



**Board of Commissioners of Spalding County
Extraordinary Session
November 18, 2019
6:00 PM
119 E. Solomon St., Meeting Room 108**

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 of the Spalding County Annex on Monday, November 18, 2019, beginning at 6:00 p.m. with Chairperson Rita Johnson presiding. Commissioners Donald Hawbaker, James Dutton, Gwen Flowers-Taylor, and Bart Miller were present for the meeting. Also present were Assistant County Manager, Michelle Irizarry, County Attorney, James Fortune, County Zoning Attorney, Newton Galloway, Community Development Director, Chad Jacobs and Executive Secretary, Kathy Gibson who recorded the minutes.

I. OPENING (CALL TO ORDER)

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

II. INVOCATION was led by Patricia Cameron, Pastor at Corner of the Lord 918 church.

III. PLEDGE TO FLAG

Commissioner Bart Miller, District #4 will deliver the Pledge to the Flag.

IV. APPOINTMENTS

1. Consider appointment to the Griffin-Spalding Airport Authority to fill the unexpired term of Dr. Yoshunda Jones to expire on December 31, 2024.

Michelle Irizarry, Assistant County Manager, advised that there was one individual in the book for consideration, Mr. Steve William Wages.

Motion/Second by Hawbaker/Dutton to appoint Steve William Wages to the Griffin-Spalding Airport Authority to fill the unexpired term of Yoshunda Jones to expire on December 31, 2024.

V. PRESENTATIONS/PROCLAMATIONS

1. Sheriff Dix would like to recognize the citizens who have participated in the second annual Sheriff's Citizens Academy.

Sheriff Dix stated they had the privilege on November 5, 2019 to hold their last class for this years Sheriff's Citizens Academy. Over the last two years we have graduated approximately 40 students through this program. It gives these individuals an opportunity to see the inner workings of the Sheriff's Office, they get training on search and seizure, firearms and get a good overview of everything that we do.

Sheriff Dix then advised that this is one of the two classes offered by the Sheriff's Office to Spalding County Citizens. The other class is the Citizens/Sheriff Firearms Training class. So far over the last three years they have graduated over 500 students through that course.

He then recognized the students graduating from this class:

Brenda Adkins, Jeanne Bailey, Robert Bailey, Carol Burns, Bill Burns, Michelle Dix, Jason DuPriest, Latressia Ferguson, Kerri Gebler, Betty Honey, Brenda McElroy, Larry McElroy, Gary Peters, Cindy Phillips, Jackie Robertson, Michelle Roberts, Rob Roberts, Regina Stephens and Guy Woodroof.

Michelle Roberts, Bill Burn and Kerri Gebler spoke about their experiences during this program and encouraged other citizens to take the program because they would learn a lot.

VI. PRESENTATION OF FINANCIAL STATEMENTS – None.

VII. CITIZEN COMMENT

Chairperson Johnson then stated that she would read the following statement regarding the protocol to be followed during both the Citizen Comment and Public Hearing portions of the Agenda.

Speakers must sign up prior to the meeting and provide their names, addresses and the topic they wish to discuss. Speakers must direct your remarks to the Board and not to individual Commissioners or to the audience. Personal disagreements with individual Commissioners or County employees are not a matter of public concern and personal attacks will not be tolerated. The Chairman has the right to limit your comments in the interest of disposing of the County's business in an efficient and respectable manner.

Speakers will be allotted three minutes to speak on their chosen topics as they relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting. No speaker will be permitted to speak more than three minutes or more than once, unless the Board votes to suspend this rule.

Terry Dunn, 208 Sylvan Lane, spoke about a recent experience he and his wife had while visiting the Elections Office and expressed his concerns to the Board regarding the way he and his wife were treated.

Jewell Walker-Harps, 103 McEthel Drive, spoke against the County seeking funding from Artspace because she feels that this organization brings limited benefits to the table. She then thanked Assistant County Manager, Michelle Irizarry and Parks & Public Grounds Director, T.J. Imberger for a very pleasant trip to Atlanta last Thursday to visit Georgia Trust.

Tina Darsey, 1567 Locust Grove Road, expressed her concern about the traffic on her road exceeding the speed limit and asked for a speed study to be conducted in her area.

VIII. MINUTES -

1. Consider approval of minutes for the Spalding County Board of Commissioners Regular Meeting on November 4, 2019 and the Spalding County Board of Commissioners Executive Session on November 4, 2019.

Motion/Second by Hawbaker/Miller to approve the minutes for the Spalding County Board of Commissioners Regular Meeting on November 4, 2019 and the Spalding County Board of Commissioners Executive Session on November 4, 2019. Motion carried unanimously by all.

