



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, February 08, 2022 at 6:30 PM

MINUTES

1. CALL TO ORDER

Chairman Turk called the meeting to order.

PRESENT

Chairman Charles Turk

Vice Chairman Danny Maxwell

Commissioner Bo Garrison

Commissioner Sammy Reece

Commissioner Keith Gardiner

County Clerk Jenni Gailey

Assistant County Clerk Erin Decker

County Attorney Randall Frost

Code Enforcement Officer Paul Ruark

Public Utilities Director Horace Gee

Recreation Director Brooke Whitmire

Senior Center/Transit Director Tracie Hammond

Human Resources Director Arlene Ivey

2. APPROVAL OF AGENDA

Ch. Turk stated the following items need to be deleted:

7a. Roads & Bridges: Ragsdale Road Work – Kevin Purcell

12a. Personnel: 2013 ACCG County Retirement Plan Ratification – Arlene Ivey

Motion to approve the agenda as amended.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

3. APPROVAL OF MINUTES

a. 1/11/2022 Minutes

Motion to approve the minutes.

Motion made by Commissioner Garrison, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

4. PLEDGE TO THE AMERICAN FLAG:

Vice Chairman Maxwell led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported on the following:

- E911 calls received – Fire/EMS 409 – Sheriff’s Office 2,290
- Covid Cases – 193 cases in the last 14 days for a total of 3,253 cases since the beginning.
- Senior Life Center – Congregate Meals 156 – Meals on Wheels 1,107 for the month of January.

6. SPECIAL REPORTS/PRESENTATIONS:

None

7. PUBLIC COMMENT:

a. Roads & Bridges: Ragsdale Rd Work - Kevin Purcell

Deleted from agenda

8. PUBLIC HEARINGS:

a. Planning Commission: Zoning Ordinance Amendment: Article VI: "ARR, Agricultural-Rural Residential District", Section 602-Permitted Uses

Ch. Turk closed the meeting and opened the Public Hearing.

Zoning Officer Paul Ruark stated the Planning Commission recommended changes.

The Commissioners discussed the proposed changes and Ch. Turk listed the proposed changes as follows:

Section 602-1: (i) Delete “1,200”; Add “1,000”

(iv) Delete “Engineer”; Add “Road Dept”

Section 602-2:13. Add “Agricultural uses (excluding animal waster lagoons), including forestry, commercial greenhouses and plant nurseries (wholesale and retail), livestock (except dairies, hog parlors, and feed lots), and poultry (except turkey ranges and commercial egg operations (caged layers), provided that no structure housing poultry or other livestock as permitted herein is located closer than 800 feet from an existing dwelling unit other than that of the property owner and 400 feet from any common property line.”

Motion made to approve the amendment resolution with the above changes.

Motion made by Chairman Turk, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece

Voting Nay: Commissioner Gardiner

Vote: 4:1

The majority votes and the motion passed.

(Copy of resolution filed in attachment to Minute Book 10-4) 2022-11

b. Planning Commission: Zoning Ordinance Amendment: Article VI: "ARR, Agricultural-Rural Residential District", Section 603 - Conditional Uses

Ch. Turk stated the Planning Commission recommended approval of the amendment resolution.

Motion to approve the amendment resolution.

Motion made by Commissioner Gardiner, Seconded by Commissioner Garrison.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

(Copy of resolution filed in attachment to Minute Book 10-4) 2022-12

c. Planning Commission: CU-22-01 - Caleb Helton, Helton Investment LLC - An application for conditional use of the property identified as parcel B26 094 located at 270 Mt /Sinai Rd for the manufacture of firearms and ammunition (type 07 FFL)

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

Atty. Frost stated this was a public hearing for CU-22-01 - Caleb Helton, Helton Investment LLC - An application for conditional use of the property identified as parcel B26 094 located at 270 Mt /Sinai Rd for the manufacture of firearms and ammunition (type 07 FFL)

Code Enforcement Officer Paul Ruark stated the Planning Commission recommended approval of this application.

In Favor of Application

Caleb Helton - 270 Mt. Sinai Road – Stated this would be an ammunition and gun-smithing home-based business. He also stated he had his federal firearm license and explosive licenses and would mainly be selling

Comm. Garrison asked if he would only be loading ammunition and would not be having a shooting range. Mr. Helton stated he would not have a shooting range.

