



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, July 09, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER

PRESENT

Chairman Charles Turk
Vice Chairman Danny Maxwell
Commissioner Chris Ausburn
Commissioner Keith Gardiner
Commissioner Bo Garrison

STAFF PRESENT

County Clerk Regina Gailey
Assistant County Clerk Erin Decker
Planning/Zoning Director Kerri Fincannon
Fire Chief Steve Nichols
County Attorney Randall Frost
Public Utilities Director Horace Gee

2. APPROVAL OF AGENDA

Ch. Turk stated we needed to amend the agenda to add:

- Toccoa Water/Booster Pump Connection
- School Qualifying Fees

Comm. Ausburn stated the wording on 7C. was not stated correctly and should read "Chapter 74 Entitled "Subdivisions", Article III, Entitled "Definitions", Section 74-61, Entitled "Definitions".

Motion to approve the agenda as amended.

Motion made by Chairman Turk, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

3. APPROVAL OF MINUTES

a. 6/11/2024 Minutes

b. 6/25/2024 Minutes

Motion to approve the minutes.

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 the motion passed.

4. PLEDGE TO THE AMERICAN FLAG:

Vice Ch. Maxwell led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported on the following:

- E911 received 302 Fire/EMS Calls and 3,666 Sheriff's Office calls.
- Stated Stratton Construction was doing road patching around the County to get ready to pave some roads that were approved for paving.

6. SPECIAL RECOGNITIONS/PRESENTATIONS:

a. **Kat Roberts inducted into the Lenoir-Rhyne University Sports Hall of Fame for softball in 2023 and the South Atlantic Conference Hall of Fame for softball in 2024**

The Commissioners congratulated and presented Kat Roberts with a certificate of achievement. Ms. Roberts had been inducted into the Lenoir-Rhyne University Sports Hall of Fame for softball in 2023 and the South Atlantic Conference Hall of Fame for softball in 2024.

7. PREVIOUS BUSINESS ACTION:

a. **Recreation: Zero Turn Mower Purchase**

Kat Roberts Recreation Director stated she had gotten three quotes for a mower from Sosebee's Power & Repair, Swinehart's Power Equipment and Howard Brothers that ranged in price from \$13,877 to \$14,234. She stated she did some research on the mowers and the Kohler 38hp motor was better than the Vanguard 40hp motor. Her recommendation was for the lowest quote with the Kohler motor in the amount of \$13,877 from Sosebee Outdoor Power & Repair.

Comm. Ausburn asked where we were at getting an RFP for grass cutting. He stated they discussed relieving the Recreation Department of some grass cutting. Ch. Turk stated they had already put out an RFP about 1 ½ years ago and they were sky-high and the commissioner chose not to do that.

Comm. Garrison stated we also spoke about putting all the grass cutting under the Maintenance Department. This would allow the Recreation Department to focus more on administrative, programs, lining fields, etc. He further stated that what he wanted to see happen.

Ch. Turk stated there was only one maintenance guy now and you expect him to overlook that as well.

Comm. Ausburn stated we had an agreement a month or so ago that we were going to put an RFP out for grass cutting.

Ms. Roberts stated even if an RFP was put out for the other county facilities, they still had a lot of grass to cut and they would still need a new mower to replace the worn-out mower they had.

Motion to purchase the mower from the local dealer Swineharts Power Equipment.

Comm. Gardiner stated he would be ok with that if Swinehart's would match Sosebee's price.

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

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

Voting Nay: Chairman Turk, Commissioner Gardiner

Vote: 3:2

Motion passed by majority vote.

b. **Tabled: Recreation Board: 3-year term to expire 6/30/2027**

Motion to untable the item.

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 motion passed.

Motion to appoint Adam Watson to the Recreation Board for a 3-year term to expire 6/30/2027.

Motion made by Chairman Turk, 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.

c. Tabled: Planning Commission: AN ORDINANCE TO AMEND CHAPTER 74, ENTITLED "SUBDIVISIONS", ARTICLE III, ENTITLED "DEFINITIONS", SECTION 74-61, ENTITLED "DEFINITIONS."