IX. OLD BUSINESS -

1. Lift from the table and discuss request for refund of "overpayment" of 800 MHz services by the City of Griffin and new Intergovernmental Agreement for provision of 800 MHz services to the City of Griffin.

Ms. Irizarry stated that attached to the Agenda is a copy of the new Intergovernmental Agreement to be presented to the City of Griffin with your approval. The document makes the Agreement retroactive from November 1, 2017 through June 30, 2023 to match the current agreement with WellStar at \$16.00 per unit.

Commissioner Flowers-Taylor stated she feels the IGA is a great document, but she also feels that we are going to be "spinning our wheels." When the City Manager was here at the last meeting, he was to go back and talk to his Board and she understands from that conversation and from the Board meeting that their issue is there was never any discussion about the Service Delivery Strategy Agreement and why they actually feel that there are questions as to why they haven't paid. She believes they will pay, but if we send this document to them, they look at it and then they send us something back based on what they feel is correct, we will be going back and forth with that.

In the end what is going to happen is their Board and our Board is going to talk about what we think is the right thing and the rationale for the contract. She thinks it would do us all a service for us to have a conversation with the City Commission to find out what each of us feel is the issue before we start passing contracts back and forth and waiting them to look at what we submit and say "I wonder what they meant by this?" She feels unless there is some conversation, this is simply the beginning of a back and forth, which won't get us any further than we are now.

Chairperson Johnson stated that we are basing this on the last meeting where the City Manager asked for a contract. This will give him the opportunity to take something back to his Board. Then if they're like, "No, we don't want to do it." Then maybe that is the time that we do need to sit down and have the conversation. Mr. Smith asked for a contract, which put it on the County, so we are delivering as requested.

Commissioner Flowers-Taylor then stated that Mr. Smith asked for the contract not his Board. We put a lot of stock in having our County Manager and City Manager handle these things for us, then they show up with a paper and say "This is what I want you to vote on" then they ship it off to the other people. And she is not saying that is how the process works. What she is saying is in lieu of all the misunderstandings we have going on around this Service Delivery Strategy and our inability to make sure that our contracts have been done on time, this, to her, is an exercise in futility. If we have not been able to establish anything by now, we don't even know if the City Commissioners want us to have a contract. That is her concern.

Chairperson Johnson then stated that we have the City Manager on record requesting a contract.

Motion/Second by Hawbaker/Flowers-Taylor to lift from the table. Motion carried unanimously by all.

Motion/Second by Hawbaker/Dutton to approve the 800 MHz Contract as drafted.

Commissioner Hawbaker stated that he understands what Commissioner Flowers-Taylor is saying, but we have to get the ball rolling and this puts the ball in their court, and we need them to come back. Then if they drag their feet and don't respond or they have substantial changes that we can't live with then we will have to exercise our right to terminate.

Commissioner Flowers-Taylor stated we have received no confirmation from the City of Griffin that they want to enter into a contract. We have a statement from the City Manager who at the time he made the request stated that he had not talked with his Board about this. Based on the minutes from their meeting last week, there was not discussion from them about wanting us to send them a contract. The minutes basically stated that they understand why we are thinking what we are thinking and we, in turn, don't understand their stance on the subject. So, maybe we are not at the point of a one-on-one meeting, but until they say to us that they would like to negotiate a contract, not Mr. Smith standing here and saying he would like to have a contract. Mr. Smith had time after that meeting to discuss this with his Board and at the meeting no one indicated that they wanted us to send them a contract.

Commissioner Hawbaker asked "Who benefits from the delay?" The City benefits, the County doesn't. We're the ones not getting paid and they are still using our product.

Commissioner Flowers-Taylor stated that they had a contract and we let it expire.

Commissioner Dutton stated that is not how contracts work. In Contract Term if you continue to act like you have a contract, then you still have a contract. They paid us for 2017 after it expired. So, we still have a contract in 2017, 2018 and 2019, that's how contracts work.

Commissioner Hawbaker then added there is the legal concepts of such things as Unjust Enrichment. They are still on the hook and if we need, we will terminate and enforce it if necessary.

Mr. Fortune stated that is a clause in the contract where either party after 2023 can give 1 year's notice to the other side to terminate. Mr. Fortune then stated that he would suggest that we send something to them because this would at least get some dialogue going back and forth.

Commissioner Dutton stated it would be ludicrous for us to give them money back when they currently owe us money for the service. At the same time, if they don't want to accept this contract, which, in his opinion is more than fair. They had a contract that expired, and they have acted like it is somehow a burden to them when we should have in the renewal process increased the fee and we're not. We are actually subsidizing their use of the system. He feels that sending them something indicates that we are willing to go forward, but cutting them any type of refund, or cut them any more "slack" than the contract is stating would be a bit to far.

