

The Banks County Board of Commissioners held their regular meeting on April 13, 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  
Finance Officer Randy Failyer  
Code Enforcement Officer Paul Ruark  
Public Utilities Director Horace Gee  
E911/EMA Director Deidra Moore  
Fire Chief Steve Nichols  
County Attorney Randall Frost

**Media Present**

Angie Gary, Mainstreet News

**1. Call to Order**

Ch. Turk called the meeting to order.

**2. Approval of Agenda**

Ch. Turk stated Item. 8B. 911 Proclamation needed to be added to the agenda.

Motion to approve the agenda as amended: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

**3. Chairman's Report**

Ch. Turk reported on the following:

- E911 calls that were received were a total of 4,321 calls – 325 Fire/EMS – 3,744 Sheriff – 252 Other agency calls.
- Hwy. 59 Roundabout to be completed around first of May.
- Steven Tanger Culvert Replacement was under construction.
- Moccasin Gap Road water line was in operation.
- Hwy. 59 Sewer project was out to bid.

**4. Pledge to the American Flag**

Comm. Garrison led the Pledge to the American Flag.

**5. Approval of Previous Minutes – 3/9/2021, 3/23/2021**

Motion to approve the minutes: Bo Garrison

Second: Keith Gardiner

Vote: 5:0

All votes and the motion passed.

## **6. Public Hearings:**

**a. CU-20-06 – Susan Sorrows – A conditional use application has been submitted to allow a recovery/rehabilitation center for women with drug and alcohol addiction. The property was located at 111 Jack Dr., Lula, GA 30554 on approximately 4.67 acres. The tax map and parcel number are B16 024.**

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

Atty. Frost stated the code required that in order to move forward with the application, the applicant had to be present and Susan Sorrows, the applicant was not present for the public hearing. Atty. Frost stated two of the Commissioners had received emails stating the applicant was withdrawing the application. Ch. Turk stated they were by text and Atty. Frost stated since there was something in writing stating it was withdrawn, he would recommend to accept the withdrawal of the application and also the code stated that it could not come back before the Commissioners for six months. Vice Ch. Maxwell asked what would happen if the Commissioners didn't accept the withdrawal of the application. Atty. Frost stated the code stated the application couldn't go forward if the application was withdrawn and the applicant wasn't present at the public hearing. Ch. Turk stated since they were trying to operate without the re-zoning, did the Commissioners have the right to shut down the operation. Atty. Frost said if it violated the zoning ordinance it could be shut down.

Motion for the Code Enforcement Officer to check applicant for compliance of zoning ordinance and if not compliant, shut down the operation: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

**b. Planning Commission Recommendations: CU-21-01 – Fowler Brooks and Doug Fleming – An application for a conditional use for a utility scale solar farm consisting of 17 acres on tax map parcel B37 – 015C located at 222 Line Church Rd.**

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

Atty. Frost stated CU-21-01 was a conditional use application for Fowler Brooks and Doug Fleming for a utility scale solar farm consisting of 17 acres at 222 Line Church Road.

Code Enforcement Officer Paul Ruark stated the Planning Commission had recommended approval with the following conditions:

- Addition of opaque barrier along fence line, preferably vegetative, not to exceed 8ft. in height.
- Removal of all equipment at the time the project was completed or terminated.

Fowler Brooks – 4607 Running Wolfe Way, Gainesville, GA - Stated the utility scale solar farm would consist of 17 acres of a 50-acre tract. He stated only 1-acre of land would be disturbed and the remainder of the parcel would be used for cattle. He also stated Radiant Solar would be doing the design, engineering and build. He further stated the benefits of solar and that it would generate enough power for 498 EMC homes.

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

Ch. Turk stated he would like to add a condition that if the company sold or ceases to operate, they would have to come back before the Commissioners and reapply since it would be a conditional use only for Radiant Solar.

Comm. Garrison stated he had received calls from some residents on Line Church Road that were concerned about the visibility of the solar project. Mr. Brooks stated where the project was, you could hardly see it from the road since the lay of the property had a hard south slope and it would also be offset 200 ft. from Line Church Road.

Charles Turk made the motion to approve the application with the following conditions:

- Addition of opaque barrier along fence line, preferably vegetative, not to exceed 8ft. in height.
- Radiant Solar shall remove all equipment when project is completed or terminated
- If Radiant Solar ceases to operate, sale or change names, the new company would have to come back before the Commissioners to reapply.

Second: Sammy Reece

Vote: 5:0

All aye votes and motion passed.

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

**c. Planning Commission Recommendations: Z-21-02 – Barry Sims – Application to rezone the properties identified as Tax Map Parcel B09 001 & B09 002 on approximately 1.93 acres at 2111 Hwy 323 from C-2 (Commercial) to ARR/Agricultural Rural Residential) for the sale of the residential portion of the property.**

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

Atty. Frost stated this was an application to rezone the properties identified as Tax Map Parcels B09 001 & B09 002 on approximately 1.93 acres at 2111 Hwy 323 from C-2 (Commercial) to ARR (Agricultural Rural Residential) for the sale of the residential portion of the property.

Barry Sims – 4290 Waterworks Road, Commerce, GA - Stated he wanted to sell the property but was unaware it was zoned commercial and before the bank would loan a buyer money it had to be zoned ARR.

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

Ch. Turk stated the plat would need to be stamped as a “non-compliant” lot.

Motion to approve the application with the condition that the plat would be stamped “non-compliant”:

Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

## **7. Public Comment**

### **a. Senior Discount on School Tax**

**Ray Nix**

Ray Nix – 1325 Apple Pie Ridge, Alto, GA – Stated his property taxes had increased \$1,096 since 2016 and 60% of the taxes were school taxes and he didn't have any children or grandchildren in the Banks County School System. He stated surrounding counties like Habersham and Hall Counties did not have school tax for citizens over 70 and he thought Banks County should do the same.

