



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, November 12, 2024 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 PRESENT

County Clerk Regina Gailey
Assistant County Clerk Erin Decker
County Attorney Randall Frost
Planning/Zoning Director Kerri Fincannon
Human Resources Director Arlene Ivey
Mountain Judicial Circuit District Attorney George Christian
Fire Chief Steve Nichols

2. APPROVAL OF AGENDA

Comm. Garrison wanted to add "Hiring Freeze" to the agenda. Ch. Turk stated the hiring freeze was still in place.

Motion to approve the agenda.

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 aye votes and the motion passed.

3. APPROVAL OF MINUTES

- a. 10/8/2024 Minutes
- b. 10/15/2024 Called Meeting 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:

Comm. Gardiner led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported that E911 had received 365 Fire/EMS calls and 2,738 Sheriff's Office calls.

6. PUBLIC COMMENT:

a. Litter along Homer roads in particular Highway 51 North: Laurie Wasilewski

Ms. Wasilewski spoke during Item 10a. Truck Load Litter Ordinance.

7. PUBLIC HEARINGS:

a. Planning Commission: Z-24-04 An application has been submitted by Mohit Kakkad to Rezone the property identified as B34 062, a 2.09-acre parcel located at Hwy 441 and Otis Brown Rd. from ARR to C2 for the Conditional Use of a gas station and convenience store.

Ch. Turk stated the application had been withdrawn.

b. Planning Commission: 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:

C-3, WAREHOUSES, DISTRIBUTION, AND LIGHT ASSEMBLY

Section 901(B). - Purpose and intent.

The C-3 Commercial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for warehouse, distribution, and light assembling operations. Operations with the emission of noise, vibration, smoke, dust, gas, fumes, odors, or other nuisances, or radiation or other environmental hazards, and that create fire or explosion hazards, or other objectionable conditions are prohibited. Uses within this district should not require substantial quantities of water for operations and should not necessarily require rail, air, and/or water transportation. No uses which pose risks of ground or surface water contamination, air pollution or other environmental hazards shall be permitted. For property to be rezoned to C-3, Commercial District it has to have a minimum of 40 acres, the building/structure cannot exceed a total of 10,000 square feet per acre; building/structure setback minimums are 75 feet from the right of way of a street/roadway and to the rear and side property lines and 30% of the property must remain greenspace.

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

Atty. Frost stated this was an amendment to 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:

C-3, Warehouses, Distribution, and Light Assembly

Section 901(B). - Purpose and intent.

The C-3 Commercial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for warehouse, distribution, and light assembling operations. Operations with the emission of noise, vibration, smoke, dust, gas, fumes, odors, or other nuisances, or radiation or other environmental hazards, and that create fire or explosion hazards, or other objectionable conditions are prohibited. Uses within this district should not require substantial quantities of water for operations and should not necessarily require rail, air, and/or water transportation. No uses which pose risks of ground or surface water contamination, air pollution or other environmental hazards shall be permitted. For property to be rezoned to C-3, Commercial District it has to have a minimum of 40 acres, the building/structure cannot exceed a total of 10,000 square feet per acre; building/structure setback minimums are 75 feet

from the right of way of a street/roadway and to the rear and side property lines and 30% of the property must remain greenspace.

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

Motion to deny the amendment.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Voting Nay: Chairman Turk, Commissioner Gardiner

Vote: 3:2

Motion passed by majority vote.

8. PREVIOUS BUSINESS ACTION:

- a. Tabled 9/10/2024: Planning Commission: V-24-02 Stephen and Diana Dunn for a Variance on the property identified as B13F 008, a 3.21-acre parcel located on Pebble Creek Lane to reduce the 30' property setbacks on the northern border**

Motion to untable the item.

Motion made by Commissioner Ausburn, 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.

Ch. Turk stated no one was here representing the application.

Motion to deny the variance.

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.

- b. Tabled 10/8/2024: Public Library Sewer Easement**

Motion to untable the item.

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.

Ch. Turk stated the library wanted to add on and they may need an easement for septic.

The Commissioners stated they needed more information from Environmental Health.

Motion to table the item until the December 10, 2024 meeting.

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.

9. CONTRACTS AND AGREEMENTS:

a. Roads & Bridges: KCI Technologies

Ch. Turk stated that KCI needed additional funds in the amount of \$17,620.

Motion to approve the additional funding in the amount of \$17,620 and pay from the Road and Bridge SPLOST funds.

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.

b. Roads & Bridges: Moss Farm Rd Bridge - Commitment Letter

Ch. Turk stated GDOT wanted a commitment letter stating that the County would commit \$50,000 for the replacement of the bridge on Moss Farm Rd.

Motion to commit the funding of \$50,000 from the Road and Bridge SPLOST funds for the bridge replacement and issue a letter of support to GDOT.

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 Letter filed in Attachment to Minute Book 11-1)

c. Mountain Judicial Circuit: Intergovernmental Agreement

Ch. Turk stated this was an intergovernmental agreement with Mountain Judicial Circuit stating that the cost would be split between the counties according to population.

Motion to approve the agreement.

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.

