

After Agenda

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, March 26, 2020
6:00 PM
Room 108, Annex Building**

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, March 26, 2020, beginning at 6:00 p.m. with Chairperson Gwen Flowers-Taylor presiding. Commissioners James Dutton, Rita Johnson and Bart Miller were present for the meeting. Commissioner Donald Hawbaker was absent from the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, County Zoning Attorney, Newton Galloway, County Attorney, Stephanie Windham and Kathy Gibson, Executive Secretary to record the minutes.

- A. OPENING (CALL TO ORDER)** by Chairperson Gwen Flowers-Taylor.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

- B. INVOCATION** was delivered by Commissioner James Dutton, District #2.

- C. PLEDGE TO FLAG**

Commissioner Bart Miller, District #4, led the pledge to the flag.

- D. Public Hearings**

At this time, I will recognize those citizens who have signed up to address the Board. Once your name is called, come to the podium, state your name and address for the record and make your comments. All speakers who are recognized will be allotted three minutes. No speaker will be permitted to speak more than three minutes unless the Board votes to suspend this rule.

Please 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.

- E. New Business**

- Application #20-01Z:** Glenn M. Ellis Jr. & Starlett J. Ellis, Owners - 100 Pirkle Road (4.319 acres located in Land Lot 81 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Newton Galloway, Zoning Attorney, advised that he would be assuming the

role of Chad Jacobs for the purposes of these hearings. He then advised that he would present the staff report first and any comments would be taken after the staff report, this should facilitate a shorter meeting.

Mr. Galloway stated that in this application the Ellis's seek to rezone approximately 4.319 on Pirkle Road between Cheatham and Hwy 92. They have lived on the property since 1982. The property is currently zoned AR1 and on AR1 the minimum lot size is 3 acres, so only one lot is allowed. They seek to rezone to R2 where the minimum tract size is 1 acre with water and the minimum house size is 1750 square feet. Their existing house will be 3 acres and the second tract will consist of 1.3 acres.

Mr. Galloway then advised that the surrounding properties are zoned either AR1 or R2. R2 is the predominate zoning to the north of the property toward Hwy 92 and AR1 is the zoning to the south of the property. Making the tract currently bounded on three sides by R2 zoning. Staff found that the rezoning was consistent with the Future Land Use Map, the house size was consistent with the area and recommended approval with no conditions. The Planning Commission recommended approval of R2 rezoning unanimously.

Glenn M. Ellis, 100 Pirkle Road, stated that his daughter and son-in-law would like to build a home on the 1.3 acre tract. He is requesting to have his 4 acre tract rezoned from AR1 to R2 with the intention of dividing the property to allow for 1.3 acre lot for the purpose of a single family dwelling.

Chairperson Flowers-Taylor noted that currently part of this property is in an R2 zoning and part of the property is AR1.

Mr. Galloway advised that the R2 zoning was applied to only 500 feet from the road frontage of some of the County main roads back in the 1960's. The frontage in that area along Hwy 92 has been zoned R2 for years and rather zoned by tract, it was zoned imprecisely to just say 500 feet from the right-of-way so that 500 feet goes back and already includes part of Mr. Ellis' tract.

Mr. Galloway further stated that the new lot will meet both the size and road frontage criteria for an R2 zoning and it will have to have a minimum of 1,750 square foot home.

Motion/Second by Dutton/Miller to approve Application #20-01Z: Glenn M. Ellis Jr. & Starlett J. Ellis, Owners - 100 Pirkle Road (4.319 acres located in Land Lot 81 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential. Motion carried unanimously by all.

2. **Application #20-02Z:** J & D Property Holdings, LLC, Owner - 7902 Newnan Road (0.7816 acre located in Land Lot 15 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Mr. Galloway stated that J & D Property Holdings is a limited liability company owned by Mr. John Osborne. Mr. Osborne has owned this property since the late 1970's and transferred to the current owner J & D Property Holdings, of which he is identified as a member, in 2015. The application seeks to rezone .78 acres on GA 16 West, which is on the Spalding County side of the Spalding-Coweta County line at the Flint River.