Chairman Johnson stated that the contract will act as the discussion piece to get the ball rolling and she feels that is what we need to do.

Motion carried unanimously by all.

2. Consider approval of a Task Order form from Paragon Consulting to research and compile existing information regarding space needs and size requirements of building, parking and other amenities as determined to be in the master plan for the Aquatic Center for a possible Cowan Road location.

Motion/Second by Flowers-Taylor/Hawbaker to table this item until we have further information on what this is going to cost us in terms of the things that the School Board is requesting happen. Motion carried 4-1 (Dutton).

3. Update Heritage Park Funding.

Ms. Irizarry stated that she is excited to announce that in collaboration with the Griffin NAACP, Spalding Collaborative and Spalding County we submitted an application to Georgia Trust and Preservation for the 2020 Places in Peril. Ten locations in the State of Georgia were recognized as a 2020 Places in Peril and Heritage Park was given this designation. This designation insures that we have additional press coverage, we get a point person assignment from the Georgia Trust. They will be sending us a Memorandum of Agreement and we will have one-on-one meetings. They will also be facilitating some classes for us to learn about funding sources as well as marketing this project.

X. PUBLIC HEARING –

Chairperson Johnson reminded everyone that the protocols stated for the Citizen Comments remain in effect for the Public Hearing. There are four items to be heard under the Public Hearing this evening, each item will be read and comments for the item will be taken prior to proceeding to the next item.

Motion/Second by Flowers-Taylor/Hawbaker to move into a Public Hearing. Motion carried unanimously by all.

1. **Application #19-21S:** Jody L. Hann, Owner - 105 Hillsborough Court (1.1 acres located in Land Lot 19 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the R-4 District.

Jody L. Hann, 105 Hillsborough Court, stated that she is requesting permission for a Special Exception to run a side business out of her home. It is a small business in honor of her late daughter, where they produce her writings on t-shirts that are sold on-line and at local festivals. There will be no signage at her home, there will be no traffic at her home. All of the events are off-site.

Mr. Jacobs stated there is nothing else that staff can add to what Ms. Hann has provided. Staff does recommend approval of the request as it does comply with all of the requirements found in section 202 (L)(L) for a home occupation definition and section 413(G) of the UDO. We do have one condition, being that all areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to approval of business license

issuance. At their regularly scheduled meeting, the Board of Appeals recommended conditional approval by a vote of 4-0.

Motion/Second by Dutton/Hawbaker to approve Application #19-21S: Jody L. Hann, Owner - 105 Hillsborough Court (1.1 acres located in Land Lot 19 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the R-4 District with staff recommendations. Motion carried unanimously by all.

Mr. Galloway, Zoning Attorney, then stated on the next two items there will need to be a motion to lift from the table, then we would ask that the items be consolidated for hearing, but you will have to vote separately. In the event the FLUMA Amendment is not approved, the rezoning application is rendered moot.

Motion/Second by Flowers-Taylor/Hawbaker to lift Application #FLUMA-19-01 and Application #19-07Z. Motion carried unanimously by all.

2. **Application #FLUMA-19-01: Lift from the table** - Mary Elizabeth Griffin, Georgia Wilson Jones, William P. Wilson Trust (William P. Wilson, Jr. Trustee) & Thomas D. Wilson Jr. Estate (William P. Wilson, Jr., Co-Executor & Michael G. Wilson, Co-Executor) have requested a future land use map change from Rural Community to Commercial Corridor for the following: Highway 155 (2 acres located in Land Lot 147 of the 2nd Land District).
3. **Application #19-07Z: Lift from the table** - Mary Elizabeth Griffin, Georgia Wilson Jones, William P. Wilson Trust (William P. Wilson, Jr. Trustee) & Thomas D. Wilson, Jr. Estate (William P. Wilson, Jr., Co-Executor & Michael G. Wilson, Co-Executor), Owners - Paragon Consulting Group, Agent - Highway 155 (2 acres located in Land Lot 147 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Ms. Irizarry stated there are three people signed up go speak regarding FLUMA-19-01.

Spoke Against the Change to the FLUMA:

David Daughtry, 6413 Caledon Court, Locust Grove, Georgia
Jefferson Travis, 6508 Terraglen Way, Locust Grove, Georgia

Andy Welch, 2200 Keys Ferry Court, representing Paragon Consulting, the applicant, along with the family that owns the property. Mr. Welch stated he is here to represent the family who has made application for this rezoning request. We have filed a Constitutional Rights letter to preserve their rights as is required by State Law. In addition, we have also filed with the Commission an affidavit from the land appraiser who does development in the Henry County, South Metro and Spalding County areas.

