

The Banks County Board of Commissioners held their regular meeting on May 11, 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 Keith Gardiner
Commissioner Bo Garrison
Commissioner Sammy Reece

Staff Present

County Clerk Jenni Gailey
Finance Officer Randy Failyer
Planning Commission Chairman Jack Stewart

Media Present

None

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

Comm. Garrison requested to amend to add *"10. Subdivision Temporary Moratorium"*.

Motion to approve the amended agenda: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

3. Chairman's Report

Chairman Turk reported the following for April:

- 298 Fire/EMS calls – 3,396 Sheriff calls – 565 other calls – total 4,259
- 44 new building permit addresses issued
- Stated he had received an email from the Board of Health stating they had vaccinated 12,065 people with 3,920 being Banks County residents
- Expect to finalize the budget within the next two weeks
- Tax Assessment notices were mailed out with quite an increase in valuations. He stated hopefully, if nothing happens, the numbers were close enough for a decrease in the millage rate to offset the valuation increase but that they didn't have the final numbers yet.

4. Pledge to the American Flag

Comm. Gardiner led the Pledge to the American Flag.

5. Approval of Previous Minutes – 4/13/2021, 4/19/2021, 4/20/2021, 4/27/2021, 4/28/2021

Motion to approve the previous meetings minutes: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

6. Proclamation: “Rotary Loves Banks County Day”-June 16, 2021

Brad Day

Mr. Day stated the Rotary Club was present at the meeting and read the proclamation that included recognizing public safety personnel and other outstanding citizens on June 16, 2021. He asked the Commissioners to consider the proclamation.

Motion to approve the proclamation as read: Charles Turk

Second: Bo Garrison

Vote: 5-0

All aye votes and motion passed.

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

7. Public Hearings:

Planning Commission: CU-20-02 – Vitruvius Properties: Ding Xiang, Tenant – application for a retail massage therapy office unit located at 309 Steven B. Tanger Blvd, Commerce, GA 30529 on Tax Map Parcel B54D 007A. Current zoning is C-2, retail store unit. Proposed zoning classification is C-2 General Commercial District with a conditional use for massage therapy.

Ch. Turk closed the meeting and opened the public hearing. Planning Commission Chairman Jack Stewart stated this was an application for a retail massage therapy office unit located at 309 Steven B. Tanger Blvd, Commerce, GA 30529 on Tax Map Parcel B54D 007A. Current zoning is C-2, General Commercial District - retail store unit. Proposed zoning classification is C-2 General Commercial District with a conditional use for massage therapy. Ch. Stewart stated the Planning Commission recommended approval.

In favor of application

Ding Xiang – 10245 Kinross Rd, Roswell, GA – Ms. Xiang was present with an interpreter. She stated right now she lived in a friend’s house but that she will move. Her interpreter stated she had just purchased a house near Buford which was close by - about 20 minutes away. She then stated she lived at 10245 Kinross in Roswell.

- Ms. Ding stated she had been doing massage for over 6 years and knew how to do massage. She further stated she helped people relax and make back pains better.
- Ch. Turk asked if, according to the state, she had a license since 2017. The interpreter said yes.
- Ch. Turk asked if she had lived in the state of Georgia since then. The interpreter said yes. Ch. Turk asked why Ms. Ding had a New York driver’s license. Ms. Ding stated when she first came to the United States – she lived in New York.
- Ch. Turk stated she had a massage license in Georgia since 2017 but had renewed her driver’s license in New York in January 21, 2020 and that she said she had lived here since 2017. He asked if there was some reason that she did not have a Georgia driver’s license.
- Ms. Ding stated she had a Georgia massage license since 2017.
- Ch. Turk stated something was not adding up and asked why she did not have a Georgia driver’s license. He stated now she was trying to come from Atlanta/Duluth to here. He stated she was in Atlanta from May 2016 to January 2020 and then Duluth from July 2020 until now. He asked Ms. Ding why she wanted to come here.
- The interpreter stated the reason she came here was that she had purchased a new house that was close to the area and she could do massage therapy in this location.
- Ch. Turk asked the interpreter to explain why she had a New York driver’s license. He then asked what she was trying to hide.
- The interpreter stated she was not trying to hide anything and that she didn’t speak that much English and was trying to explain to Ch. Turk but she couldn’t. He further stated the reason she