Currently, the property is zoned AR1, and J & D seeks to rezone it to C1. The property has been used commercially for years and the commercial building exists on the property as it has for years. The commercial use existed at the location as a grandfathered pre-existing, non-conforming use, that would have been able to continued; however, the business license for the property lapsed in 2018 and as a result of that the protected pre-existing non-conforming use was eliminated when it was not reactivated within 12 months.

While we do not consider a business license to be totally dispositive of whether or not you have a non-conforming use, it is by far away the most complete factor by which we can look at it. So, when they desire to put a new commercial use back in the exact same building on the exact same property, he had no choice but to come in and seek to rezone it to C1. If it is rezoned then commercial uses can be conducted in the building.

The staff determined that the rezoning is consistent with the Future Land Use Map and recommended approval of the rezoning to C1 with no conditions. The Planning Commission also recommended approval of the rezoning to C1 unanimously.

Mr. Wilson advised that he talked with Mr. Osborne today. Mr. and Mrs. Osborne are in their 80's and Mrs. Osborne has health difficulties and they were both hesitant to come in tonight and he told them that he would speak on their behalf. They don't plan to do any expansion, the person they were renting the property to let their business license expire and this is what has caused the problem. The business has been there since 1978.

Chairperson Flowers-Taylor stated that her concern with this is if someone else came in there before this and their license had expired and they were under a non-conforming use, what would we do?

Mr. Galloway stated that we would do the same thing we are doing in this case. If the involved property that had be used commercially before and they let a license lapse or otherwise there was no evidence of a commercial use being maintained on the property for the preceding year, they would have to go through the exact same process.

Mr. Galloway then advised that if you start at the roundabout on SR16 and go south, we have traditionally allowed commercial zonings along the frontage of the southside of SR16 and this one is right at the boundary of

Coweta County and it was developed when the zoning was M1 in the mid 1970's so it would have been permitted there at that time as a matter of right.

Chairperson Flowers-Taylor then asked for a picture of the property so that she could see what surrounds the property.

A map was then displayed showing the property with the zoning designations.

Mr. Galloway stated there is C1 zoning at the Intersection, and this property is the feed store right at the County line. This commercial use actually predates the ones that are shown up or at the roundabout. Huckaby's Grocery was there but didn't get zoned C1 until they wanted to do an expansion.

Chairperson Flowers-Taylor The zoning is C1 at the roundabout, then we go to C1B down to Buckeye Road, then everything else is AR1. She then asked how the C1 designation at this location was consistent with the Future Land Use Plan.

Mr. Galloway advised that staff report finds that it is consistent with the Plan.

Chairperson Flowers-Taylor stated that to her it looks like spot zoning. Because if the tendency is for that frontage to be commercial, then the Future Land Use Map should reflect that rather than us saying, "at the County line we are going to allow you to have commercial there." Nothing across the street, all the way up to Buckeye Road, then you get commercial.

Mr. Galloway stated that the problem, taken in a vacuum is that you obviously have a commercial building there that is not going to be a residence on a separate tract and the likelihood of the property being used as a residential property is remote. He then asked that the FLUM be displayed from the web site.

Mr. Galloway then stated that the star on the Future Land Use Map identifies the area as Community Crossroads, which Mr. Jacob's made a determination that it would be consistent with the Future Land Use Map. Mr. Galloway further stated that this is somewhat of a unique circumstance even with a Community Crossroads designation because it is right at the County Line and he certainly doesn't favor redoing all state highways to be planned for commercial development, because it wouldn't look good.

If you are making a determination on this one piece of property, this location has been used commercially and the building is in decent shape for 40 years and as a result of a business license lapse and because of the unique circumstances of the shape of the property and the limited size of

the tract it will not meet a residential class development requirement. It is essentially an unbuildable if it is kept at AR1. In an AR1 designation the lot is unbuildable even if the commercial structure is taken down because there isn't 3 acres in the tract.

Chairperson Flowers-Taylor then stated that part of the Crossroads Commercial is there is supposed to be a defined amount of space from the crossroads that a development is allowed. So, if we look at the roundabout, the development that is non-conforming at the other end does not meet those requirements. It makes sense for it to be there because it has been there for year, but it still doesn't meet what we said our rules are. That is her concern.