The request is to rezone all or portion of the property that is zoned R2. This as you can see from the future land use map the property immediately across from this property at Fincher Road is all zoned Village Node. Village Node, pursuant to the

zoning ordinance allows for the following types of development: it is a mixed use development that encourages flexible site plans with multi-story buildings, multi-story commercial, multi-story residential. It allows for 50 different commercial permitted uses including the retail use that we are seeking tonight. This is located on a major highway, SR 155, and right across from the subject property is the Village Node designation. Which is zoned as part of a planned community, this area would allow for retail development which is no different from that being requested by the applicant and that also comports to the planned development that is known as Heron Bay, which also has mixed use commercial and strip centers all along the SR 155 Corridor.

The property in question is currently zoned R2 which has to have a two-acre development. So, each lot has to contain two acres on the property and in doing so and in looking at the market conditions, the affiant, Mr. Michael Biggers has stated that the property would require in terms of development costs to put in a residential development would require a roads, right-of-ways, detention ponds, to pad it out and develop the property in accordance with your development plans would be \$57,620 per lot. The going market rate for lots in Spalding County are generally around \$28,000 to \$35,000 per lot. So, as you can see, just to develop the property under your current zoning of an R2 development is about a \$20,000 loss. Which makes this property, as zoned, unconstitutional. It takes away the property rights of the current property owner to develop the property.

Mr. Welch then added that he appreciates the community's interest in the property and their concerns, and he would also like to point out that the Iowa, Davenport data that was relayed earlier in the meeting was as City and that city is over 100,000 in population and as you heard it has 65 liquor stores. We are talking about 1 retail establishment that would sell alcoholic beverages by package store. This is quite different from a City where there are 65 liquor stores involved. We asked the Boards favor of the Future Land Use Map change as well as the Zoning request.

Commissioner Hawbaker then asked how far the proposed property is from Heron Bay Boulevard?

Mr. Welch stated that it is less than a mile, he didn't mark it when he came to the meeting.

Jerime Buffington, 103 Garden Circle, Milner then walked the Board through what is being proposed for the site. The site will have an on-site septic system to treat sewerage for the property and they will also have a bored well for water. Mr. Buffington then reviewed the stormwater drainage for the site that would flow from the front of the property with a detention pond located on the back corner of the property. There is adequate parking, based on the code, set up for the building and there will be accel/decel lane coming from the South that will allow people to get off of the road and slow down to make the right-hand turn.

Commissioner Hawbaker then asked about accel/decel from the North.

Mr. Buffington advised that GDOT does not require an accel/decel from the North. They used to require a flair or taper for that type of exit of the highway, but that started to become a problem when people started to hedge out into the traffic, so the new requirements only allow for a right-out.

Commissioner Flowers-Taylor then asked if the two acres would provide adequate drainage for the septic system.

Mr. Buffington stated they had already had a soil study performed by an environmental specialist and it will provide adequate drainage. The septic system has been sized according to the proposed use of the building.

Commissioner Flowers-Taylor then asked if the water lines did not run to the County Line?

Mr. Buffington stated that the water lines terminate approximately 1,000-1,500 feet south of this location.

Ms. Irizarry stated there is an additional citizen in the audience that did not sign up and would like to speak.

Mr. Galloway advised that it was at the Chair's discretion.

Consensus of the Board is to allow this individual to speak.

Cynthia Thomas, 5252 Heron Bay Boulevard, Locust Grove, Georgia spoke against approval of both applications.

Commissioner Hawbaker then asked if Mr. Welch could come back to the podium. He then asked Mr. Welch if he or his clients had calculated the taxes such as sales taxes, property taxes, and inventory taxes that may be generated from the proposed development.

Mr. Welch then advised that generally a commercial retail establishment will generate more taxes than a residential home and this particular development provides no burden to the infrastructure as this particular project will not be utilizing water or sewerage systems or facilities, it is designed to accommodate the traffic on the road. He stated that although he can't give any specific numbers as a rule the retail establishments generate more revenues in both sales tax and property tax.

Commissioner Hawbaker then asked if he could ask Sheriff Dix some questions.

Mr. Galloway stated that although we all know who the Sheriff is, he would ask that for the record if he could identify himself and give his business address.

Good evening, my name is Darrell Dix and I am the Sheriff of Spalding County, 401 Justice Boulevard.

Commissioner Hawbaker then asked that based on his experience in law enforcement if he had anything that would indicate that a liquor store does attract a higher criminal element than other commercial businesses?