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

Motion to approve the application.

Motion made by Commissioner Gardiner, Seconded by Vice Chairman Maxwell.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

(Copy of resolution filed in attachment to Minute Book 10-4)

d. Planning Commission: Z-22-01 - Darshaan Holding, LLC - An application to rezone the property identified as parcel B51 025 - tract 1A, a 7.27-acre lot at Hwy 441 and McCoy Bridge Rd from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a convenience store/gas station, retail space, and self-storage facility.

Ch. Turk closed the meeting and Attorney Frost opened the Public Hearing.

Atty. Frost stated the public hearing was for Z-22-01 - Darshaan Holding, LLC - An application to rezone the property identified as parcel B51 025 - tract 1A, a 7.27-acre lot at Hwy 441 and McCoy Bridge Rd from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a convenience store/gas station, retail space, and self-storage facility.

Code Enforcement Officer Ruark gave the report of the Planning Commission which was to recommend approval of the application.

In Favor of Application

James Irvin Foothills Land Design – 164 Professional Park Drive, Baldwin, GA – He stated he was working as the site civil engineer for Darshaan Holding, LLC. He stated the applicant wanted to rezone the property from ARR to C2 for a convenient store and self storage facility. He stated the applicant understood this use would be for the store and storage on approximately seven acres where the store would be in the front and the self-storage facility would be in the back of the property. He stated the convenient store would be approximately 800 square feet and would have an additional suite for another business. He stated the store design had brick siding and was similar to the other eleven stores the applicant owned. The building would be approximately 270 feet from US HWY 441 and the self-storage facility would be at a higher elevation than the convenient store and would have a security fence and a gate. The storage facility would have no-spill lighting throughout the property and the entrance would be on McCoy Bridge Road only. He further stated there would be both climate controlled and dry storage of various sizes in which no unit would be more than 500 square feet. He stated to the south was the Hudson River and it was a half mile away which provided a large buffer in that direction. He further stated this buffer would result in more traffic at the intersection of US HWY 441 and McCoy Bridge Road but not any additional traffic down McCoy Bridge Road into the residential area. He also stated this was not a destination use that would bring people to the area and stated that more traffic would be caused on McCoy Bridge Road from the new houses being built and the one commercial business. He stated the lot across the street was vacant and the nearest neighbor was over 1,000 feet away. He stated the driveway on McCoy Bridge Road did meet the GDOT requirements for the spacing from US HWY 441. He further stated the 441 Corridor was best suited for commercial and retail businesses for Banks County. Mr. Irvin stated this was a good fit for the property.

Ch. Turk asked about the entrance off 441 and the deceleration lane. Mr. Irvin stated in the plans he had it located at the end of the radius but if they were allowed access on 441, they may want us to move it where they have to continue the decel lane down from the driveway.

Ch. Turk asked if they were willing to continue the turning lane off McCoy Bridge Road so basically if you are coming from 441 to turn into the station you will have a turning lane there and won't have to get onto McCoy Bridge Road. Mr. Irvin and the applicant stated yes.

Comm. Garrison stated he had a question about storage units and entrance from McCoy Bridge Rd. Comm. Garrison further asked about changing the entrance and only having an entrance from US HWY 441. Mr. Irvin stated the grade analysis showed that it made more sense to have the self storage units at a higher elevation which would require an entrance off McCoy Bridge Road.

Ch. Turk asked what size trucks was he expecting and also how much higher would the storage buildings be than the store. Mr. Irvin stated the storage buildings would be about 20 ft higher than the store. The applicant stated that he was only expecting personal trucks. The applicant stated they could decrease the size of the storage buildings.

Comm. Garrison stated he would prefer to only have one entrance off US HWY 441 and not one-off McCoy Bridge Road.

Comm. Garrison asked about the design of the ministorage units. The applicant stated this was his first mini storage so he didn't have an answer and needed to do some more research on that. Comm. Garrison stated one of the beautification requirements was to brick on all sides visible from 441.

James Otis Rylee - 1620 Wilson Bridge Road – Stated he represented the owner of the property.