Commissioner Johnson stated that what Chairperson Flowers-Taylor is saying makes sense; however, but in focusing on this particular property does that stop us from not moving forward with this one? Maybe, we need to look at it as a whole in the future?

Chairperson Flowers-Taylor then stated that she isn't saying to hold this decision up, let's not make these moves without a definitive plan to rectify this type of thing and she's not prepared to wait until 2022 when we do the full comprehensive plan. We have been making changes to the Future Land Use Map over the last 10 years.

Mr. Wilson stated that we can look at this location like we are currently looking at Airport Road, it could be the third that we do. Airport Road is the first one you wanted to do, then Hwy 155 and we can put this one on the list to look at as well.

Motion/Second by Johnson/Dutton to approve Application #20-02Z: J & D Property Holdings, LLC, Owner - 7902 Newnan Road (0.7816 acre located in Land Lot 15 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial. Motion carried unanimously by all.

3. **Application #FLUMA-20-01:** L & C Partnership and Royal 76, LLC have requested a future land use map change from Agricultural/Forestry to Rural Neighborhood for the following: Old S.R. 155 and Jackson Road (7.86 acres located in Land Lot 80 of the 2nd Land District).

Mr. Galloway then asked if items 3, 4 and 5 could be consolidated for the purpose of the public hearing as they are all related and then the Board will have to vote on them separately.

Motion/Second by Dutton/Johnson to approve Application #FLUM-20-01: L & C Partnership and Royal 76, LLC have requested a future land use map change from Agricultural/

Forestry to Crossroads Commercial/Group Retail Development for the following: Old S.R. 155 and Jackson Road (7.86 acres located in Land Lot 80 of the 2nd Land District). Motion carried 3/1 (Flowers-Taylor).

4. **Application #20-03Z:** L & C Partnership, Owner - Falcon Design Consultants, Agent - Jackson Road (6.75 acres located in Land Lot 80 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Motion/Second by Johnson/Dutton to approve Application #20-03Z: L & C Partnership, Owner - Falcon Design Consultants, Agent - Jackson Road (6.75 acres located in Land Lot 80 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial with the five conditions as recommended by staff. Motion carried 3-1 (Flowers-Taylor).

5. **Application #20-03AZ:** Royal 76, LLC, Owner - Falcon Design Consultants, LLC, Agent – Old S.R. 155 (1.112 acres located in Land Lot 80 of the 2nd Land District) - requesting a rezoning to C-1 Highway Commercial.

Mr. Galloway advised that the Board is dealing with two different tracts, one which resulted from abandoned right-of-way from the redevelopment and realignment of Hwy 155. He will be referring to L & C Partnership and Royal 76 LLC jointly as the applicants, but they have different tracts.

First for consideration is a FLUM amendment to rezone the two parcels then rezoning of the two parcels. This property is located at the intersection of East McIntosh Road and Jackson Road/GA 155. The total property consists of approximately 7.9 acres. You will see that one part is a separate tract and one part is abandoned DOT right-of way.

In Application 20-3Z, L & C Partnership, 7.5 acres is currently zoned R2 and under Application 20-3 AZ, Royal 76, LLC owns 1.112 acres which is the abandoned right-of way, which as an abandonment has not been given a zoning classification. It is essentially new developable land that results from the abandonment and realignment of right-of way.

Commissioner Dutton then asked what parcels are under consideration this evening.

Mr. Galloway stated one of them is the old right-of-way and the other is a part south of that right-of-way. The part that is designated old SR155 is the 1.1 acre tract and if you look down below that tract there is a small tract which was part of a larger tract to the southeast that was zoned R2 but was cut off from that tract by the rerouting of Jackson Road.

Mr. Galloway advised that the applicants are proposing to develop a neighborhood commercial center that will be anchored by a gas station with adjoining smaller commercial buildings. Essentially, this is identified under our Ordinance as a Group Retail Development with a convenience store and gas pumps proposed for 9,100 square feet and another retail proposed for 12,100 square feet.