Motion to untable the item.

Motion made by Commissioner Garrison, 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.

Ms. Fincannon stated the original recommendation from the Planning Commission was to amend the class of subdivisions in subsection one, Class I definition by deleting it in its entirety and substituting, Class I. A subdivision involving the division of a track or parcel of land between immediate family members, parents, grandparents, siblings, children or grandchildren into two or three lots with a two-acre minimum per lot size or a subdivision involving the division of a parcel of land among parents and or children of the landowner into two or more lots with a two-acre minimum per lot size.

She further stated the idea was that extended family could only do two or three lots and if they were immediate like parents and children, then they could do as many as they had.

Motion to approve the Planning Commission recommendation for approval.

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.

(Copy of Resolution filed in Attachment to Minute Book 11-1) 2024-42

8. MISCELLANEOUS:

a. Water Connection w/ Toccoa – Horace Gee

Public Utilities Director Horace Gee stated he was coming before the Board to request the purchase of a booster pump from GoForth Williamson in the amount of \$35,000. He stated they had been working over the last couple of years on a contract with Toccoa for increased usage of water. He stated currently the issue we had with getting water from Toccoa was the pressure at the connection point was almost stagnate. He continued to state that last week they had gotten behind in pumping because the demand for water was so high. He stated to fix this problem they had come up with a plan to go with a temporary booster pump station at the Toccoa connection location and this would boost up our

water so we could receive up to 500 gallons more per minute which would increase our water by about 576,000 gallons per day and would increase our volume by about 50%.

Mr. Gee continued to say that the pump could be up and running in a couple weeks while they were working out the details with Toccoa to increase the water usage agreement. During meetings with Toccoa, they were discussing giving Banks County 2MGD and if that happened, it could triple our water volume possibly by the end of the year.

He stated the pump would not be a waste of funds because after the agreement was completed, they would move the pump into a permanent building that would house all the electronic components inside along with three pumps.

Comm. Gardiner asked if this would increase pressure around the Alto area? Mr. Gee stated there were 4 pressure zones and this would benefit the Hickory Flat area the most.

Comm. Ausburn asked if Toccoa could currently supply 2MGD? Mr. Gee said they were doing a water model to see what they could supply.

Comm. Garrison stated he had been on the Board for four years and had heard the question asked, how's the County on water, every time an industry wanted to come in or anything and I've always heard out of your mouth, we're in great shape water wise. What had happened? All the sudden, we only went through roughly a two-week hard drought here. But it's the worst one we've had since about 2009 or 2010. We have always heard we are in great shape water wise and here we are putting the band-aid on and my argument was we do not even have a contract with the City of Toccoa. He continued to state he was all for getting us water for our citizens but he wanted some of these commissioners sitting here tonight to be in on the negotiations with Toccoa on a long-term contract. Ch. Turk stated we had a contract with Toccoa and Mr. Gee stated we have had a contract with Toccoa for 12 years. Comm. Ausburn stated that was just for 250,000 MGD. Comm. Garrison stated when the 2MGD contract was drawn up a commissioner or two needed to set in on the negotiations. Mr. Gee stated Ch. Turk and Comm. Ausburn were in the meetings. Ch. Turk stated that Toccoa said they could supply at least 1MGD and was going to draft the contract. Comm. Ausburn stated they may be able to supply us the water depending on what their water model shows but there was nothing in writing yet.

Vice Ch. Maxwell stated he wanted to clarify that if we put this pump in right now, we can get 250,000 gallons of water guaranteed and, in the future, if that model changes and we wanted to increase it up to a million or two, the opportunity would be there. Mr. Gee stated yes.

Vice Ch. Maxwell asked how much we were paying Toccoa? Mr. Gee stated we were paying \$3.27 per thousand gallons and Banks County sells it at a minimum of \$6.60 per thousand.

Motion to proceed with the booster pump purchase and installation.

Motion made by Chairman Turk, Seconded by Commissioner Ausburn.

