



BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, August 23, 2022 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 Bo Garrison

Commissioner Sammy Reece

Commissioner Keith Gardiner

STAFF PRESENT

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

Code Enforcement Officer Paul Ruark

County Attorney Randall Frost

Public Utilities Director Horace Gee

2. APPROVAL OF AGENDA

Ch. Turk stated the agenda needed to be amended to add 7d. Reeves Young Contract Approval.

Motion to approve the agenda as amended.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

3. PLEDGE TO THE AMERICAN FLAG

Commissioner Reece led the Pledge to the American Flag.

4. PUBLIC HEARINGS:

- a. **Planning Commission: Z-22-07 - Kyle Hoyt - Hoyt & Berenyi, LLC of 346 Seacoast Pkwy Ste 200 Mount Pleasant SC 29464 application to rezone property from ARR - Agriculture Rural Residential to C2 Conditional Use. Property identified as map and parcels B66-040 (72.75 acres) and B66-034 (97.79 acres) to be used as a trucking freight terminal.**

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

Atty. Frost stated this was Z-22-07- Hoyt & Berenyi, LLC of 346 Seacoast Pkwy Ste 200 Mount Pleasant SC 29464 application to rezone property from ARR - Agriculture Rural Residential to C2 Conditional

Use. Property identified as map and parcels B66-040 (72.75 acres) and B66-034 (97.79 acres) to be used as a trucking freight terminal.

Code Enforcement Officer Paul Ruark stated that the Planning Commission recommended denial of the application.

Kyle Hoyt, Hoyt & Berenyi – Mt. Pleasant, SC – Stated Hoyt & Berenyi were the civil engineers for Southeastern Freight Lines. He stated they were proposing to construct a terminal off Industrial Park Drive that would consist of 150 doors initially and would be graded for future expansion of up to 300 doors. He stated that during the Planning Commission meeting there was confusion on the property that was to be rezoned, concerns about hazardous waste and traffic and he wanted to clarify those aspects of the application. He stated the property that was being rezoned would not go across Harden Bridge Road. He further stated when he heard the concerns over the hazardous materials, he wanted to say that Southeastern Freight hold their employees to a high standard and stated that every driver was trained in the handling of hazard materials by Southeastern Freight and was also a part of the CDL commercial driver's renewal. He also stated they had done traffic studies at other facilities and based on that data of 291 dock doors which was the maximum number of doors proposed for future growth and the bottom line was they were a low volume traffic producer. He stated 1,150 trucks per day at ultimate build out. Mr. Hoyt also stated that they think the facility was being built in the proper location in accordance with the comprehensive plan and adjacent to other industrial development.

Mr. Hoyt stated that they met the criteria for rezoning.

Comm. Maxwell discussed the property across Harden Bridge Road and was concerned about the confusion with people thinking that it would be rezoned also. Mr. Hoyt stated that the property across Harden Bridge Road wasn't purchased and they were not asking to rezone the entire acreage of the parcel. Mr. Hoyt stated in the original application the entire parcel legal description had been submitted but later an email with only the 71.20 legal description had been sent to Zoning Officer Ruark.

Vice Ch. Maxwell asked what would be the peak truck hours for the trucks? Mr. Hoyt stated the studies showed the peak hours to be 9 a.m.-10 a.m. 9 pm - 10 pm.

Ch. Turk described the trucking route and stated Hwy 59 north would only be used when I-85 was shut down during a wreck. Mr. Hoyt stated they would work with GDOT about the proposed median at Industrial Park Blvd. Ch. Turk stated if you get traffic signal at Industrial Park Dr., you would not even use Hwy 59.

Vice Ch. Maxwell asked Mr. Hoyt to clarify the purpose of the proposed emergency exit and when it would be used. Mr. Hoyt stated only for emergency response vehicles.

In Opposition of the Application

Ellen Hulford - 1147 Sims Bridge Road – Stated she was concerned about traffic it would create, the concrete median and also the seven school buses that traveled the area of Hwy 59. She further stated she was not opposed to growth but your obligation as elected representatives was to do what was best and made sense for the county as a whole.

Jim Bryson - 784 Hwy 59 – Stated he was at the planning meeting and found it interesting that Southeastern Freight Lines were presenting their own studies on traffic and further stated the trucks would have to travel Hwy 59 because of the proposed median that would be installed on Hwy 441 and Industrial Park Drive. He stated he was not opposed to development but didn't think the freight terminal was the best for the area.

Rebecca Stewart – 113 Freedom Lane – Stated her and her husband moved to Banks County to live out in the country. Stated she had concerns with the semi-truck traffic and noise they would create.

