



# BANKS COUNTY BOARD OF COMMISSIONERS MEETING

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

Tuesday, March 28, 2023 at 6:30 PM

## MINUTES

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### 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**

County Attorney Randall Frost

Planning/Zoning Official Kerri Fincannon

County Clerk Regina Gailey

Assistant County Clerk Erin Decker

Fire Chief Steve Nichols

Human Resources Director Arlene Ivey

### 2. APPROVAL OF AGENDA

Motion to approve the agenda.

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 aye votes and motion approved.

### 3. PLEDGE TO THE AMERICAN FLAG:

Ch. Turk led the Pledge to the American Flag.

### 4. PUBLIC COMMENT:

#### **a. Liquor Stores in Banks County - Jatin Patel**

Jatin Patel - 244 Hwy 51 Lula, GA - Stated he lived in Buford but owned a store in Banks County in Lula and would propose having a liquor store in Banks County. He stated if approved this would generate more tax revenue for the County. He also stated you had to drive more than 15 minutes to get to the closest liquor store.

Atty. Frost stated before the process could start, a petition had to be signed by 35% of registered voters that voted in the last election.

### 5. PUBLIC HEARINGS:

- a. Z-23-01 - Artem & Eugene Doroshenko - An application to rezone the property identified as parcel B62 013, a 17.32-acre lot at 301 Vaughn Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a diesel truck repair shop.**

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

Atty. Frost stated Z-23-01 - Artem & Eugene Doroshenko -was for an application to rezone the property identified as parcel B62 013, a 17.32-acre lot at 301 Vaughn Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a diesel truck repair shop.

Kerri Fincannon Planning/Zoning Official stated the Planning Commission recommended denial of the application.

Valentin Doroshenko -301 Vaughn Road - Read letter of intent that stated currently, the 17.32-acre property remains largely undeveloped with no immediate plans for any additional development. The property was purchased last year with the structure/automotive shop already assembled. The plan was to continue using this structure for truck and trailer repairs. Our petition is to rezone 301 Vaughn Road from ARR to C2. Our hope is to continue to provide a local family business growth in our community. Sincerely, Artem Doroshenko, Evgeny Doroshenko, Valentin Doroshenko and Evgeny Alekseyevich Doroshenko.

Valentin Doroshenko -6208 Captone Way, Commerce, GA – Stated he was one of the property owners. He described the property as being located .4 miles off of Hwy. 51 and being mostly flat in the front and very steep in the back and much of it couldn't be used. He further stated they didn't have any additional plans to expand because the shop on the property was perfect for their business. He also stated 90% of the trucks that come for repairs come without trailers and if they come with a trailer, they have to be empty. Mr. Doroshenko stated their customers are scheduled to come and they also focus on longer repairs so because of scheduling and length of repairs there would be a lot less traffic on Vaughn Road.

Evgeny Doroshenko (Son) – Stated he was one of the owners and they had a family business. He stated the structure was already on the property prior to the purchase of the property. He further stated on average they had 4 trucks in the bay but sometimes they would have 5 and were not planning on expanding. Mr. Doroshenko stated there had been a concern with the width of Vaughn Road and he compared it with the width of Bennett Road and the amount of truck traffic that travels Bennett Road.

Artem Doroshenko - 980 Lord Rd Commerce -Stated he was one of the business owners and they had been working in the shop on Vaughn Road for 1 year 4 months. He stated the first thing they did when the County came to them wanting the property rezoned was, they talked to the neighbors about the shop and they seemed fine with the business. He stated one neighbor had a concern about seeing it from the street so they planted 40 trees. Mr. Doroshenko stated that at the last hearing there were safety concerns because there were no markings on the road. He further stated that if this was approved, they would like to talk to the County about marking a center line on the road and posting signs stating No Thru Trucks after their driveway, speed limit signs and children at play signs.

Evgeny Doroshenko (Father) – Valentin Doroshenko translator – Stated they moved three years ago unexpectedly and before that his sons had worked at a dealership and they had a degree in diesel tech and mastery in diesel tech. When they moved here, they weren't sure how the business would go but word spread fast how good they were and the quality of work they provided. Currently at the time they were not able to purchase property closer to I-85. Most people that bring their trucks down get a motel at I-85 until there trucks were repaired.

