



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, September 13, 2022 at 6:30 PM

MINUTES

1. CALL TO ORDER

PRESENT

Chairman Charles Turk

Vice Chairman Danny Maxwell

Commissioner Bo Garrison

Commissioner Sammy Reece

Commissioner Keith Gardiner

STAFF

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

Planning Commission Chairman Jay O'Kelley

Fire Chief Steve Nichols

County Attorney Randall Frost

2. APPROVAL OF AGENDA

Ch. Turk stated the agenda needed to be amended to add 10d. SCBA Grant – Fire/EMS.

Motion to approve the agenda as amended.

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 motion passed.

3. APPROVAL OF MINUTES

a. 8/4/2022 LOST Negotiation

b. 8/9/2022 Called Meeting

c. 8/9/2022 Regular Meeting

d. 8/17/2022 Called Meeting

e. 8/23/2022 Called Meeting

f. 8/23/2022 Regular Meeting

g. 8/25/2022 Called Meeting

Motion to approve the minutes.

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 aye votes and motion passed.

4. PLEDGE TO THE AMERICAN FLAG

Ch. Turk led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported on the following items:

- E911 calls received: 344 Fire/EMS - 3,452 Sheriff Office
- COVID Count: 32
- Stated the County was in the process of paving several roads
- Stated September 19, 2022 would be the first day for Kat Roberts the new Parks and Recreation Director.

6. PUBLIC HEARINGS:

- a. **CU 22-06 - Wayne Murphy - Conditional Use application for a home occupation business located at, 360 Apple Valley Rd, Alto, GA 30510, for the sale of hunting supplies, small arms and ammo sales. Map/Parcel B23 027A.**

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

Atty. Frost stated the application CU 22-06 for Wayne Murphy was a Conditional Use application for a home occupation business located at, 360 Apple Valley Rd, Alto, GA 30510, for the sale of hunting supplies, small arms and ammo sales. Map/Parcel B23 027A.

Jay O'Kelley stated the Planning Commission voted to recommend approval of the application with the following conditions:

- No retail display or sale of firearms
- No commercial shooting activity
- Guns remain in safe
- No advertising of retail fire arms in any way
- Business hours of 8AM to 7PM
- Pre-fire plan on record with the County
- Continuous operation of video surveillance and alarm system.

Attorney Andrea Grant - 594 Bowers Street, Royston, GA – Stated she represented West Creek Hunting Supplies owned by Wayne Murphy and stated that even though they were asking for a conditional use this company has had a business license for quite some time.

Atty. Grant also presented the Constitutional Objection letter to the board and for the record in the minutes. She further stated the property in question was already zoned ARR and the future use in the comprehensive plan was ARR.

She stated there was not a lot of traffic in and out because most of the sales were done online but he may have deliveries from UPS, Fedex and USPS. The reason he has made this request was to get his Class A license with the ATF.

Atty. Grant stated Mr. Murphy did not intend on being a part time dealer of fire arms but would like to be able to do background checks for his regular customers. She said there were 2 large locked gun safes in the locked office and security cameras up and down the road and also at the facility. He was not trying to enlarge the footprint of his facility Atty. Grant said.

She further stated there were two close gun ranges within 15 minutes of the facility.

Atty. Grant also discussed the easement to the property where she suggested to the Commissioners that the use of the road was a non-issue and presented the deeds to be placed in the minutes for record. She further stated there would not be an increase in traffic.

Atty. Grant further stated that Mr. Murphy couldn't be required to do a fire plan for the entire property but just the business.

In Favor of the Application

Jonathan Milwood – 200 Baldwin Heights Road – Stated he had been friends with Mr. Murphy for 20 years and had been actively helping him setup at trade shows and stuff like that for about 10 years. He further stated he wanted to reiterate that when they came up with the idea to be a gun dealer to be able to run background checks it was never discussed that they would try to increase their customer base. He said the traffic flow should not increase because of this.

Richard Daniel – 174 Apple Valley Road – Stated his property adjoined Wayne and had lived there for about 4 years and didn't have a problem with what Mr. Murphy wanted to do.

Blake Griffeth – 170 Apple Valley Road – Stated he thought the business had a very low impact on the road and they had clearly marked signs. He further stated that the people that complained about customers pulling up their driveway didn't have a E911 number posted.

In Opposition of the Application

Mark White – 102 Apple Valley Road – Stated he owned the majority of the road and its a 10ft. easement and was never notified by Planning and Zoning when this business first began a few years back. He further stated he believed this change would put more traffic on the road.

Rick Gregg – 1629 Apple Pie Ridge – Stated the problem he had with this coming in was this was a residential area and the not meant for businesses. He further stated they all have children that play in the woods and the business will affect the privacy of there homes.

Justin Lathyne – 105 Apple Valley Road – Stated he had a few concerns and the main one was the setting of a president for more businesses in the area. He further stated it was a residential area and he had children and was concerned for their safety also.

