



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, February 14, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER

Ch. Turk called the meeting to order.

PRESENT

Chairman Charles Turk

Vice Chairman Danny Maxwell

Commissioner Chris Ausburn

Commissioner Keith Gardiner

Commissioner Bo Garrison

STAFF

County Clerk Regina Gailey

County Attorney Randall Frost

Assistant County Clerk Erin Decker

Planning/Zoning Official Kerri Fincannon

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

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

Vote: 5:0

All yea votes and motion passed.

3. APPROVAL OF MINUTES

a. 1/10/2023 Minutes

b. 1/24/2023 Minutes

Motion to approve the minutes.

Motion made by Commissioner Ausburn, Seconded by Chairman Turk.

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

Vote: 5:0

All yea votes and motion passed.

4. PLEDGE TO THE AMERICAN FLAG:

Comm. Ausburn led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported on the following:

- E911 received the following calls: 299 Fire/EMS calls – 3,077 Sheriff’s Office calls.
- Stated the Recreation Department had been having Baseball and Soccer registration.

6. PUBLIC HEARINGS:

- a. A conditional use application CU-23-01 by Michael Campanale II to be used for Kennels to Train Dogs. Located at map and parcel B36-031 23.63 acres, 3955 Old Hwy 441N Alto, GA 30510.**

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

Atty. Frost stated that the conditional use application CU-23-01 had been submitted by Michael Campanale II to be used for Kennels to Train Dogs. It was located at map and parcel B36-031 23.63 acres, 3955 Old Hwy 441N Alto, GA 30510.

In Favor of the Application

Michael Campanale - 3935 Old 441N -Stated he had been a resident for 2 years and wanted to start a kennel where he would have onsite dog training.

He read the letter of intent that stated he was looking to establish a Board and Train facility on his small farm located at 3935 Old Hwy 441N, Alto, GA. Two structures existed on the property where the first small structure would serve as a temporary kennel, housing up to 4 dogs. Restoration of the barn structure would take place and continue over the next 18 months. That would house an additional 8 kennels. Both buildings would be well insulated to protect from the elements, as well as sound dampening features and climate controlled with individual indoor/outdoor runs for each dog. Training would be done during normal business hours. The dogs would be placed inside of kennels between the hours of 9 pm to 7 am which keeps up with the local ordinances. The kennels would be licensed through the Department of Agriculture.

Ch. Turk stated Mr. Campanale was at the last year of his CUVA and because the CUVA guidelines didn’t recognize kennels as agricultural two acres would have to be surveyed out for CUVA to be in compliance.

Report of the Planning Commission

Planning Official Kerri Fincannon gave the report of the Planning Commission stating at their meeting the Planning Commission voted 5 to 0 to recommend approval of the Conditional Use.

In Favor of the Application

Kristen Perdue - 141 Harley Drive -Stated she and her husband and her owned a lot that backs up to the property and they never hear the dogs and also the dogs are very well behaved.

Frost closed the public hearing and Turk opened the meeting.

Motion to accept the recommendation of the Planning Board with the criteria that 2-acres be cut out for the house and the dog kennel.

Motion made by Chairman Turk, Seconded by Commissioner Garrison.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of resolution filed in Attachment to Minute Book 10-5)

- b. A conditional use application CU-23-02 by Shayne Shelton to be used for a Chicken Farm for Cobb Vantress. Located at map and parcel B62 059 26.77 acres, Chatham Rd.**

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

Atty. Frost stated that the conditional use application CU-23-02 by Shayne Shelton was to be used for a Chicken Farm for Cobb Vantress which is located at map and parcel B62 059 26.77 acres, Chatham Rd.

Ms. Fincannon stated the Planning Commission voted 5 to 0 to recommend the application for approval.

In Favor of the Application

Shayne Shelton - 110 Charity Drive – Stated this would be a Cobb Vantress chicken farm and he would like to get approval because he did not meet the setbacks.

