

The Banks County Board of Commissioners held a called meeting/hearing on June 15, 2021, beginning at 4:00 p.m. in the Board Room of the Banks County Courthouse Annex. The purpose of the meeting/hearing was to consider possible code violations by Maximum Powersports of Georgia, LLC.

#### **Members Present**

Chairman Charles Turk  
Vice Chairman Danny Maxwell  
Commissioner Keith Gardiner  
Commissioner Bo Garrison  
Commissioner Sammy Reece

#### **Staff Present**

Code Enforcement Officer Paul Ruark  
County Clerk Jenni Gailey  
County Attorney Randall Frost

#### **Others Present**

Business Owner Zachary Lurie  
Attorney David McDonald representing Mr. Lurie

#### **1. Call to Order**

Ch. Turk called the meeting/hearing to order.

#### **2. Violation Hearing: Maximum Powersports of Georgia, LLC**

Ch. Turk turned the hearing over to County Attorney Randall Frost. Attorney Frost opened the hearing and asked Attorney David McDonald to present his information concerning the allegations.

Atty McDonald presented an opening statement and stated he and his client do appreciate, understand and empathize with the county in trying to address this matter and they do not take the county's concerns lightly. He stated anything stated in this hearing is not to be dismissive of the county's concerns or to disparage anyone or any of their concerns in the matter. He stated their hopes were to find common ground to partner with the Commission and the Community and to find a way to allow his client to continue to use his property as a training facility only. He then asked Mr. Lurie to step forward for his statement and questions.

Mr. Lurie stated he lived at 221 Columbus Drive, Homer, GA 30547. He apologized for the inconvenience he had caused and stated he wanted to abide by the rules and regulations of the county but that he had surpassed his expectations of what his business focus would be. He further stated the reasonable hours of operation of the business was Tuesday, Wednesday and Thursday 10am to 2pm. Bad weather days are rescheduled to Monday or Friday 10am to 2 pm with no weekends.

Atty McDonald stated Mr. Lurie was young and that it was not Mr. Lurie's intentions to perpetrate a fraud. He further stated Mr. Lurie tunes and maintains and inspects motorcycles and trains riders for competition. He admits he did it in the wrong way and he asked that his client be allowed to work with the county to come into compliance. Atty McDonald stated his client would agree to the following:

- To erect & install sound barriers and sound buffers to dampen any noise if necessary.
- He is a ready and willing participant with the county to conduct a sound study to include various bikes and methods of operation if necessary.
- He agrees to conduct no operation of bikes outside of business hours of 10 a.m. and 2 p.m. on weekdays only with no weekends and no holidays.
- He will work to post a schedule regularly of when the activities will occur so the community can see when that will be taking place.
- To preclude any activity on the track for one full week every other month
- He will participate in a community service as restitution for overstepping & violating the conditional use permit.
- He will donate to a charitable organization as restitution to make up for their transgressions against the conditional use permit.
- He is prepared to remove from the website any & all advertisements related to or interpreted as “racing”, “racing camps” or “racing activities” held on the property and no camps will be held or advertised.
- He will place a special phone number and email on social media and the website for any complaints or grievances they may have or Mr. Lurie can be contacted directly with those concerns.
- He is exploring the idea of joining the Chamber of Commerce to network with other businesses.

Atty McDonald stated his client is willing to commit to all of the above with the condition that they are given a 6-month probationary period at which time they could revisit any questions or concerns the county may have or if the arrangement is not working for them.

Ch. Turk asked Mr. Lurie why he continued to operate the track after he and Officer Ruark visited him and told him to stop the training because he was not permitted to do that. He further stated he was told he was in violation of his conditional use and that he explained to him that all that was approved was the building.

Mr. Lurie stated as his business grew, that he could not close the doors and send everyone home and that he had to continue life. He stated it was the last week before a Texas amateur national event and training had been rescheduled to a Friday due to rain. He stated they were not racing but training. Atty McDonald stated the point was to simulate racing for the riders for training.

Ch. Turk stated that Mr. Lurie never said that in the Planning Commission meeting or the Commission meeting. Atty McDonald stated it was lack of communication and that he was not intentionally trying to mislead the county.

Comm. Reece stated that if Mr. Lurie was interested in a conditional use for a training facility, he would have to go back through the conditional use process with the Planning Commission then to the Commissioners. He said nowhere on the application did it specify a training facility, fitness room or a camping facility. He further stated they could not override the Planning Commission. Ch. Turk agreed.

Atty McDonald said that is precisely what they are asking for is to be permitted to go back through the process in a way that will communicate entirely the intentions of his client and to comply with regulations and obligations that are incumbent upon him.

Comm. Maxwell stated they thought testing of the bikes and training were two different things. Mr. Lurie stated he had a sound proof room for that. He stated growth caused changes.

Ch. Turk asked for a definition of sound proof barrier. Mr. Lurie stated it could be PVC or a structural wall built within the trees of the property that when the sound goes through the air it has something to bounce off of before it travels away to a neighbor. He said that is a pretty easy fix for all.

Atty McDonald stated if they are allowed to go back through the process, they could see what the county may prefer since there are other options as well and to employ a sound study which will give accurate reading in terms of certain bike sounds and the number of bikes on the track at one time. He said this would also allow time to work with the community concerning any anxiety.

Ch. Turk stated he did not want the neighbors disrupted.

Comm. Gardiner stated it was never the intent of the board to put Mr. Lurie out of business but to help him come into compliance and to make peace with everyone affected. Comm. Maxwell stated that it would have to be corrected.

Comm. Garrison asked about the number of bikes on the track. Mr. Lurie stated runs were done on 20 to 30-minute intervals with up to 10 bikes per run from 10a.m. to 2 p.m. Atty McDonald stated number of riders could be discussed in the permit process. Comm. Garrison encouraged Mr. Lurie to go ahead and file for the conditional use permit with the Planning Commission immediately.

Comm. Reece stated the next thing would be to get with the neighbors to see how they can work with them.

Ch. Turk stated the track could still not run until the process is followed.

All Commissioners agreed for them to apply for the Conditional Use permit.

Ms. Jodie Parks stated the community had asked about the runoff from the track into the lake due to disturbed land. She stated this was an EPD violation of disturbance of land. She asked if they were going to get by with this violation and what is to stop others from doing the same thing. Ch. Turk and Officer Ruark stated this was a land disturbance but it does not necessarily make it an erosion control problem. He stated for erosion to happen the soil had to be leaving the property onto another. He stated Mr. Lurie owned the lake. He stated he would confirm that. Ms. Parks stated they would be willing to talk to Mr. Lurie.

Atty McDonald stated for the record, these were simply alleged violations of any violations or land disturbance and erosion. He further stated they would be glad to speak with Ms. Parks.

Mark Harris of 255 Columbus Drive stated he was Mr. Lurie's direct neighbor approximately 600 ft from the track. He also stated that the noise of the track did not bother he and his wife and that they enjoyed watching the bikes jumping on the track while Mr. Lurie is training them. He stated water had always been a problem but Mr. Lurie had addressed some of those since he moved onto the property.

Atty Frost turned the meeting back over to the Commissioners.

Motion to adjourn: Charles Turk

Second: Bo Garrison

Vote: 5:0

All aye votes and the meeting/hearing adjourned at 4:40 p.m.

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Chairman

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County Clerk