



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, December 10, 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

Chief Finance Officer Randy Failyer

Human Resources Director Arlene Ivey

Planning/Zoning Director Kerri Fincannon

Mountain Judicial District Attorney George Chastain

Recreation Director Kat Roberts

Chief GIS Specialist Karen Burry

County Attorney Randall Frost

2. APPROVAL OF AGENDA

Ch. Turk and the Commissioners stated the following needed to be added or moved within the agenda:

7M. GIS Server - Karen Burry

7F. Budget Amendment Resolution

7A. Boy Scouts: FY2025 Uchee Lodge Agreement

8J. Planning Board

10. Presentations

11. Adjournment

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 the motion passed.

3. APPROVAL OF MINUTES

a. 11/12/2024 Minutes

Motion to approve the minutes.

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.

4. PLEDGE TO THE AMERICAN FLAG:

Ch. Turk led the Pledge to the American Flag.

5. CHAIRMAN'S REPORT

Ch. Turk reported that E911 had received 281 Fire/EMS calls and 3,063 Sheriff Office calls.

6. PREVIOUS BUSINESS ACTION:

a. Tabled 11/12/2024: Public Library Sewer Easement

Ch. Turk stated that Environmental Health would be doing more research as to how much septic the library actually used and if the line could be increased. No action was taken.

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

District Attorney Christian stated he was here earlier asking to increase the salary range for another ADA and a paralegal. Ms. Ivey stated the budget would be able to handle the increase except for about \$3,500. and the Commissioners would have to lift the hiring freeze for the new positions.

(Hiring Freeze lifted during Item 7c.)

Motion to approve the funding for the ADA and the paralegal.

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.

7. MISCELLANEOUS:

a. Boy Scouts: FY2025 Uchee Lodge Agreement

Kevin York, Chairman of Uchee Lodge stated this was a lease agreement for 2025.

Motion to approve the lease for FY2025.

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 Agreement filed in Attachment to Minute Book 11-1)

b. Probate Court: Budget Amendment - Solicitor - Probate Judge Elect Cameron Boswell

Mr. Boswell stated that the District Attorney's Office would not be able to provide Probate Court with a solicitor for traffic court that would be held 2 days a month. He stated he had talked with Attorney Jeff Perry and he would be willing to do that position for \$12,000 a year. Mr. Boswell stated other attorneys that he had spoken with gave him a price of \$24,000 per year. Mr. Boswell stated he was asking for an additional \$3,000 for his budget.

Mr. Failyer stated the budget would have to be amended to reflect the additional funds at a future date.

Motion to approve the additional funds.

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.

c. Clerk of Superior Court: Additional Fulltime Employee - Tim Harper

Tim Harper stated he needed an additional full-time person for the Clerk's Office for when they moved to the Mountain Judicial Circuit in January. It would require him to have more help because at least in January they would have court in three courtrooms. He stated he could handle that but his office would have to be closed during those times. He further stated he used to have two full-time and one part-time employee but one full-time employee retired and the part-time moved to the full-time position.

Ch. Turk asked if he could get by with a part-time? Mr. Harper stated that had been talked about and the position would have to stay at 27 hours in order to avoid paying benefits. He stated he could get by with that as long as the Commissioners committed to hiring him an additional full-time person at the next budget year.

No action taken because there was money in his budget already for a part-time position.

Motion to lift the hiring freeze for the position of ADA and Paralegal for the Mountain Judicial Circuit District Attorney's Office.

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.

d. 2025 Alcohol License Renewals - Kerri Fincannon

Ms. Fincannon stated she was asking for approval for the following alcohol license for 2025:

Retail

Four-way Store	Commerce Lucky	Diamond Exxon	Diamond Shell
Homer Grocery	Patel's Grocery	Quik Trip	Racetrac
TA Travel Center	Walmart		

Consumption

Applebee's	Blazers	Cracker Barrel	El Azteca
El Jalapeno	Fudruckers	Funopolis	Guadalajara
Koji	La Hacienda	Longhorn	Outback
Seoul Garden	Sonnys BBQ	Taqueria Mi Jalisco	

Motion to approve the above license not to include Commerce Food Mart.

Ms. Fincannon stated the Commerce Food Mart had not applied for their license and she had contacted them multiple times

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.

e. Human Resources: Defibrillator Purchase - Arlene Ivey

Ms. Ivey stated that HB395 was a bill that the governor signed into effect April 23, 2024 concerning Narcan. The law doesn't state that you have to have AED's but it does state you have to have Narcan available and the AED's have a slot for the Narcan. The bill does state that you have to have the Narcan in a secure place that had easy access. She stated for liability reasons we need to have AED's in our buildings. Ms. Ivey was asking for AED's for the following locations:

2- Annex 1-911	1-Windmill Park 1-Courthouse	1- Water Distribution 1-Waterplant	1-Road Dept 1-Wastewater	1-Adult Learning Center
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Ms. Ivey stated the total cost would be \$21,400.