Mark Zohoranacky - 183 Chambers Way – Stated he was concerned for the residents' safety and revenue that would be lost because people would refuse to come to Banks Crossing shopping because of the truck traffic. He further stated he didn't understand how the value of his property would go up with all the noise and traffic that would be created with a trucking terminal.

Eddie Dumas -1394 Harden Bridge Road – Stated his property backed up to the Southeastern Freight Lines property and wondered what the impact on the future would look like. He also stated the Grove River was down below the property so what would happen to the runoff of the diesel fuel, oil and truck wash that came from the parking lot. Mr. Dumas also stated if approved he wanted some kind of conditional land use restriction put on his property. He stated he had been in the trucking business for the last 40 years and the peak hours are based on when the customer ask for the shipment to be delivered.

Greg Jewell – 116 Walkers Way - Stated the comprehensive plan had 11 criteria concerning growth in this area and 10 of those criteria didn't come close to meeting the requirements. He also talked about the median that would be installed at Hwy 441 and Industrial Park Drive and the estimated amount of truck traffic that would have to travel Hwy 59 due to the median installation. He further stated he was opposed to the truck terminal but wouldn't be if it was somewhere else.

Taylor Griffith – 423 Evans Street – Stated the rezoning application didn't meet the criteria because it was not industrial and the Martin Bridge Area called for industrial uses. He further stated the traffic counts that were mentioned tonight was a different number than what was talked about at the Planning Commission Meeting. Mr. Griffith ended by stating a truck terminal use did not match up with the comprehensive plan.

Larry Hulford - 1147 Sims Bridge Road – Stated he was concerned about the traffic and discussed the property being zoned across Harden Bridge Road. He also stated there needed to be a traffic signal at Industrial Park Drive and Hwy 59.

Roger Breganzer -331 Wrights Mill Road - Stated he would love to have a Southeastern Freight Line in our area but not in such a congested area as Banks Crossing. He further stated the rezoning didn't conform to the comp plan and the Planning Commission recommended denial of the application.

Crystal Zohoranacky -183 Chambers Road – Stated the insurance requirements of tractor trailers were so much and this indicated how dangerous this would be and how many accidents that would occur.

Larissa Campbell - 2868 Hwy 51 – Stated she was concerned about the rezoning of the parcel and there were a lot of ifs. She further stated more hard facts were needed in order to make a good decision.

Taylor Griffith – 423 Evans Street – Stated the legal description did not include the entire parcel. He further stated it would be responsible to learn what was being proposed to be rezoned.

Vice Ch. Maxwell asked if the application should be tabled until we got more information.

Comm. Garrison stated conditional uses could be put on the application and we could move forward with the application.

Atty. Frost stated the application needed to be amended to include the correct legal description.

Mr. Hoyt stated that he had emailed the correct legal description and would like to amend the application to reflect the correct description.

Jack Bailey - 736 Hwy 59 – Stated that the median had already been talked about but also stated that the Roundabout at Hwy.63 and Hwy 59 was not big enough for trucks to go around and would need to be rebuilt and also mentioned all the noise the terminal would make.

Richard Kopecky - 247 Hudson River Drive – Stated Hwy 59 wouldn't be able to handle all the additional truck traffic.

Comm. Garrison stated the GDOT has had plans for Hwy 59 to be a truck route for many years.

Abby Bailey - 736 Hwy 59 -Stated she might not know logistics or history but did know motherhood and was concerned with for her children's safety getting on and off the bus or selling lemonade on the side of the road and it worried her.

Chris Ausburn – 218 Dooley Drive – Stated there were five men on the Board that could save Banks County from becoming Atlanta or Buford.

Diane Roberts Westmoreland – 227 Welborn Road - Stated she was born and raised in Banks County and it breaks her heart to see what the County has become. She stated she was not against growth but traveled through Banks Crossing daily and was amazed at the semi-trucks that she meets. She further stated she was convinced that when the Commissioners walked into the Board Room their mind was already made up to approve the rezoning.

Susan Crocker – 103 Chambers Road - Stated Chambers Road had become a cut thru road for big trucks coming down Hwy 59. She stated she understood growth had to be but not in her backyard. She stated there were kids in the neighborhood and also her and her husband were in their golden years and would like to have a little more peace and quiet.

Chancey Dorsey – 1055 Harden Bridge Road -Stated his property touched Southeastern Freight Lines property and he was familiar with trucking because he was the operations manager for a transportation company. He further stated Southeastern hauled more hazmat material than any other carrier. Mr. Dorsey said he had a 2 and 5-year-old that plays close to the property line. He further stated he highly suggested denial of the application and asked what was the emergency exit needed for? Lastly, he stated he wondered if it was an issue if anybody on the board was related to someone at Southeastern Freight?

