditions that would require additional work.

Vice Ch. Maxwell stated he would like to approve the bid for the entire amount and build it nice.

Motion to approve the bid and contract for Reeves Young in the amount of \$1,274,610 for the base bid but not to exceed \$1,415,650 if unforeseen conditions exist and shall be paid from 2017 SPLOST: Danny Maxwell

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

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

14. Boards & Authorities:

a. Tabled: Board or Elections

Motion to untable the item: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

Ch. Turk stated that Carol Ayers wanted to withdraw her nomination from the Board of Elections.

Motion to nominate Sharon Pruitt to the Board of Elections: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

15. Multi-Family Housing Moratorium Extension Resolution

Motion to approve the Multi-Family Housing Moratorium Extension Resolution until September 14, 2021: Keith Gardiner

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 10-3) 2021-04

16. Subdivision Regulations – DELETED

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

Motion to enter into executive session concerning possible litigation, personnel, land acquisition/disposal: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the executive session began at 7:58 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 8:08 p.m.

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

Banks County Golf LLC.

Motion to deny waiver of the penalties and interest on the delinquent tax bills: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

Leave of Absence

Motion to approve an unpaid leave of absence for an employee: Charles Turk

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

18. Adjournment

Motion to adjourn the meeting: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the meeting adjourned at 8:12 p.m.

Chairman

Assistant County Clerk