did not change the license for that many years was because of the language barrier. He said because of the language barrier, when she tried to renew her license in Georgia, she had to take a writing test and could not do that. He stated it was because while she was living in Georgia she didn't need to drive because her friends always drove her. Recently, when she got her own house, she had to be independent and renew her license and live by herself.

- Ch. Turk stated if she can't understand him, how could she insure that she will do what she said she would do?
- Ch. Turk said that in the state of Georgia you have to get a Georgia driver's license within 30 days of moving to the state regardless of the language you speak.
- He further stated something was not adding up and asked again why Ms. Ding did not have a Georgia driver's license.
- The interpreter stated Ms. Ding said it was all because of her language. Ms. Ding said nobody told her within the 30 days that she needed to transfer her license.
- Ch. Turk asked what kind of clientele would be coming and going in to the establishment and he asked if it would be tractor trailers, cars or both.
- The interpreter stated Ms. Ding said she would strictly follow the government regulations even though she doesn't speak that much English – she knows what the regulations are as to what to do or not to do.
- The interpreter stated she would be serving local people. He further stated she had been doing massages for 6 years and had never done anything illegal. He said she wanted to keep it that way.
- Comm. Maxwell asked for confirmation that she had a Georgia massage license. Ch. Turk stated yes.
- Ms. Ding stated that in 2017 she had a Georgia driver's license and her car is registered in Georgia but she moved to New York and then moved back to Georgia but since she had not been working and had found Banks County a good place to open the business.

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

Motion to deny the zoning application because he did not know what was going on: Charles Turk

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

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

8. Public Comment: NONE

9. Contracts & Agreements:

a. School Speed Zone Device: Service Agreement between Banks County Commissioners, Banks County Board of Education, Banks County Sheriff's Office and Optotraffic, LLC.

Ch. Turk stated concerns with responsibility being placed on the county concerning court costs, collections and attorney fees, etc. Comm. Reece asked if the county attorney had reviewed the contract. Ch. Turk stated yes and that he did not like it.

Motion to table the contract until the June 8, 2021 Commissioners meeting to allow further research as to the county's liability in the contract: Sammy Reece

Second: Keith Gardiner

Vote: 5:0

All aye votes and the motion passed.

b. FY2022 Banks County Senior Center Nutritional Contract: Legacy Link

Randy Failyer

Mr. Failyer stated it was an annual contract for FY2022 Meals on Wheels.

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

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

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

10. Temporary Moratorium on Subdivisions

Comm. Garrison stated the Board had been working diligently toward changes to zoning regulations. He stated the county attorney was currently preparing the proposed code amendments to present to the Planning Commission for consideration but they had not been submitted yet. He stated a moratorium would allow time for the Planning Commission and the Commissioners to get the needed documents in order to consider the amendments for approval.

Motion to approve a 90-day moratorium on subdivisions to allow time to get the paperwork in order on the zoning changes: Bo Garrison

Second: Danny Maxwell

Ch. Turk stated it needed to be a date certain and asked if the August 10, 2021 Commissioners meeting would be ok. Comm. Garrison stated yes. Ch. Turk also asked for clarification that it was all subdivisions except the ones being built now may continue - any new subdivisions will be under a moratorium until August 10, 2021. Comm. Garrison agreed.

Vote: 5:0

All aye votes and the motion passed.

(Copy of resolution filed in Attachment to Minutes Book 10-3) #2021-05

11. Adjournment

Motion to adjourn the meeting: Bo Garrison

Second: Keith Gardiner

Vote: 5:0

All aye votes and the meeting adjourned at 6:57 p.m.

Chairman

County Clerk