The Commissioners discussed the locations and decided only 8 total were needed.

Motion to purchase 8 AED's and pay for from contingency.

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.

f. Human Resources: Workers Compensation Policy Renewal - Arlene Ivey

Ms. Ivey stated she received notification that Workers' Compensation Insurance had increased 42% and this was due to three very bad years of claim payouts resulting in ACCG paying out more claims than they received in premiums. The other reasons for the increase was increases in salaries and additions of employees. The increased premium would be \$470,639 and she only budgeted \$350,000 based on the prior year. This was an increase in the budget of \$120,000.

Comm. Ausburn stated that the increased funding needed to come out of every department.

Mrs. Ivey was asking for approval to pay for the invoice in January 2025 and work out the money details later.

Motion to approve the payment.

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.

g. Budget Amendment Resolution -FY2025

Mr. Failyer stated he had presented the Commissioners with a budget resolution to amend the FY2025 budget. He stated the reason for the increase was for the GEFA loan that we're incurring to pay for the treatment plant that is coming online and coming due. The amount of the increase would be \$1.263M. Mr. Failyer stated this amount was already reflected into the annual audit of the County but some of the Commissioners wanted it reflected into the monthly financial statements. Mr. Failyer stated another line item would be added for GEFA loans in the Wastewater Treatment Plant Budget. He also stated a revenue item would also be added to the prior year reserve. He stated hopefully in the future he would be able to take the whole amount out of the Public Utilities Account.

Comm. Gardiner asked if the number would change? Mr. Failyer stated it would increase the budget to \$27M simply just because of the GEFA loans.

Comm. Ausburn stated that when the sewer plant came online that should produce enough revenue to pay for the loan and make additional income.

Ch. Turk stated he thought it should be added to Public Utilities because that was where the cost was coming from. He further stated you are basically inflating the prior year reserves. He stated it needed to stay in Public Utilities to show a true picture.

Motion to approve the Budget Amendment Resolution.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

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

Voting Nay: Chairman Turk

Vote: 4:1

Motion passed by majority vote.

(Copy of Resolution filed in Attachment to Minute Book 11-1) 2024--51

h. Roads & Bridges: Lawn Mower Quotes

Ch. Turk stated there were quotes and Mike Eller and his crew liked the Hustler riding mower with the tires that won't go flat. He stated they were also wanting a walk-behind mower. He stated the total for both would be \$22,960. He stated the Skag would be \$26,575 for a difference of \$3,615.

Comm. Ausburn wanted to table the item and take no action because he thought he could get a better price.

No action was taken.

i. Roads & Bridges: 2025 LMIG - \$528,880.30

Ch. Turk stated he was asking for approval to accept the LMIG funds for \$528,880.30 with a 30% match. He stated the roads would be determined later.

Motion to accept the funds.

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.

j. Recreation: Infield Mix Quotes - Kat Roberts

Ms. Roberts stated she needed to add dirt to the fields. She had gotten three quotes for the infield field mix. She stated the prices included dirt for eight fields, transport, spreading and laser grade the mix while applying the mix to the fields.

The three quotes are as follows:

\$31,000 Environmental Creations

\$35,650 Adamson Lawn Maintenance

\$38,800 Turfplaner of Georgia

Motion to approve the quote from Environmental Creations.

Motion made 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.

k. Recreation: Outdoor Basketball Court Quotes - Kat Roberts

Ch. Turk stated he had received three bids for concrete for the Basketball Court.

The three bids are as follows:

J&K Concrete Services \$34,650

Dynamic Foundations \$36,840

Benchmark Foundations \$49,612

Motion to approve the low bid of \$34,650 from J&K Services to be paid for from SPLOST.

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.

l. Lula Deannexation: Elizabeth Villalobos Rivera, 103 Iron Horse Trail 2.584 acres

Mr. Rivera stated he and his wife would like to deannex from the City of Lula. He stated they lived on a private road and did not receive any services from the city except garbage pickup.

Ch. Turk stated three surrounding properties were in the County

Comm. Ausburn stated he had talked to Frank Etheridge in Lula and stated he hadn't heard anything about the deannexation. He continued to state that Mr. Etheridge asked us to table this issue until he was able to find out more information on this property.

Comm. Garrison stated that a neighboring property was just deannexed into the County.

Motion to approve the deannexation of 2.584-ac located at 103 Iron Horse Trail.

Motion made by Commissioner Gardiner, Seconded by Chairman Turk.