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

10. RESOLUTIONS AND ORDINANCES:

a. Roads & Bridges: Truck Load Litter Ordinance

Ch. Turk stated the ordinance would make it possible for the County to enforce littering on County roads. He further stated that trucks 26,000 lbs. or over had to be tarped going in and coming out of the Waste Management Lanfill Facility. He further stated the fine would be \$1,000 per occurrence.

Comm. Ausburn stated there needed to be a warning period.

Comm. Garrison stated it would be a good idea to get the landfill to hand out a copy of the resolution to all drivers that entered their facility.

Laurie Wasilewski - 927 Hwy 51N - Stated she was very happy about the ordinance. She stated she had been picking up trash for 11 years since she had lived there. She stated she was grateful to the Commissioners, especially Ch. Turk for the effort that was put in to solve this issue. She stated a critical part of the ordinance was the trucks being loaded or unloaded. She stated her observation was that the vehicles that had been unloaded incorrectly was the vehicles had trash blowing out.

Comm. Gardiner stated that one of the main problems the County had was the State Highway wouldn't let the County or landfill pick up the trash.

Motion to approve the ordinance.

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 Ordinance filed in Attachment to Minute Book 11-1) 2024-49

b. Personnel: ACCG-IRMA PTSD Coverage - Arlene Ivey

Ms. Ivey stated the State of Georgia had mandated that the County provide Public Safety employees and volunteers a PTSD insurance policy beginning January 1, 2025. She stated there was only one company that offered the coverage.

Ch. Turk stated the County already provided this coverage through other insurance, but it wasn't named PTSD.

Comm. Ausburn stated he didn't like that there was only one company that provided the insurance.

Motion to approve the insurance for a 6-month period and allow the Chairman to sign the documents and resolution.

Motion made by Commissioner Ausburn, 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 Agreement filed in Attachment to Minute Book 11-1) 2024-50

11. MISCELLANEOUS:

a. Mountain Judicial District Attorney: Assistant District Attorney & Paralegal - District Attorney George Christian

District Attorney George Christian wanted to make sure that the Banks County office was fully staffed, and the Banks County residents were happy with the services they would be provided.

He stated they had asked for a state paid ADA position and support person. He stated Bo Hatchett would try to get a state funded ADA position added to the agreement. He further stated the current Banks County staff would be joining the Mountain Judicial District. Mr. Christian stated he was asking for an increase in the ADA salary and a paralegal position.

Funding for these positions would not show up until July 2025.

He stated the Banks County office would have 5 employees and he stated he was committed to be in Banks County and would be visible.

Mr. Christian asked the Commissioners to amend the salary range for the ADA and create and fund the paralegal position.

The Commissioners discussed the options and Comm. Ausburn stated that he didn't feel comfortable voting on this at the time and would like to meet with Mr. Christian to further discuss the matter.

b. Roads & Bridges: Transport Trailer

Ch. Turk stated the road dept needed a trailer to haul a backhoe with the new dump truck. Comm. Garrison asked if they got and Comm. Gardiner stated they got 3 quotes.

Ch. Turk stated the road dept preferred Trailboss for \$29,250.

Motion to approve the purchase of a trailer in the amount of \$29,250 to be paid from Road and Bridge SPLOST funds.

Comm. Ausburn wanted to make sure we bought the best one and not just the cheapest one.

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.

c. Roads & Bridges: Accessory Building for Equipment Service/Storage

Ch. Turk stated the road dept was in need of an accessory building. He stated they had received quotes for a 20 x 30 x 12 Metal Carport with three sides. Metal Building Experts had the lowest cost in the amount of \$6,370.

Motion to approve the purchase in the amount of \$6,370 to be paid for from the Roads and Bridge SPLOST funds.

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.

d. Fire/EMS: Antioch Rd Fire Department

Fire Chief Steve Nichols stated that the area around Antioch Road was a dead area and their ISO rating was higher. There was a gentlemen that was willing to lease the land and this station would get their ISO rating back down to a 3.

The lease stated they were donating the land as long as it stayed a fire station but when it ceased to be used as a fire station for six consecutive months Banks County would remove all the improvements on the property and reconvey the property to the previous landowner.

Comm. Ausburn asked what they were approving tonight?

Ch. Turk stated the lease of the land.

Chief Nichols stated that 5 years ago they built a small volunteer station for about \$60,000 so now he would estimate that it would cost \$80,000.

Comm. Ausburn asked how big it would be?

Chief Nichols stated it would be about a 30x60 and would be a two-bay station that would house one engine.

Motion to approve the deed.

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 Deed filed in Attachment to Minute Book 11-1)

e. Fire/EMS: 2019 Explorer Purchase - Steve Nichols

Chief Nichols stated the SUV they used for addressing was giving a lot of problems and they were looking to replace the vehicle.

Comm. Ausburn thought it would be best to purchase a new vehicle instead of a used one.

The Commissioners wanted Chief Nichols to get three prices for a new explorer.

f. Recreation: Outdoor Basketball Court

Ch. Turk stated this had been talked about for 4 years or so.

Motion to get bids for concrete.

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.

12. EXECUTIVE SESSION: PERSONNEL

Motion to enter into executive session concerning personnel at 8:01 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.

Motion to close the executive session at 8:26 p.m.

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

13. ADJOURNMENT

Motion to adjourn the meeting at 8:27 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.

Chairman

Assistant County Clerk