Sheriff Dix stated that based on 32 years of experience, he thinks that a lot of times liquor stores do generate crimes in the neighborhood; however, he stated that he does feel that it depends on the neighborhood and the clientele that they are serving. The target customer for these sales, in his general experience that there does appear to be an increase in crime in those areas.

Chad Jacobs then stated he would talk with both applications together. He then added that he wanted to give a history for the Village Node designation. We have had this conversation during other applications and discussions with respect to future land use map amendments, but he feels it is important with this one since we are asking to do a land use map amendment that is tied with a rezoning. Mr. Welch is correct, there is a Village Node that is zoned on the west side of SR 155 that does allow for a mixture of uses which allows for a myriad of different types of commercial uses and that is important to be a part of this discussion.

When the Village Node was put into place back in 2004, the idea was to develop in a manner where we could still maintain our rural character. That information in the subsequent 2009 update and the 2017 update carried through based on the input received from residents of the County. So the idea of the Village Node at that time was for them to act as pressure valves, the idea was to create these mixed areas which would allow for mixed uses and to allow for higher densities of residential uses to be compressed into an area that provide a walkability to service that area and would try to de-emphasize the automobile and put more emphasis on people living in the surrounding communities or they could drive a golf cart. The pressure value release would be the Village Node would be surrounded by low density residential which is one unit for every acre. Which then was surrounded by a more rural land use classification which was one unit for every five acres and then it would ramp back up again and this is how we got to where we are now.

The zoning is there, and it is tied to a concept plan, so with that in mind in review of these two applications the concern is looking at these corridors and staff has a concern of not replicating the 19-41 Corridor where we have multiple curb cuts and to develop more from a suburban sprawl type development versus the Village Node representing a master plan that is well thought out, smart growth development. The distinction between these two types of developments is the primary concern that staff has with respect to this application. With that being said, staff did recommend denial on both the Future Land Use Map Amendment and for the rezoning request and at their meeting in August the Planning Commission also recommended denial on both requests as well.

Commissioner Flowers-Taylor stated that the Village Node at this location was the same Village Node designation that was done throughout the County? We did a Village Node at Heron Bay, we did a Village Node at SR 155 and Jackson Road and this was in the future land use plan. Then we had a Village Node in Western Spalding County. What we have done in the interim over the last 14-15 years is that some of those plans had to be changed.

We redesignated the Village Node at SR 155 and Jackson Road to be a commercial center and we have done that at other places and so nobody is asking to change the western side of this map from planned residential, but when we look at the other side of the County where in the last 10 years there has been absolutely no development other than houses that are there and someone wants to put a property at our county line, well how is that any different than the high density that is on both sides of the street? She then stated that she shares Mr. Jacobs concern about not wanting to creating a 19-41 Corridor, but it is very difficult to make this decision when you only have two sides, because in most places you have an intersection where you have four sides where you can make some determination about how you want it to look.

Commissioner Flowers-Taylor stated that across the street is planned as a Village Node area where you can have apartments, you can townhouses, you can have a Fire Station, you can have a Liquor Store, you can have a hair dresser, why do we feel that the opposite corner should be any less restrictive. Because someone could literally do the same thing across the street.

Commissioner Flowers-Taylor stated that looking at this as a revenue stimulator for us, she feels it is significant. She looks at the business plan and would we stop someone else if this was a grocery store or would we stop them if it was a gas station? She lives in a community where there are liquor stores everywhere, this isn't new, kids have always wanted to get alcohol and most of them are able to get it at home. So, as far as she knows, the Sheriff doesn't allow the liquor stores in our area to sell to minors, so that could happen at Heron Bay, it could happen at Walmart, it could happen anywhere. Those two items are separate.

Commissioner Flowers-Taylor stated she would see it different if it was a request down in the flats where there are already four stores down there that are liquor stores. She doesn't really understand why staff would look at this and say we want that to be rural community, but we're not willing to look at this. She advised that she had asked that staff bring to the Board what the zoning and future land use planning looks like at every space that we have state roads coming into the County from outside, because in many cases the zoning for the outside of our county is quite different from what we have it set up as on the inside. So, she's not reluctant to make a comparison and look at updating this, but she feels it is incumbent upon staff to look at not only how this would work at this intersection, but how would it look at Zebulon Road or coming in from Newnan, what is their zoning and what is it when it crosses the line into Spalding County. Is our zoning compatible with what is on the other side.

Commissioner Flowers-Taylor then stated that she hasn't heard anything that would indicate that we should deny this zoning.

Commissioner Hawbaker asked if the Planning Commission approved Minerva's Development Plan to start building out with apartments and townhomes? 240 residential lots?