Comm. Ausburn read a letter received from Jamie Highland, an adjoining neighbor, stating he didn't have a problem with the chicken houses that were proposed to be built.

Vice Ch. Maxwell stated Mr. Shelton said he wasn't far enough for the property line setbacks but was for the residence setbacks. Mr. Shelton stated he thought there were some deviations of the setbacks according to the site plan. He continued to state the major problem the County had was the setback with the property line of Jamie Highland. He stated he couldn't turn the farm in any other direction so he ended up encroaching closer to Mr. Highlands property line than the setbacks allowed.

Ch. Turk said it had been measured and it was about 700 ft. from the property line and Jamie Highland's residence was about 900 ft.

Comm. Gardiner stated that the setback should be 800 ft.

Comm. Garrison and Ch. Turk stated the neighbor had no problem with the chicken houses.

Ch. Turk further stated that the variation was 263 ft. so that's the side where Mr. Shelton was having to get the variation.

Joshua Tremble – 1565 McCoy Bridge Road – Stated the Sheltons were good people and this was the kind of stuff we wanted in our County. He further stated you could do a 1-mile radius around the property and there were 29 poultry facilities in the area.

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

Motion for us to approve this.

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

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of resolution filed in attachment to Minute Book 10-5)

7. CURRENT BUSINESS:

a. Planning Commission Recommendation: Planning Retreat by Carl Vinson Institute for Planning Commission and Board of Commissioners

Planning Official Kerri Fincannon presented a request for Ms. Chrissy Marlowe with Carl Vinson Institute of Government to lead a Planning Retreat & Training course in person at Banks County.

County Clerk Regina Gailey stated the course would be 6 hours and cost \$3,420 up to 18 people through the CVIOG.

The Commissioners discussed the different training options and benefits of customized onsite training compared to off-site training with other municipalities. The Commissioners asked Ms. Fincannon to gather the information about different training options.

b. Board of Commissioners: Agenda Deadline

Ch. Turk stated this was a discussion of whether or not the Commissioners wanted to make the agenda deadline earlier or leave it the same.

Vice Ch. Maxwell and Comm. Ausburn stated they would like to see the deadline moved up to Thursday at noon.

Ch. Turk stated that would give the clerk in the Planning office time to finish her meeting and get the Planning Commission meeting packet together for the Commissioners.

Motion to move the agenda and appearance deadline to Thursday at noon prior to the Commissioners meeting and have the county attorney draw up the change in the form of a resolution.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

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

Vote: 5:0

All yea votes and the motion passed.

8. CONTRACTS & AGREEMENTS:

a. Roads & Bridges: KCI Technologies request for +/-200 hrs- \$19,140 to cover project management on resurfacing projects and other County requested project management work.

Ch. Turk stated this was for road projects that were coming up for paving and the additional hours needed were 200 hours in the amount of \$19,140.

Motion to approve the additional engineering.

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

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

Vote: 5:0

All yea votes and the motion passed.

b. 2023 Maysville Water Sale Agreement

Ch. Turk stated that the water we purchased from other municipalities had increased so the County needed to increase the price of the water sell agreement with the City of Maysville. The current price was \$3.05/1,000 gallons and would increase to \$3.30/1,000 gallons.

Comm. Ausburn stated he just wanted to be clear this was just a price increase. Ch. Turk stated yes.

Motion to approve the water sell agreement.

Motion by Commissioner Gardiner, Seconded by Chairman Turk.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of agreement filed in attachment to Minute Book 10-5)

9. EXECUTIVE SESSION: Litigation, Land Acquisition/Disposal & Personnel

Motion to enter into executive session at 7:06 p.m. concerning litigation, land acquisition/disposal & personnel.

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

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

Vote: 5:0

All yea votes and motion passed.

Motion to close the executive session at 8:00 p.m.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of affidavit filed in attachment to Minute Book 10-5)

10. ADJOURNMENT

Motion to adjourn the meeting at 8:01p.m.

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

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

Vote: 5:0

All yea votes and the motion passed.

Chairman

Assistant County Clerk