Gail Lewallen – 105 Apple Valley Road – Stated she had one of the largest tracts of land on Apple Valley Road and was concerned with the easement and didn't want it to get any bigger. She further stated kids play all in the pastures and she didn't want the business to turn into a gun range. She also stated she was worried about the growth of the business.

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

Ch. Turk stated he had no problem with selling firearms online but the firearms needed to be stored in the house in the safe.

Comm. Garrison asked how that would be enforced?

Comm. Gardiner said he had no problem online sales but the building where everything was sold and kept didn't even have a 911 number.

Mr. Murphy stated when covid came he couldn't go to shows so he used the building for storage.

Atty. Grant stated that it seemed like a lot of things had come up about the application and would it not be appropriate to withdraw the application and reapply and get the right code.

Atty. Grant further stated Mr. Murphy didn't want to withdraw his application and wanted to address the other issues at a later time.

Motion to allow conditional use with the following conditions:

- Correct NAICS Code to 423910
- Only sell of guns and ammunition at gun shows and online only
- Gun and Ammunition storage at residence only (360 Apple Valley Road)

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 aye votes and motion passed.

(Copy of Resolution, Constitutional Objection letter, Deeds/Easements & Insurance Policy filed in Attachment to Minutes Book 10-4)

7. PREVIOUS BUSINESS ACTION:

a. Tabled April 12, 2022: FY2023 Georgia Indigent Defense Contract

Motion to untable the item.

Motion made by Commissioner Gardiner, Seconded by Commissioner Reece.

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 aye votes and motion passed.

Motion to approve the contract.

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 aye votes and motion passed.

(Copy of Contract filed in Attachment to Minutes Book 10-4)

8. CURRENT BUSINESS:

9. BOARDS & AUTHORITIES:

a. Development Authority: 4-year term to begin 3/1/2023

b. Development Authority: 4-year term to begin 3/1/2023

c. Development Authority: 4-year term to begin 3/1/2023

Motion to postpone 9a., 9b., and 9c. until January 10, 2023.

Comm. Gardiner asked what the reason was to postpone. Comm. Garrison stated the term didn't expire until February and we are six months out.

Ch. Turk asked about training. Comm. Garrison said there were some trainings offered in 2023.

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 aye votes and motion passed.

d. Planning Commission: 4-year term to begin 11/1/2022

Motion to reappoint Jay O'Kelley to the Planning Commission for a 4-year term that will expire on 10/31/2026.

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 aye votes and the motion passed.

e. Planning Commission: To finish term of vacant position to expire 10/31/2024

Motion to appoint Jody Parks to the Planning Commission to finish a vacant term that would expire 10/31/2024.

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 aye votes and the motion passed.

f. Industrial Building Authority: 5-year term to begin 10/1/2022

Motion to reappoint Jimmy Morrison to another 5-year term to the Industrial Building Authority to expire 10/31/2027.

Motion made by Commissioner Reece, Seconded by Commissioner Garrison.

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

Vote: 5:0

All aye votes and the motion passed.

g. Industrial Building Authority - 5-year term to begin 10/1/2022

Motion to reappoint Jonathan Bennett to another 5-year term to the Industrial Building Authority to expire 10/31/2027.

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 aye votes and the motion passed.

h. Industrial Building Authority - 5-year term to begin 10/1/2022

Motion to reappoint Larry Sparks to another 5-year term to the Industrial Building Authority to expire 10/31/2027.

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 motion passed.

10. CONTRACTS AND AGREEMENTS:

a. Tax Commissioner/Town of Homer Tax Collection Agreement: Becky Carlan

Ch. Turk stated that the Town of Homer did not pass a millage rate so an agreement wasn't needed.

b. FY2023 Uchee Lodge Lease Agreement - Boy Scouts

Motion to renew the Uchee Lodge Lease Agreement for the FY2023.

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.

(Copy of Lease filed in Attachment to Minutes Book 10-4)

c. Roads & Bridges: Motor Grader Lease Authorization

Ch. Turk stated it would be six months before new motor graders were ready. He further stated it would be a 4-year lease in the amount of \$3,622 per month.

Motion made by Chairman Turk, 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 Lease filed in Attachment to Minutes Book 10-4)

d. SCBA Grant – Fire/EMS

Fire Chief Steve Nichols stated this grant was for a Cascade System which was an air purification system. He stated the current system was about 20 years old that they were able to patch up and keep running. He further stated they applied for a AFG Grant through FEMA and were fortunate enough to be awarded the grant in the amount of \$50,000. Chief Nichols stated the cost of the system was about \$55,000 so the county would only have to pay about \$5,000 and tonight he was asking for permission to accept the grant.

Motion to accept the grant.

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 aye votes and the motion passed.

11. ADJOURNMENT

Motion to adjourn the meeting at 7:51 p.m.

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 aye votes and the motion passed.

Chairman

Assistant County Clerk