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

Vote: 5:0

All yea votes and the motion passed.

b. Charles McCullough: Subdivide: Request for Hardship/Variance to divide 24.6-acre parcel into 3 separate parcels.

Charles McCullough stated he was requesting to divide his property into 3 parcels. He stated they were building a house right now and his parents and sister wanted to build a house as well on the same property.

Ch. Turk stated was it split, that way it would be a Class I. Ms. Fincannon stated it was recently split so it didn't qualify for the 3-year time frame and was why he was asking for a hardship.

Comm. Ausburn stated this couldn't come before the Commissioners and should go before the Planning Commission according to Banks County Code Section 74-271. Comm. Ausburn read the section which stated "where the planning commission finds that extraordinary hardships may result from strict compliance with this chapter due to unusual topographic or other conditions beyond the control of the subdivider, upon due consideration, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, however, that such variance will not have the effect of nullifying the intent or purpose of the development regulations. Any variance thus authorized is required to be entered in writing in the minutes of the first planning commission meeting following issuance of the variance and the reason which justified the departure set forth".

After further discussion Comm. Ausburn advised Mr. McCullough that he would need to apply with the Planning Commission for a hardship.

c. Planning Commission Recommendation: To amend Appendix A "Zoning", Article IX(B), "C-3, Warehouses and Distribution: by including in the title and the purpose and intent "Light Assembly: as follows:

Ch. Turk stated this was a recommendation from the Planning Office to amend Appendix A "Zoning", Article IX(B), "C-3, Warehouses and Distribution: by including in the title and the purpose and intent "Light Assembly".

Ms. Fincannon stated she was asking to initiate changing C-3 from warehouses and distribution to warehouses, distribution and light assembly so that the paragraph would read C-3 district is established with the purpose of preserving certain areas with relatively level topography, adequate water, and sewage facilities and access to arterial streets for warehouse, distribution, and light assembling operation. The remainder of that paragraph would remain the same.

Comm. Ausburn stated this was a recommendation to send this to the Planning Commission to start the process.

Motion to start the process and send the recommendation to the Planning Commission.

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.

(Copy of Recommendation filed in Attachment to Minute Book 11-1)

d. Planning Commission Recommendation: Temporary Moratorium on all M-1 and R-2 Developments

Ch. Turk asked Ms. Fincannon what the reason for the moratorium was? Ms. Fincannon read the recommendation from the Planning Commission as follows:

The Planning Commission would like to respectfully recommend that the Board of Commissioners place a temporary moratorium on all M-1 and R-2 developments due to the recent water shortages in Banks County and its surrounding jurisdictions. The larger developments likely would not gain the approval they needed to proceed. It was the opinion of the Planning Commission that a moratorium would prevent a denial that would result in a further six-month delay of the application until water was readily available. Furthermore, the moratorium would provide a layer of protection for the citizens and their resources in the case of the current situation was more than a temporary shortage. This moratorium would allow the County time to assess and correct the issue before being faced with important zoning decisions that could have a significant impact on our water resources. The

recommendation was voted upon as a last second recommendation at the Planning Commission meeting and was passed unanimously.

Ch. Turk stated we solved a lot of that problem here with the water connection but right now nothing had been applied for rezoning. He said even if warehouses were applied for that would take 3 or 4 months for approval.

Comm. Ausburn stated if that was the case, we could still protect ourselves and make sure everything was in decent shape. If we got this water deal worked out where we got an abundance of water, we could lift the moratorium.

Ms. Fincannon stated the Planning Commission did not recommend a time frame.

Ch. Turk asked Atty Frost if a moratorium was possible for water and did that fall under the reasons you could do a moratorium? Atty Frost stated he would have to look but it wouldn't be able to last six months. He further stated it was a case-by-case basis. He stated this was not normally what happened because a moratorium was for the purpose of amending your ordinances or regulations to address a problem that you had encountered in your zoning or building code.

Comm. Ausburn stated so it wouldn't protect us if we ran out of water.

Ch. Turk stated it went back to even if we did it and it was only for two to three months, nothing was going to happen that's going to impact our water in 2 to 3 months.