### **b. Special Events Permitting Process**

**Scott Skrove/Fidel Cabrera**

Scott Skrove / Fidel Cabrera – 2827 Oleander Street, Buford, GA – Stated that he was there with Mr. Cabrera that owned 79 acres located on Hwy. 63 asking for guidance on special events that could be held on the property.

Ch. Turk stated that a permit for a car show had been denied and Mr. Cabrera still held the event without permission and it ended up being a car show, loud music and horse racing. He stated special event facilities required permanent restroom facilities and a turning lane. He stated there had been several people come before the Commissioners in the past wanting to hold events at that location and with the past problems, he personally would never approve it for an event.

Comm. Reece stated he had received numerous phone calls with complaints about the event that was held without a permit. Ch. Turk stated a neighbor that lived 1 mile away had come before the Commissioners complaining about the noise. Ch. Turk also stated a 5-year-old child was killed at an unauthorized event several years ago. Mr. Skrove stated it was obviously a bad decision on Mr. Cabrera behalf to hold the event without permission. Comm. Reece stated like the Chairman he would never approve any events at that location. Mr. Cabrera stated that he was here to do the right thing.

Mr. Skrove stated he would like to turn the page and ask what areas in the County where horse shows, rodeos and car/truck shows could be held? Ch. Turk stated that he was against horse racing because of the crime that it brought to the area.

Comm. Garrison stated he was one of the newest commission members but had driven by the property when the last event took place and there was security with AR15's and that was not something the County needed.

## **8. Child Abuse Prevention Month Proclamation**

Jason Simpson with The Tree House and Carol Williams with Banks County Family Connections presented a proclamation to the Commissioners to proclaim the month of April as Child Abuse Prevention Month.

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

### **8b. E911 Proclamation**

Deidra Moore E911/EMA Director presented a proclamation to the Commissioners to declare the week of April 11 – April 17 to be National Public Safety Telecommunicators Week in Banks County.

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

**9. Public Utilities: Sewer Grinder Pump Emergency Replacement – Dragstrip Treatment Facility Horace Gee**

Horace Gee Public Utilities Director stated the grinder pump at the dragstrip wastewater facility had already been rebuilt one time and it was now time to replace it. He stated he had several quotes and the lowest quote was from Kazmier & Associates in the amount of \$19,924. He stated he would like to have this quote approved along with a quote from Goforth Williamson Inc. to install the pump at an expense not to exceed \$4,000.

Comm. Garrison asked when the grinder was replaced would the County be able to take solid waste from local septic tank businesses. Mr. Gee said no because our spray fields and ponds are not setup for household solid waste.

Motion to approve the quote for a grinder pump to be paid from Contingency from Kazmier & Associates in the amount of \$19,924 and a quote from Goforth Williamson Inc. for the installation of the grinder pump not to exceed \$4,000: Charles Turk

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

**10. Contracts & Agreements**

**a. EMA/E911: Mobile Command Unit Transfer MOU**

Ms. Moore stated Banks County had the Mobile Command Unit for 5 years and she request for it to be transferred to White County. She stated she needed authorization for the Chairman to sign the Memorandum of Understanding stating that Banks County would be transferring a GEMA/Homeland Security Area 1 Communication Van (2004 Ford E350) to White County.

Motion to authorize Chairman to sign the MOU: Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

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

**b. Fire/EMS: Fire Station 24 Concrete Bid/Contract**

Steve Nichols Fire Chief stated there were two bids for the concrete work at Station 24. The two bids were from Southern Premier Contractors, Inc for \$56,456.10 and from J & K Concrete Services for \$56,950.00. Chief Nichols stated that references for both were good and J & K. Concrete had done work for the fire department before. Chief Nichols recommended the low bid from Southern Premier Contractors, Inc.

Motion to approve the bid and contract from Southern Premier Contractors, Inc. in the amount of \$56,456.10: 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)*

**c. Senior Center: Legacy Link Contract Addendum #2**

**Randy Failyer**

Randy Failyer Finance Officer stated this was an addendum to the annual contract.

Motion to approve the addendum #2 and authorize the Chairman to sign: Bo Garrison

Second: Sammy Reece

Vote: 5:0  
All aye votes and the motion passed.  
*(Copy of Addendum filed in Attachment to Minute Book 10-3)*

**d. Finance: 2021 Propane Gas Bid/Contract Award**

**Randy Failyer**

Mr. Failyer stated this was the annual propane bid/contract award. The low bidder was Blossman Propane Gas & Appliance in the amount of \$1.189 per gallon.  
Motion to approve the bid and contract for Blossman Propane Gas & Appliance in the amount of \$1.189 per gallon from May 1, 2021 – April 30, 2022: Charles Turk  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the motion passed.  
*(Copy of Contract filed in Attachment to Minute Book 10-3)*

**11. Executive Session: Possible Litigation**

Motion to enter into executive session concerning possible litigation: Sammy Reece  
Second: Bo Garrison  
Vote: 5:0  
All aye votes and the executive session began at 7:38 p.m.

Motion to come out of executive session: Sammy Reece  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the executive session ended at 8:00 p.m.  
*(Copy of Affidavit filed in Attachment to Minute Book 10-3)*

Motion to change water service deposit amount to \$300 effective July 1, 2021 and the account does not have to be in the landowner's name: Charles Turk  
Second: Bo Garrison  
Vote: 5:0  
All aye votes and the motion passed.

**12. Adjournment**

Motion to adjourn the meeting: Sammy Reece  
Second: Danny Maxwell  
Vote: 5:0  
All aye votes and the meeting adjourned at 8:00 p.m.

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Chairman

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Assistant County Clerk  
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