Mr. Jacobs stated that Minerva has brought before the Planning Commission and the Board will have upcoming next month is essentially a redesign of the Village Node. The density isn't changing they are just doing a redesign of the Node.

Commissioner Hawbaker then asked if their plans didn't also include a strip center along SR 155 on the west side.

Mr. Jacobs responded "no". Mr. Jacobs then stated that he feels the tax base argument is absolutely valid and he can take nothing away from that. Now, the liquor store from a staff standpoint, we could care less whether it is a liquor store, a grocery store, a shoe shop, we are simply looking at it from a retail standpoint. He thinks that where he and Commissioner Flowers-Taylor disagree is with the assessment as to what it matters one side versus the other side? He feels it matters significantly when you are talking about an area that is being thought out and master planned with these types of uses versus an area where you are going to strip commercial highway road frontage. Which has created significant problems as you

can look no further than 19-41. That is the concern that staff has and if we are going to look on the other side of the line, staff has look on the other side of the county line in some areas.

Tri-County Crossroads would be his first example of that where Spalding County, Pike County and Lamar County meet and we developed that overlay. So, we do look across the line, the concern he has in this instance is once that domino tips and it falls, then it's hard to kind of stand it back up. If we are going to change our policy on this and how we look at it from a future land use planning standpoint, he is fine with that. Just as long as we can draw a line somewhere some how because you don't have to go much farther north on SR 155 before we are going to run into problems. Especially if we are going to look at it turning into other things, we know what we have with the Village Node, that's been planned and it's been approved since 2006. We knew what we were going to get there because we planned for it with the idea of this pressure value throughout the rest of the county.

Mr. Jacobs then added that he has not problem if we want to go with more of a suburban sprawl type of development, we just need to be prepared to deal with that from a traffic standpoint. It is one 2-acre tract now, but then it is something else down the road. We just need to be able to draw a line and know where to draw that line.

Commissioner Hawbaker stated that the reason we elected to change the Village Node at SR 155 and Jackson Road was because the family who own the property had not been able to do anything with the property, hadn't been able to sell it and Dollar General approached them and they had an opportunity to put in a sales tax generating location.

Mr. Jacobs stated we do have a Village Node development coming up the line now. What killed the Village Nodes was the 2008-2009 recession. But now, you have one coming before you that is essentially going to be the same thing.

Commissioner Flowers-Taylor stated that we have had this plan since 2007 and it is now 2019 and nothing has happened there. There was a hope that something would happen but nothing has happened in Southern Spalding County and nothing has happened at SR 155. Heron Bay is going to have an opportunity on the opposite side of the street to develop a Village Node, so why can we do something on the opposite side of the street. She stated that we may need to redefine the Crossroad Commercial so that we can control sprawling growth. If you are outside of a certain mark you don't meet the requirements. She feels that we stagnate ourselves when we look at "this didn't work" then we need to do something different. Let's look at a different option. She stated that where ever we see there is potential to do something like this that we should consider it, not just go this is the cookie cutter that we've been using. Because every time is not going to be the same situation.

Chairperson Johnson then asked the potential business owner to speak.

Baljinder Singh, 160 Carriage Chase, Fayetteville who stated that he would like to respond to the Commissioner asking about the potential revenue. He is anticipating a minimum of \$400,000 annually in sales at this location. He stated that they will be building the nicest liquor store in the County. In regard to the children, it is against the law, we all have children, why would we not follow the law? If it is against the law we are going to follow the law.

Commissioner Flowers-Taylor then asked if she could asked if Mr. Singh currently owns a business in Spalding County.

Mr. Singh responded "Yes we do."

Commissioner Flowers-Taylor then asked where the business was located.

Mr. Singh stated it is on the North Expressway, the Discount Liquor Store and they have owned the store for three years.

Mr. Galloway stated that if this concludes the witnesses, he would like to make a statement for the record on behalf of the County. Based upon new authority and zoning precedent coming out of a new case called "York Vs. Athens College of Ministry," so that we make it clear that pursuant to the York case and this will apply to both the applicants and the opponents:

As to the applicant's case, we would object to any further discussion should an appeal be taken that goes beyond the evidence that has been presented to this Board at this time and their failure to raise this would preclude being raised in subsequent litigation.

As to the opponents, we would reserve the right to challenge their standing to contest any decision and object to lay testimony that was presented on things that might otherwise require expertise and because of that he would ask the Chairperson to make the specific notation that the evidentiary record on these applications is now closed.

Chairperson Johnson stated: "so noted."