He said the proposal within reason was a very low impact use in a commercial corridor. He stated this was a commercial use located on a commercial corridor.

In Opposition to the Application

Robert Marshburn - 570 Marshburn Road - Stated the design of the entrance off 441 will not be able to exist. He stated GDOT would not approve it according to a lawyer friend that works for GDOT. He stated he did not see how it would be able to fit 2 entrances off McCoy Bridge Road. He further stated in his opinion there was too much congestion from the buildings and parking spaces that were being proposed to be built on the 7 acres.

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

Ch. Turk asked what was the setback from the property line.

Motion to approve the application with the following conditions:

1. Pending the approval of conditional use for convenience store with fuel tanks
2. Maximum total square feet in warehouses 40,000 sq. ft.
3. Maximum square footage per unit 400 sq. ft.
4. Only 1 entrance on McCoy Bridge Rd to convenience store
5. Installation of turning lane to convenience store on US HWY 441 according to GDOT Specifications.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

(Copy of resolution filed in attachment to Minute Book 10-4)

9. PREVIOUS BUSINESS ACTION:

- a. **Tabled 1/11/2022: Zoning Ordinance Amendment: Article IV, "General Provisions" "General Provisions", Section 417 - Home Occupations**

Motion to untable the item.

Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

Motion to approve the amendment resolution.

Motion made by Commissioner Gardiner, Seconded by Commissioner Garrison.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All yea votes and the motion passed.
(Copy of resolution filed in attachment to Minute Book 10-4) 2022-13

b. Tabled 1/11/2022: Zoning Ordinance Amendments: Article IX(A): Addition New Article IX(B)-C-3, Section 901(B) and 902(B) - "Warehouses and Distribution"

Motion to untable the item.
Motion made by Commissioner Garrison, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All yea votes and the motion passed.

Section 901(B)-1: Delete "Minimum 100 acres"; Add "Minimum of 40 acres"
Delete "1,000,000 square feet"; Add "10,000 square feet per acre"

Motion made to approve the amendment resolution with the above changes.

Motion made by Commissioner Gardiner, Seconded by Commissioner Reece.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All yea votes and the motion passed.
(Copy of resolution filed in attachment to Minute Book 10-4) 2022-14

c. Parks & Recreation: Change Order #03 for sodding the multipurpose field approved at the December 14, 2021 amount correction

Ch. Maxwell left meeting at 7:36 p.m.

Brooke Whitmire Recreation Director stated that at the December meeting the Change Order that was approved was the wrong amount. She stated the copy that was approved was a draft from a construction meeting and didn't include the subs and contractors 5% fee. She stated the additional amount would be \$1,501.08 for a total of \$31,523.

Motion to ratify the change order.

Motion made by Chairman Turk, Seconded by Commissioner Reece.
Voting Yea: Chairman Turk, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner
Vote: 4:0
Four yea votes and the motion passed.
(Copy of change order attached to Minute Book 10-4)

Vice Ch. Maxwell returned to the meeting at 7:38 p.m.

10. CURRENT BUSINESS:

a. Public Utilities: Wastewater Treatment - GEFA Loan - #CW2020029 - \$25,000,000 - Randall Frost

Horace Gee Public Utilities Director stated the GEFA Loan in the amount of \$25,000,000 was to construct a conventional wastewater treatment plant and lines. The plant would be constructed on Duncan Road where Banks County already owned property.

Mr. Gee stated the Commissioners would need to give Ch. Turk the authority to sign the GEFA documents.

Motion to approve the resolution and authorize Ch. Turk to sign the GEFA loan documents.

Motion made by Commissioner Reece, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

(Copy of resolution attached to Minute Book 10-4) 2022-15

b. Parks & Recreation: Grounds Maintenance RFP - Brooke Whitmire

Brooke Whitmire Recreation Director stated she was requesting to advertise an RFP for grounds maintenance. She stated it hasn't been put out to bid in several years. She further stated that since her department was fully staffed, she was also looking at the possibility of taking on the mowing of the sod and getting a real mower and just putting the chemical application out to bid, it all depends on the cost.

Also Ms. Whitmire stated the RFP would include the following three options in order to compare all the prices:

- a. covered recreation property for chemical application
- b. covered chemical application and mowing for the company
- c. covered annex and recreation for chemical application

Comm. Garrison asked about the current contract. Ms. Whitmire stated the contract expired July 1, 2022.

