



BANKS COUNTY BOARD OF COMMISSIONERS WORKSESSION/MEETING

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

Tuesday, September 17, 2024 at 6:00 PM

MINUTES

1. CALL TO ORDER

Ch. Turk called the meeting to order.

PRESENT

Chairman Charles Turk

Commissioner Chris Ausburn

Commissioner Keith Gardiner

Commissioner Bo Garrison

ABSENT

Vice Chairman Danny Maxwell

PLANNING COMMISSION MEMBERS PRESENT

Chairman Taylor Griffith

Member Jay O'Kelley

STAFF PRESENT

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

Zoning/Planning Director Kerri Fincannon

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Motion made by Commissioner Gardiner, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

3. PREVIOUS BUSINESS ACTION:

- a. **Tabled 9/10/2024: Planning Commission: A recommendation to Amend Article VI - ARR - Agricultural, Rural, Residential. Section 602 - Conditional Uses. 14. Wedding and Event Venues - No more than 75-person occupancy.**

Motion to untable the item.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

Ms. Fincannon stated the proposal was to add Section 602 Conditional Uses in ARR, wedding and event venues, no more than 75-person occupancy.

The Commissioners and Planning Commission members discussed whether it should be in Commercial or ARR.

Ms. Fincannon suggested combining the two and defining them as Agritourism.

Motion to deny the recommendation.

Motion made by Chairman Turk, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

- b. Tabled 9/10/2024: Planning Commission: A Recommendation to Amend Appendix A - Zoning, Article IV - General Provisions. 11. The following are conditional uses: Agritourism, cabinet shops, and/or metal cutting; doctors, dentists or other medical professions; automobile body work; automobile repair or related work, and any other home occupations where an accessory building is to be built on or moved to the property for such use.**

Motion to untable the item.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

Motion to deny the recommendation.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

- c. Planning/Zoning: Clarification on Board of Commissioners ability to grant hardship requests for financial and/or medical purposes. Kerri Fincannon**

Ms. Fincannon stated they were looking at adding a definition to zoning called a Hardship Lenience. She stated she didn't use the word variance. The definition is a relaxation or a modification of the regulations of this code as applied to a specific property when because of extreme financial or medical emergency compliance result in a particular hardship upon the owner. She further stated there would be a section added that further defines it this way. The governing body is hereby empowered to authorize upon application and on a case-by-case basis as a special exception and without the provisions of a public hearing, a lenient to the restrictions of the code to alleviate the hardships incurred by extreme financial or medical emergencies. Relief, if granted will not be injurious to the neighborhood or the health or general welfare of the public in such a manner as will interfere with or discourage the appropriate development and use of other property or unreasonably affect its value. The lenients requested shall be the minimum variance that will relieve the strain of the emergency. Relief may be granted as temporary in nature and subject to any conditions that may be deemed appropriate to the future use of the property.

Comm. Ausburn stated that there would have to be clear cut definitions of financial hardships.

Ch. Turk stated that if we can't help people that are in a hardship then we shouldn't be here.

Motion to deny the recommendation.

Motion made by Commissioner Ausburn, Seconded by Commissioner Garrison.

Voting Yea: Commissioner Ausburn, Commissioner Garrison

Voting Nay: Chairman Turk, Commissioner Gardiner

Vote: 2:2

Motion failed for lack of a majority vote.

4. MISCELLANEOUS:

McDonald Circle & Sol Dr - RFP

Motion to approve McDonald Circle and Sol Drive RFP.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

5. EXECUTIVE SESSION - PERSONNEL

Motion to enter into executive session for personnel at 7:13 p.m.

Motion made by Commissioner Gardiner, Seconded by Commissioner Garrison.

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

Vote: 4:0

All yea votes and the motion passed.

Motion to close the executive session at 7:26 p.m.

Motion made by Commissioner Gardiner, Seconded by Commissioner Garrison.

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

Vote: 4:0

All yea votes and the motion passed.

Motion to seek applications for Public Utilities Director.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

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

Vote: 4:0

All yea votes and the motion passed.

6. ADJOURNMENT

Motion to adjourn the meeting at 7:26 p.m.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.

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

Vote: 4:0

All yea votes and the motion passed.

Chairman

Assistant County Clerk