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

Voting Nay: Commissioner Ausburn

Vote: 4:1

All yea votes and the motion passed.

(Copy of Resolution filed in Attachment to Minute Book 11-1) 2024-2024-52

m. GIS Server Purchase - Karen Burry

Ms. Burry stated the GIS department had been having some problems with their computers and server. She stated she keeps losing links and data on her computer and now that they both have three monitors every time they go to the internet the computer just blanks out and they have to restart all programs and sometimes loses data. She stated her equipment was 5-years old and the cost of the replacement would be \$27,769.17. She stated she had received two quotes for 2 new computers and a server.

The Commissioners discussed waiting until the IT RFP was completed before the equipment was installed.

Motion to approve the funds but hold off on the install until the RFP was over.

Vice Ch. Maxwell asked where the funds for the new computer equipment would come from.

Ch. Turk stated SPLOST.

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.

8. BOARDS & AUTHORITIES:

a. Board of Tax Assessors - 6 year term to expire 12/31/2030

Motion to appoint Jerrold Parks to the Board of Assessors for a 6-year term to expire 12/31/2030.

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 Resolution filed in Attachment to Minute Book 11-1) 2024-53

b. Chestatee Chattahoochee RC&D - 1 year term to expire 12/31/2025

Motion to appoint Comm. Keith Gardiner to the Chestatee Chattahoochee RC&D for a 1-year term to expire on 12/31/2025.

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.

c. Chestatee Chattahoochee RC&D - 1 year term to expire 12/31/2025

No action was taken.

d. Development Authority: To finish unexpired term of Huy Nguyen - 2/28/2028

Motion to appoint Brad McCook to the Development Authority to finish an unexpired term to expire 2/28/2028.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Commissioner Gardiner

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

Vote: 2:3

Motion failed by majority vote.

e. Development Authority: To finish unexpired term of Scott Ledford - 2/28/2027

Vice Ch. Maxwell stated he wanted to wait until January to replace the rest of the members because these were very important positions.

No action was taken.

f. Development Authority: To finish unexpired term of Jimmy Morrison - 2/28/2027

No action was taken.

g. Industrial Building Authority: to finish unexpired term of Jimmy Morrison to end 9/30/2027

No action was taken.

h. Joint Development Authority - 4-year term to expire 12/31/2028

No action was taken.

i. Joint Development Authority - to finish unexpired term of Jimmy Morrison to end 12/31/2026

No action was taken.

j. Planning Commission

Motion to nominate Alan Carlyle.

Comm. Ausburn stated that Taylor Griffith had not resigned yet.

Ch. Turk stated Taylor couldn't be on the board January 1 and there was going to be a Planning Meeting in January and there needed to be a quorum. He further stated at the last meeting two members didn't attend and if that happened in January there would be a quorum of the Planning Commission meeting.

Comm. Ausburn stated that wouldn't happen in January. and that meeting in December was a called meeting.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

Voting Yea: Chairman Turk, Commissioner Gardiner

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

Vote: 2:3

Motion failed by majority vote.

9. CONTRACTS AND AGREEMENTS:

a. Public Transit: Northeast Georgia Regional Commission Contract Amendment

Ch. Turk stated this was an amendment with the current contract for NEGRC for the transit program.

Motion to approve the amendment.

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 Contract filed in Attachment to Minute Book 11-1)

b. Roads & Bridges: McDonald Circle/Sol Drive Bid Award & Contract

Ch. Turk stated they had received bids for the paving of McDonald Circle and Sol Dr. He stated the low bidder was Stratton and Sons Construction in the amount of \$666,515.

Motion to award the bid in the amount of \$666,515 to Stratton and Sons Construction and to approve the contract.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner

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

Voting Nay: Commissioner Ausburn, Commissioner Garrison

Vote: 3:2

Motion passed by majority vote.

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

c. Roads & Bridges: Mitchell St Bid Award and Contract

Ch. Turk stated they had received bids for the paving of Mitchell St. He stated the low bidder was Garrett Paving Company, Inc. in the amount of \$114,388.99.

Motion to award the low bid to Garrett Paving Company, Inc in the amount of \$114,388.99 and to approve the contract.

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 Contract filed in Attachment to Minute Book 11-1)

d. Roads & Bridges: 2025 Gravel Hauling Bid Award & Contract

Ch. Turk stated there was only one bidder for the 2025 Gravel Hauling Contract. The only bid was from Triple H Transport in the amount of \$6.84/ton.

Motion to approve the bid and contract.

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.

11. PRESENTATION

The Commissioners recognized presented Ch. Turk a certificate for dedicated service for 15 years from 2010 -2024.

10. ADJOURNMENT

Motion to adjourn the meeting at 8:02 p.m.

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.

Chairman

Deputy County Clerk