Under the FLUM the property is currently designated as Agricultural/Forestry and the original request was to send these parcels to Rural Neighborhood, based upon the staff report and analysis of the criteria for Rural Neighborhood we felt it was better to be sent to Crossroads Commercial. The reason for that is the proximity to the Night Owl, the Kangaroo and also the properties you have just done the same thing for, the Dollar General tract and the property that is across and on the northeast corner at SR155 and Jackson Road.

Mr. Galloway then advised that the Board is not bound by the applicants' request. The Board can move this to a land use category or a zoning district that you feel is appropriate. The staff report recommends that the FLUM be amended, the application be granted but to send it to Crossroads Commercial for the reasons of consistency with the other properties at the intersection.

Mr. Galloway advised that staff's recommendation for the Applications were to rezone both of the tracts to C1 which is the same zoning that is on the tract where the old Crane's filling station was with two conditions:

- (1) Compliance or adoption of the FLUM amendment.
- (2) Lighting to be developed to prevent off-site glare onto adjacent properties.

The Planning Commission approved the rezoning unanimously.

Mr. Galloway then stated that he would like to add a couple more conditions, he has spoken with Mr. Palmer with Falcon who is working with the owners and he is going to suggest three additional conditions.

- (3) Submission of a survey that consolidates the tracts into one.
- (4) That the tracts be developed under the definition of a Group Development which is allowed in C1, Section 1203-A-20 and is defined by Section 202KK double prime which is: A group of buildings constructed on a plot of land not subdivided into customary streets and lots and which will not be so subdivided intended to be operated under one management or a condominium type ownership arrangement known herein as a Group Development Project.

That means that they can develop this, they can deal with ownership separately, but we are dealing with a unitary development.

(5) That the Development would substantially comply with the site plan as presented to the Board.

Chairperson Flowers-Taylor then asked if there was anyone here to speak?

Mr. Wilson advised that Mr. John Palmer is here to speak.

John Palmer with Falcon Design, 1611 Avery Drive, Locust Grove, GA. He stated that the staff has done a great job in presenting the applications. He just wanted to again cover a plat combining all of the parcels together. He then showed pictures of the current property and advised that everything currently on the property would be torn down, there would be new landscaping and a new buildings to meet a very high quality standard. The plan is to demolish everything and build a brand new aesthetically pleasing complex.

Mr. Galloway stated that he had met with Mr. Palmer before the meeting to go over the recommended conditions.

Chairperson Flowers-Taylor then stated that everything around the area is R2, she then asked Mr. Galloway if the location of the old gas station was a conforming use or a non-conforming use.

Mr. Galloway stated it was a conforming use as that property is zoned C1 Highway Commercial.

Chairperson Flowers-Taylor stated that her concern with this is less than a block away there are 4 gas stations and stores. She feels that adding another gas station and convenience store would be kind of a glut in that area. She feels there is an inconsistency in what is being done.

After discussion regarding the surrounding area, Mr. Galloway reiterated that the approval would be a total of 5 conditions:

- (1) The FLUM Amendment which you will have to vote on before you vote on the rezoning.
- (2) Elimination of glare on off-site properties from lighting.
- (3) Submission of new survey consolidating all tracts into one.
- (4) Property be identified as a Group Development as defined in our ordinance .
- (5) Development will substantially conform to the site plan submitted with the rezoning application.

Motion/Second by Dutton/Johnson to approve Application #20-03AZ: Royal 76, LLC, Owner - Falcon Design Consultants, LLC, Agent – Old S.R. 155 (1.112 acres located in Land Lot 80 of the 2nd Land District) - requesting a rezoning to C-1 Highway Commercial with the five conditions as recommended by staff.

Motion carried 3/1 (Flowers-Taylor).