Evelina Doroshenko – 980 Lord Rd, Commerce, GA - Stated she was the wife of one of the property owners and currently they were doing several things to improve the shop. She stated they had planted 40 trees that in 2 years would make a barrier and make the shop more attractive in the end and they had also filled the drive with gravel so none of the dirt would be swept into the road. She stated the work hours were Monday – Friday 8:00 a.m. to 5:00 p.m. and this business supported 4 families so the rezoning was very important to them and they were ok with contingencies if needed. She also stated they had 4 letters of support from surrounding property owners.

### **In Favor of the Application**

Drew Cantrell – 315 Vaughn Road – Stated he and his wife purchased the property next door. He also stated they came here looking for better life and were trying to do things the right way. Mr. Cantrell stated his family was in support the Doroshenko business and you couldn't ask for better neighbors.

Nikki Aguilar – 202 Vaughn Road – Stated she lived in the first house on left where they turn in. She further stated the trucks come in slower than a lot of people that live at the back at the road. Ms. Aguilar stated the Doroshenko's were trying to do the best they could with a family business and she supported the rezoning. He stated he thought there was plenty of room on the road because the school

Alfonso Aguilar – 202 Vaughn Road – Stated the Doroshenko's were great neighbors and he supported their plans. Mr. Aguilar stated his family was probably the only kids on the street and they didn't play in the street.

Marvin Duncan, Jr. – Vaughn Road – He stated he walked about three times a day out to Vaughn Road and hadn't had any problems with trucks. He further stated the trucks drive slowly and they didn't make any loud noises. Mr. Duncan also said he never heard any complaints from neighbors.

### **In Opposition of Application**

Johnny Hart - 182 Lake Tehama Trail -He stated as far as the business he didn't have any concerns with that but there were a lot of trucks in the yard and that was an eyesore. He stated his biggest concern was the turn into Vaughn Road from Hwy. 51 and possible wrecks because of trucks having to almost stop to truck in. He further stated he was more concerned with the safety issue and the damage to the road that would be caused from big trucks.

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

Ch. Turk stated the Planning Commission challenged whether the zoning should be C1 and whether it was spot zoning. He stated the differences in C1 and C2 zoning and stated there was already C2 zoning on Lake Tehama Trail.

Ch. Turk also stated the road did need striping and if the rezoning was approved there needed to be signage stating "No 10 Wheels past this point" and put up speed limit signs.

Vice Ch. Maxwell stated he noticed there were alot of trailers around and asked why there were so many trailers?

Mr. Doroshenko stated there were 2 parts trailers and one was a roll over and the other two were customer trailers.

Comm. Garrison asked about one person saying there would not be any future development and the other person said no other development at this time. He further stated he was supportive of small family businesses but his concern was what would happen to the property if it was sold.

Mr. Doroshenko they were willing to cut down the property size for the C2 zoning.

Comm. Gardiner stated under Section 1108 they can put conditions and limit the number vehicles and any other conditions.

Ch. Turk stated his suggestions were signage on the road, get a business license and if the license was not renewed the property would revert back to ARR, have 6 trucks outside of the shop and 4 trucks inside and no sales of trucks or trailers, just repairs only.

Comm. Gardiner stated 3 trailers outside of the shop needed to be added.

Comm. Ausburn stated they already had 3 trailers that are parts so you would need to increase the outside trailers.

Comm. Garrison did not want any trailer storage whether temporary or permanent.

Comm. Ausburn asked Atty. Frost if he could clarify if the property would automatically revert if the property was sold. Atty. Frost stated the property wouldn't automatically revert but the County could repeal the zoning and go through the same process the public had to go through.

Comm. Garrison stated his concern was rezoning the entire 17.32-acre parcel and would like to pull out 4 acres or so to rezone.

Motion to deny the Planning Commission recommendation and to approve the C2 zoning with the following conditions:

1. Survey out 5 ac. Lot for C2.
2. Signage at driveway directing to business
3. No expansion of building or business
4. If business license if not renewed then the County would begin the rezoning process for ARR
5. No sales of road tractors/trailers
6. Repairs only
7. Allow 1 storage trailer on lot
8. Allow 2 parts trailers on lot
9. Allow 3 trailers on lot to be worked on
10. Allow 7 road tractors outside of building
11. Allow 5 road tractors inside of building
12. No temporary or permanent road tractor/trailer storage lot

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.