Comm. Ausburn said but if it goes south in three months and the water deal was to fall through for some reason and here comes something then we were in trouble.

Comm. Garrison stated if we hit another hard drought, we could be in trouble.

Ch. Turk stated wasn't it the Board of Commissioners and Planning Commission's decision to make that you don't have adequate supplies to be able to supply.

Comm. Gardiner stated if you can't provide the services to them, you can turn them down.

Ch. Turk stated you may have something that comes in that requires very little water usage and you stop them from coming in.

Vice Ch. Maxwell stated he thought it was just a protection to make sure the water agreement did go through.

Comm. Gardiner suggested tabling the issue until next month until we find out if we could actually do a moratorium.

Ch. Turk stated the pump would be in by then and maybe pulling 500,000 gallons of water.

Ch. Turk stated if we took no action, we could just bring it up at another meeting.

Comm. Ausburn stated the problem he had was we had people that didn't have enough water and we need to make sure that something doesn't jump in here on top of us. He further stated this was the best way he knew to protect us.

No action was taken.

e. Qualifying Fees - Board of Education

Ch. Turk stated this was a resolution to set the qualifying fees for Board of Education Post 5 at \$45.

Motion to approve the resolution.

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 11-1) 2024-43

9. PUBLIC HEARINGS:

- a. **Planning Commission: V-24-02: Valerie Drake Phillips Request for Variance for parcel B67E 029 consisting of 1.18 acres located at 150 Buckeye Trails Drive to allow for a 900 sq ft accessory structure.**

Ch. Turk stated the applicant had withdrawn the variance.

- b. **Planning Commission: Z-24-02: Milton O. Pruitt Request to rezone from CAD, Commercial Agricultural District to ARR, Agricultural Rural Residential to add the larger parcel to the adjacent residential property on parcel B65 005 consisting of 102.07 acre located on Hwy 164.**

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

Atty Frost stated this was a request to rezone from CAD, Commercial Agricultural District to ARR, Agricultural Rural Residential to add the larger parcel to the adjacent residential property on parcel B65 005 consisting of 102.07 acre located on Hwy 164.

Ms. Fincannon stated no record was found on the time and reason for the property's designation as CAD zoning. There are no other CAD zone properties in the immediate vicinity. There was no current intense agricultural activity of the property to warrant the designation. There were no residences on the parcel that would prevent it from being combined with the adjacent residential property.

Ms. Fincannon further stated the Planning Commission voted 5:0 to recommend the rezoning.

Sharon Pruitt – 821 Hwy 164 - Stated they were changing the property because when his parents passed away, they never got it pulled into all one property. We have done away with his parents' home and now it's all farmland and would continue to stay that way. She further stated that was why they wanted it changed from CAD to ARR.

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

Motion to accept the Planning Commission recommendation for approval of the rezoning.

Motion made by Vice Chairman Maxwell, 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 11-1)

10. CONTRACTS AND AGREEMENTS:

- a. **Tax Assessors: Tax Management Associates, Inc. Audit Services Contract**

Ch. Turk stated this was a company that came out to evaluate personal property. This company specializes in personal property equipment so they can get a more accurate value of it.

Ch. Turk stated this amount was in the budget already and would only be charged if the Tax Assessors needed an audit for personal property.

Comm. Ausburn asked if this company had been used before? Ch. Turk stated the company the Tax Assessors were currently using, they were not satisfied with.

Motion to approve the contract with Tax Management Associates, Inc.

Motion made by Vice Chairman Maxwell, 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 contract filed in Attachment to Minute Book 11-1)

b. Fire/EMS: Station 51 Building & Construction RFP Award Steve Nichols

Fire Chief Steve Nichols stated he was here to present the RFP for Station 51 which would replace the station across from the courthouse on Yonah Homer Rd.

Ch. Turk stated this building would include Station 51, Fire Admin and E911 would go in the basement.

Chief Nichols stated that would alleviate the space problem with Voter Registration because it would release the whole building for them to use.

Chief Nichols stated the engineering, perk test and environmental had already been done and everything was in line for them to move forward.