Motion/Second by Flowers-Taylor/Johnson to approve Application #FLUMA-19-01: Mary Elizabeth Griffin, Georgia Wilson Jones, William P. Wilson Trust (William P. Wilson, Jr. Trustee) & Thomas D. Wilson Jr. Estate (William P. Wilson, Jr., Co-Executor & Michael G. Wilson, Co-Executor) have requested a future land use map change from Rural Community to Commercial Corridor for the following: Highway 155 (2 acres located in Land Lot 147 of the 2nd Land District). Motion carried unanimously by all.

Motion/Second by Flowers-Taylor/Johnson to approve Application 19-07Z: Mary Elizabeth Griffin, Georgia Wilson Jones, William P. Wilson Trust (William P. Wilson, Jr. Trustee) & Thomas D. Wilson, Jr. Estate (William P. Wilson, Jr., Co-Executor & Michael G. Wilson, Co-Executor), Owners - Paragon Consulting Group, Agent - Highway 155 (2 acres located in Land Lot 147 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial. Motion carried unanimously by all.

4. **Application #19-08Z:** Robert Brian Rayl, Owner - Jackson Road (50.03 acres located in Land Lot 40 of the 2nd Land District) - requesting a rezoning from C-2, Conditional to C-2, Conditional.

Mr. Galloway then stated that Mr. Rayl's application was approved last year with conditions. He now desires to seek a change in one of those conditions. Pursuant to

our ordinance a change in condition can be the subject of an application and the procedures, is the same procedure that is used to initially impose the condition.

Mr. Jacobs then stated that the change being sought is the condition that stated there would be no future entrance to the property from Jackson Road. The applicant is requesting that condition be removed to allow for an entrance from Jackson Road.

Ms. Irizarry advised that no one has signed up to speak.

Brian Ryal, 1745 North Walkers Mill Road, stated that they had contracted for traffic studies and all of the requirements requested by Community Development and there were no problems found in putting an entrance into the property from Jackson Road.

Commissioner Hawbaker then asked if the conditions currently being recommended by staff are acceptable?

Mr. Jacobs stated that the Board approved Mr. Ryal's business in September 2018. Mr. Ryal's has a business where he puts vinyl wraps on tractor trailer trucks. There were five conditions originally placed on the property tied to this specific type use. Staff requested that the applicant get a traffic study done, which he did to substantiate his request to have an entrance from Jackson Road. The data received from that reports supports having an entrance onto Jackson Road, so as a result staff is recommending approval.

Mr. Galloway then reminded the Board that all of the initial conditions imposed on the original rezoning will remain the same and apply to the development.

Commissioner Flowers-Taylor stated that her concern is there were a number of people who expressed their concern over the number of trucks coming in and out of that facility onto Jackson Road.

Mr. Jacobs stated there were really only a few people who came and spoke. Mr. Wallace came to speak because he was concerned with respect to burial sites and things like that. The Planning Commission was actually the body that imposed the Jackson Road condition and that carried through. That is something they added in addition to the staff report and the Board approved it.

Commissioner Hawbaker then asked if there would be any accel/decel lanes?

Mr. Jacobs stated that the traffic study and GDOT standard do not require accel/decel lanes for this development.

Motion/Second by Hawbaker/Dutton to approve Application #19-08Z: Robert Brian Rayl, Owner - Jackson Road (50.03 acres located in Land Lot 40 of the 2nd Land District) - requesting a rezoning from C-2, Conditional to C-2, Conditional. Motion carried 4-1 (Flowers-Taylor).

Motion/Second by Dutton/Flowers-Taylor to close the Public Hearing. Motion carried unanimously by all.

XI. NEW BUSINESS -

1. Consider approval of the 2020 Renewal for Retail Sale of Beer and Wine for:
 - Kacey Stone-Kacey Korner, LLC dba Cole's Corner located at 7051 Newnan Rd., Brooks, GA 30205.
 - Quader Quddoos-Q & R, Inc. dba A1 Food Mart located at 1650 N. Hill St., Griffin, GA 30223.

Motion/Second by Hawbaker/Dutton to approve the 2020 Renewal for Retail Sale of Beer and Wine for the locations presented. Motion carried unanimously by all.

2. Consider approval of an MOU between Georgia Emergency Management and Homeland Security Agency and the Spalding County Office of Homeland Security.

Ms. Irizarry advised that this agreement is for Homeland Security to serve as a sub-grantee relating to the application for grants under the U.S. Department of Homeland Security.

Motion/Second by Dutton/Hawbaker to approve a MOU between Georgia Emergency Management and Homeland Security Agency and the Spalding County Office of Homeland Security. Motion carried unanimously by all.

3. Consider approval a Language Access Plan for Spalding County and a LAP Resolution as a condition for the 2019 CDBG Grant.