Comm. Garrison asked if she was able to talk to any companies that would do this. She stated she had and believed there would be interest in the RFP.

Motion to authorize Ms. Whitmire to advertise the RFP.

Comm. Garrison asked where the bids were kept after they were opened. Ch. Turk stated they were delivered to the Annex and kept there.

Motion to authorize Ms. Whitmire to advertise the RFP.

Motion made by Commissioner Reece, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

c. Parks & Recreation: 2022 Concessions RFP - Brooke Whitmire

Ms. Whitmire stated this was a similar proposal she had sent out several years ago for concessions. She stated the person currently doing the concession had received a promotion at their full-time job and will no longer be able to do the concessions.

Motion made to authorize Ms. Whitmire to advertise the RFP.

Motion made by Commissioner Reece, Seconded by Chairman Turk.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

11. CONTRACTS AND AGREEMENTS:

a. Senior Services/DHS: Northeast GA Regional Commission Technical Support Proposal - Tracie Hammond

Tracie Hammond Senior Center/Transit Director stated this proposal was to transport special needs adults to Jackson Creative in Commerce.

Motion to approve the proposal.

Motion made by Commissioner Garrison, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

b. Public Transit - Deanna Specialties Transportation - Tracie Hammond

Ms. Hammond stated the agreement with Deanna Specialties was for transporting the seniors to and from the Senior Life Center.

Motion to approve the agreement.

Motion made by Chairman Turk, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

(Copy of agreement attached to Minute Book 10-4)

c. Roads & Bridges: Additional Engineering Services - KCI Technologies - \$14,645

Ch. Turk stated that additional engineering services needed to be approved because KCI had to use extra time on Yonah Homer culvert and there were 2022 LMIG & Road and Bridges SPLOST projects that would begin soon.

Motion to approve the additional engineering.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Garrison.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All yea votes and the motion passed.

d. Roads & Bridges: 2022 Pavement Assessment - KCI Technologies

Ch. Turk stated the Pavement Assessment ranks all the paved roads and grades them according to the condition. They actually ride the road and looks at the paved roads and then put them into categories and compile into a list from worst to best.

The initial amount of the assessment would be \$18,644.44 and then there would be an annual fee of \$1,200 to keep it updated. KCI suggest renewing the plan every 4 to 5 years.

Comm. Garrison asked what would change if we changed companies. Ch. Turk stated that we could not renew the contract.

Motion to approve the agreement.

Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.

Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

(Copy of agreement attached to Minute Book 10-4)

12. RESOLUTIONS AND ORDINANCES:

a. Personnel: 2013 ACCG County Retirement Plan Ratification - Arlene Ivey

Deleted from agenda

13. BOARDS & AUTHORITIES:

a. Chestatee-Chattahoochee RC&D Member - 1 year term

Motion to appoint Charles Turk to a one-year term to expire 12/31/2022.

Motion made by Vice Chairman Maxwell, Seconded by Commissioner Garrison.

Voting Yea: Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece, Commissioner
Gardiner

Voting Abstaining: Chairman Turk

Vote: 4:0

Four yea votes and motion passed.

b. Chestatee-Chattahoochee RC&D Member - 1 year term

Motion to appoint Sammy Reece to a one-year term to expire 12/31/2022.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner. Voting Yea: Chairman Turk, Vice
Chairman Maxwell, Commissioner Garrison, Commissioner Gardiner

Voting Abstaining: Commissioner Reece
Vote: 4:0
Four yea votes and motion passed.

14. EXECUTIVE SESSION: PERSONNEL

Motion to enter into executive session concerning personnel at 8:08 p.m.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All yea votes and the motion passed.

Motion to close the executive session.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All yea votes and the executive session ended at 8:38 p.m.
(Copy of affidavit attached to Minute Book 10-4)

15. ADJOURNMENT

Motion to adjourn the meeting.
Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Turk, Vice Chairman Maxwell, Commissioner Garrison, Commissioner Reece,
Commissioner Gardiner
Vote: 5:0
All aye votes and the meeting was adjourned at 8:39 p.m.

Chairman

Assistant County Clerk