Comm. Garrison asked who helped draw up and come up with your concept? Chief Nichols stated they did it in-house. He stated the rough sketches were sent to the architect which they in turn used to do the final drawing.

Comm. Garrison asked if they looked at right now with the drawing or 20 years in the future? Chief Nichols stated the station design should carry the County for 20 years or more.

Comm. Garrison asked Chief Nichols if they had looked to see what other counties were doing and how was the project going to be paid for? Chief Nichols stated they had looked at other counties and the project had been planned to be paid for out of 2022 SPLOST.

Chief Nichols stated they only received 2 bids. One was out of Florida for \$870,000 and the other was from DCI which built Station 25 and Station 41 for an amount of \$812,600.

Comm. Ausburn stated his issue was, this was the first time we had talked about this as a Board. He stated he realized it was on SPLOST but this was \$2.5M and he wanted to make sure we got this right. He further stated he knew we needed the new station but would it be possible to table the item to the next meeting and let's have a little bit more conversation and explain the whole concept and plan to the Commissioners.

Chief Nichols stated they had a 90-day bid window for pricing.

Comm. Ausburn stated until tonight he assumed this was coming out of SPLOST but didn't know where it was going to be built.

Ch. Turk stated it had always been out of SPLOST and Comm. Ausburn stated he wasn't in the SPLOST negotiations. Ch. Turk stated this had been talked about for 4 years now. Vice Ch. Maxwell stated that the problem was not everybody was here 4 years ago.

Chief Nichols stated that he would feel more comfortable if there was a 5:0 vote because that shows support from everyone.

Comm. Ausburn stated he was not asking to not build the fire station, but he was asking for a little education on the project.

No action was taken.

c. Fire/EMS: FY2025 Tates Creek Fire Contract

Ch. Turk stated the Tates Creek Fire Contract was a yearly contract in the amount of \$3,000. He continued to state the County doesn't pay liability insurance and the service area had decreased a small amount.

Motion to approve the FY2025 Tates Creek Fire Contract.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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 contract filed in Attachment to Minute Book 11-1)

d. Fire/EMS: Georgia Forestry Memorandum of Understanding for Loaned/Leased Equipment

Chief Nichols stated this was a MOU with the Forestry Service where they provided the equipment and the County maintained it.

Motion to approve the MOU.

Motion made by Chairman Turk, 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 MOU filed in Attachment to Minute Book 11-1)

e. E911: Solacom E911 update & renewal - 1 year Steve Nichols

Chief Nichols stated this was the phone system for the E911 Center and it needed to be replaced. He stated it was 11 years old and they don't even make repair parts for it any longer. He further stated he had a quote for a new system in the amount of \$155,804 to upgrade what they now have.

Comm. Ausburn asked if the system would transfer when the E911 Center was completed. Chief Nichols stated yes.

Motion to approve the quote.

Motion made by Chairman Turk, 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 Quote filed in Attachment to Minute Book 11-1)

f. E911: FY2025 Neatoware Agreement

Ch. Nichols stated Neatoware was the current provider for cyber security protection for all things Fire/EMS/E911. He further stated it was already in the budget for the amount of \$3,129/month which was \$37,548 yearly.

Motion to approve the FY2025 Neatoware agreement.

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 the motion passed.

(Copy of contract filed in Attachment to Minute Book 11-1)

g. Roads & Bridges: KCI Technologies - Additional Funds

Ch. Turk stated KCI Technologies had requested additional funding in the amount of \$21,750. He further stated this covered construction supervision/project management of work on roadway/bridge/culvert repairs (Wynn Lake Rd culvert repair, pipe replacement on various county roads, upcoming paving inspection, etc.), project development and other County requested work.

Comm. Garrison had concerns about manhole covers that were paved over and never uncovered that were on Industrial Park Drive.

Motion to approve the additional funds.

Motion made by Vice Chairman Maxwell, 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.

11. ADJOURNMENT

Motion to adjourn the meeting at 8:03 p.m.

Motion made by Commissioner Gardiner, Seconded by Commissioner Ausburn.

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