Ms. Irizarry stated this is a requirement to receive the funding for the CDBG grant.

Motion/Second by Dutton/Miller to approve the Language Access Plan for Spalding County and a LAP Resolution as a condition for the 2019 CDBG Grant. Motion carried unanimously by all.

XII. REPORT OF COUNTY MANAGER – None.

XIII. REPORT OF ASSISTANT COUNTY MANAGER

- Public Works will be hosting their first Winter Weather Emergency Preparedness training day on Thursday, November 21st. This training will include the entire Public Works Department and cover Flagger Review, Flagger Review, Personnel Protection Equipment, FEMA Work Order Review, GA811 Locates, CI Report Writing, Chainsaw Safety and Operations, Barricades, Chipper Safety/Chipper Operations, Bucket Truck Safety and Operation, Salt Truck Set-Up and Operation and Truck Safety Check.
- We have received the letter from the Griffin-Spalding Hospital Authority awarding \$55,500 to provide home delivery of meals to Spalding County citizens.
- We have received a resignation effective immediately from Brett Bell who has been serving on the Griffin-Spalding Airport Authority. The Board will need to replace Mr. Bell whose appointment will expire on December 31, 2022. This appointment is for a 6-year term.

- 2020 Places in Peril Designation this was an exciting event and she is looking forward to what is coming with this designation.
- She successfully completed the Regional Economic & Leadership Development.
- Freight Cluster Study Workshops were successful.
- The Correctional Institute had their Thanksgiving Luncheon on November 15. Photos to come.
- Fire Department hosted an extraction course with the Griffin Fire Rescue on November 15 & 16.
- Fire Department hosted a Pipeline Emergencies course with Griffin Fire Rescue earlier today.
- Fire Department will host a Damage Assessment course for partners in all agencies on December 4.
- Fire Department will be hosting the monthly Region 4 Emergency Management monthly meeting on December 12.
- Fire Department is currently working on updating the statewide mutual aid agreements for emergency management in Spalding County, the Cities of Griffin, Orchard Hill and Sunny Side.
- Fire Department is working in partnership with the Sheriff's Office on some emergency exercise plans which will include a land/air search exercise.
- Some exciting news, the United Way program went very well, our goals was \$7,500 from Spalding County and the Spalding Fire Department raised about \$7,000 for United Way. We do not have the total numbers at this time, but we do have a large amount of contributions from staff.
- Fire Department will be doing a visual inspection of two quick response vehicles on December 9.
- Spalding County's new and improved website is now on-line.

XIV. REPORT OF COMMISSIONERS

Rita Johnson wanted to say congratulations to the Sheriff for the successful completion of his second Sheriff's Citizens Academy.

Donald Hawbaker stated he wished he had, had the opportunity to say this while the Heron Bay residents were still here. He wanted to let everyone know why he voted to change the Future Land Use Map and allow the project to continue. That is a lot of revenue to walk away from and allow to go into another County, particularly with the revenue shortages that we currently face and the obligations that we have with the Airport Bonds and the loss of WellStar Hospital to the tax base. Secondly, as far as the safety and crime is concerned, he resides in a community that is on the east side of Jordan Hill Road and Minerva will be developing that area, they own the corner across the street. They will probably have a strip center there and he is sure they will have a liquor store. He feels given the distance this store will be from Heron Bay it should be very low risk.

He also wanted to congratulate the Sheriff and his staff on the inmate graduation from the ServeSafe Program.

He is also glad to hear about the Georgia Trust designation.

Ms. Darcey who spoke during the Citizen Comment period, she also called him. She lives in the district he represents, and he would like to see some Speed Limit testing done along Locust Grove Road.

James Dutton stated he wanted to touch once again on Heritage Park. We need to get this project done. He wants to do it as fast as we can, but as we all know, the County's planning was for one thing and now the plan is going to require a lot more money. He loves the idea that we are going to get the recognition for the site that it deserves and he hopes that will bring us more money. If the Community is against funding it through Artspace, we can only hope other funding becomes available. He doesn't want to do something the community is against, but something is better than nothing, so he hopes we can get other funding.

Gwen Flowers-Taylor – Nothing.

Bart Miller – The only thing he would like to say is to send a note to T.J. Imberger and Public Works, during the warm weather this week, they need to be out fixing pot holes because they are all over the County. He is talking about serious pot holes in some places, so they need to while it is warm they need to get out.

XV. CLOSED SESSION

XVI. ADJOURNMENT

Motion/Second by Dutton/Hawbaker to adjourn the meeting at 7: 47 p.m. Motion carried unanimously by all.