Jerry Gordon - Hwy 51 -Asked if anyone in the audience was for the terminal besides the two gentlemen that was speaking.

Attorney Frost closed the public comment and stated the applicant had time for rebuttal. He also stated the Planning Department did receive by email the new legal description and it needs to be attached to the application whether approved or not.

Mr. Hoyt -Stated he wanted to reiterate they wanted to be good neighbors. He stated the plan goes well beyond what was required.

Ch. Turk asked about the traffic and truck trips?

Comm. Garrison asked what was the number count on the 151 doors? Mr. Hoyt stated if you cut the 300-door number in half you would have about 1,150 trip per day total. He stated that was total trips and half would be trucks.

Ch. Turk wanted to know why the increased number of trips had increased since the last time they talked. Mr. Hoyt stated the peak hours didn't increase but what he was talking about now was over a 24-hour period.

Gary Berenyi, Hoyt & Berenyi – Mt. Pleasant, SC – Stated this was a rezoning application and not the GDOT permit. He further stated that GDOT would adjust and mitigate or not approve the plan if they did not feel it was safe.

Ch. Turk stated his concern was the traffic count increased.

Mr. Berenyi stated that was not just trucks but all traffic.

Garrison stated the traffic study needed to be studied by the Commissioners.

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

Motion to table the application.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

Commissioner Garrison withdrew his motion and Commissioner Gardiner withdrew his second.

Motion to uphold the Planning Commission recommendation to deny the rezoning application.

Motion made by Chairman Turk, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book 10-4)

5. BOARDS & AUTHORITIES:

a. Planning Commission: To finish the unexpired term of vacant position to expire 10/31/2025

Motion to appoint Jason Hensley to the Planning Commission for a remaining term to expire 10/31/2025.

Motion made by Chairman Turk, Seconded by Commissioner Reece.

Voting Yea: Chairman Turk, Commissioner Reece, Commissioner Gardiner

Voting Nay: Vice Chairman Maxwell, Commissioner Garrison

Vote: 3:2

Majority voted and the motion passed.

b. Zoning Appeals Board: To finish the unexpired term of vacant position to expire 7/31/2025

Motion to appoint Kelsey Ellison to the Zoning Appeals Board for a remaining term to expire 7/31/2025.

Motion made by Chairman Turk, Seconded by Commissioner Reece.

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

Vote: 5:0

All aye votes and motion passed.

6. CURRENT BUSINESS:

a. Roads & Bridges: Side Arm Mower Purchase - ATMax Equipment Company

Ch. Turk stated the road department needed two new side arm mowers because the equipment they had was worn out.

He stated the cost of the side arm mower with a 24ft. boom was \$223,773.50 from Atmax Equipment Company.

Motion to purchase two side arm mowers from ATMax Equipment Company in the amount of \$447,547 from the 2018 Road & Bridge SPLOST.

Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.

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

Vote: 5:0

All yea votes and motion passed.

7. CONTRACTS AND AGREEMENTS:

a. Roads & Bridges: Additional Funds for Engineering: KCI Technologies

Ch. Turk stated the additional funds were needed for the upcoming paving projects and some pipe that needed to be replaced.

Comm. Garrison stated the road department needed to make sure the sides of the roads were mowed and the shoulders were scraped back before paving began.

Motion to approve the additional funds in the amount of \$20,735.

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

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

Vote: 5:0

All yea votes and the motion passed.

b. Public Transit: GDOT T007204--FY23-5311-CONTRACT Ratification

Ch. Turk stated this was for the public transit annual contract and needed to be ratified.

Motion to approve the contract and ratify the Chairman's signature.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of contract filed in Attachment to Minutes Book 10-4)

c. Senior Services: FY2023 Local Share Commitment - \$12,450: Legacy Link

Motion to approve the FY2023 Local Share Commitment in the amount of \$12,450.

Motion made by Chairman Turk, Seconded by Vice Chairman Maxwell.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of letter filed in Attachment to Minutes Book 10-4)

d. Reeves Young – Hudson River Water Reclamation Facility -Contract Approval

Ch. Turk stated the bid had already been awarded and he was asking for approval of the contract pending the county attorney approval.

Motion to approve the contract pending county attorney approval and authorize the chairman to sign.
Motion made by Chairman Turk, Seconded by Commissioner Reece.

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

Vote: 5:0

All yea votes and the motion passed.

(Copy of Contract filed in Attachment to Minutes Book 10-4)

8. ADJOURNMENT

Motion to adjourn the meeting at 8:24 p.m.

Motion made by Commissioner Garrison, Seconded by Commissioner Gardiner.

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

Vote: 5:0

All yea votes and the motion passed.

Chairman

Assistant County Clerk