*(Copy of resolution filed in attachment to Minute Book 10-5)*

## **6. CURRENT BUSINESS:**

### **a. Planning Commission: Request for Training**

Ms. Fincannon stated the Planning Commission would like to present a formal request to ask Adam Hazell with Georgia Mountain Regional Commission to lead a training course in-person here in Banks County. The members believe this course would be a beneficial learning tool not only for themselves but also to the Commissioners and interested members of the public. The members offer this cost-efficient alternative to their previous recommendation for training.

Ch. Turk stated Mr. Hazell did Comprehensive Plan training and not zoning training so he didn't see the point of the class.

Comm. Ausburn stated Mr. Hazell stated last night he could do zoning training.

Comm. Garrison stated he thought the training should be for the Planning Commission, Commissioners and the Comprehensive Plan Committee.

Comm. Ausburn stated he was in favor of the training.

Motion to approve the training.

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

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

Voting Nay: Chairman Turk, Commissioner Gardiner

Vote: 3:2

Motion passed by a majority vote.

**b. Roads and Bridges: Road name change - Diana Way to Grove Creek Point**

Ch. Turk stated that several businesses on Diana Way had requested the name of the road to be changed.

Motion to change the name of the road to Grove Creek Point.

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.

**c. Fire/EMS: Volunteer Fire Assistance Grant - Steve Nichols**

Chief Nichols stated this was for a volunteer fire assistance grant up to \$5,000 through the GA Forestry Service for needed equipment that would help assist with wild fire control. He stated it was a matching grant which meant the County portion was \$5,000. He stated we had received the grant and was asking for approval to purchase the equipment.

Motion made to approve the grant and purchase the equipment.

Motion made by Vice Chairman Maxwell, 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 grant award filed in attachment to Minute Book 10-5)*

**d. Public Safety: Weather Station at Banks County Middle School - Steve Nichols**

Chief Nichols stated this was an EMA project that had been previously started prior to his administration. It had taken 2-years for the grant to get approved through FEMA. He further stated the total cost of the project was \$20,000 but the County would only pay \$4,000 which included 3 years of equipment maintenance. He further stated the weather station would be placed at the middle school so the children could study the weather and it would benefit the recreation dept. because it would warn people of nearby lightning strikes. He said they will also be able to monitor it from the E911 Center.

Motion to approve the grant and pay the \$4,000 match for the weather station.

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.

**7. CONTRACTS AND AGREEMENTS:**

**a. Fire/EMS: Automatic Aid Agreement Ratification - Jackson County Correctional Institute - Steve Nichols**

Chief Nichols stated the biggest challenge was personnel, so you always need more. He further stated they heavily depended on correctional facilities responding to fires. Chief Nichols stated he had been

working on a mutual aid agreement with IW Davis Detention Center in Jackson County where they would cover the south side of the County.

Motion to ratify the agreement and authorize the Chairman to sign the agreement.

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.

*(Copy of agreement filed in attachment to Minute Book 10-5)*

**b. Public Safety: Old Orchard Tower Ground Lease Contract - Steve Nichols**

Chief Nichols stated for the radio system there were two tower leases. He stated the one at Baldwin was a 10-year lease and expired soon. He stated the current lease amount was \$200 and had increased 10% which was \$220 a month.

Motion to approve the 10-year tower lease with Jean and Lamar Wilbanks in the amount of \$220 per month.

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.

*(Copy of lease filed in attachment to Minute Book 10-5)*

**c. Personnel: Employee Handbook Update Agreement - Jarrard & Davis, LLP**

Human Resources Director Arlene Ivey stated the personnel policy needed to be updated and she had allotted funds in her budget for the update.

She stated Jarrard and Davis did the original plan so she thought it would be easiest for them to review the plan since they were familiar with it.

Motion to authorize Chairman Turk to sign the engagement letter.

Motion made by Commissioner Garrison, 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 engagement letter filed in attachment to Minute Book 10-5)*

**8. ADJOURNMENT**

Motion to adjourn the meeting at 7:54 p.m.

Motion made by Commissioner Garrison, 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.

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Chairman

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Assistant County Clerk