6. **Application #20-04Z:** William A.B. Solomon & Janice M. Solomon, Owners - 3870 West Ellis Road (30 acres, more or less, located in Land Lot(s) 22 & 23 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Mr. Galloway advised that this application is similar to the first one considered this evening, except it does not involve a split zoning on a piece of property. The Solomon's own a 20-acre tract, located on W. Ellis Road and they live on their property. What is being presented this evening is the entire 30-acre tract. The property is currently zoned AR1 and under AR1 the minimum lot size is 3 acres and they desire to have three more lots, each being just over 1 acre. The application seeks to rezone the entire property to R4 which has a minimum tract size requirement of 1 acre with water and a minimum house size of 1,500 square feet. They will continue to live in the house on the larger remaining tract and then they will create the three additional lots.

Mr. Galloway then stated that the zoning around the property is AR1 and AR2 on their side of the road and AR1 and subdivision style lots across the southside of W. Ellis Road.

Commissioner Flowers-Taylor asked if the subdivision was 5-acre lots?

Mr. Galloway advised that AR2 has a 5-acre minimum; however, some of the lots along W. Ellis Road may be as big as 3 acres, but some will be nonconforming.

Commissioner Flowers-Taylor then asked about the road frontage in R-2.

Mr. Galloway stated that the road frontage in R-2 and R-4 is the same and the lots have been designed to comply with the minimum road frontage and lot width.

Commissioner Dutton asked for an area of the land which does not currently show a house.

Mr. Galloway stated there he was mistaken, there isn't a house there at this time, the Solomon's plan to build their house and relocate from Fayette County. He then advised that the staff report determined that the rezoning request was consistent with the FLUM, that the house size requested is consistent with the area and recommended approval with no conditions; however, at the Planning Commission meeting the staff recommendation was modified for the property to be rezoned R2 rather than R4. The difference there being an increase in the house size of 250 square feet from 1,500 to 1,750. Mr. Galloway stated that Mr. Solomon is here to speak.

Mr. Wilson stated there is one person signed up to speak for the rezoning and three signed up to speak against.

William Solomon, 215 Wood Creek Lane, Fayetteville, stated they are here seeking a rezoning from AR1 to R4. The intent is to subdivide the parcel, the 26-Acre parcel will be for he and his wife. They have five daughters and three of their daughters would like to have their homes adjacent to their home. Each of the lots are approximately 1.3 acres.

Commissioner Miller asked what would be done with the remainder of the land.

Mr. Solomon stated the plan was to have a family estate for the most part and utilize the remaining acreage as a family retreat. He hopes to have some nature trails.

Chairperson Flowers-Taylor the asked the recommendation of the Planning and Zoning Board was that the area be rezoned R2 rather than R4?

Mr. Galloway stated that all of the houses proposed for the property will exceed the R2 minimum, therefore, the recommendation from P&Z was that it be increased to accommodate the house size and also should they decide not to build there for some reason you would have a higher square footage house required.

Commissioner Dutton then asked if the change would involve a lot size change?

Mr. Galloway advised that the lot size between R2 and R4 is the same 1 acre if you have public water.

The following individuals spoke against the rezoning:

Craig French, 170 Crabtree Road, Griffin -Stated he is the HOA President for the Woodridge/Aerodrome Community and he is here representing approximately 15 community members who are high risk with health conditions who cannot be here this evening. They had some questions regarding this request. One of their concerns if you go to Q-Public all around this property is AR1 or AR2. Vaughn Bridge has been closed for a while and there has been a lot of additional traffic on Crabtree Road, we've seen an increase in crime and we have seen an increase in trespassing. That doesn't worry us so much about new homes coming in, our concern is later on that large plot, what happened if he decides to subdivide?

We don't go through this process to get the project replated, the property just get replated and he can put more home in there because he now has an R2 zoning. He can add 4 more homes on the property a year from now, then they can replat again and put more homes in there again because it would

meet the standard for R2, four lots or less, he could continue to develop one acre at a time. That is one of their major concerns.

Mr. French then added that he could add a couple of acres more to each lot and it could remain zoned as it is. Around that area there is one R4 designation and that is Landing Way.

Tom Moyer, 106 Woolman Lane, Griffin, stated he is opposed for the reasons Mr. French alluded to. Mr. Solomon can accomplish his goal to provide a family environment without rezoning unless there is some intent down the road to subdivide the property further, which R2 would allow. He could have three lots for his family and instead of being one acre they would be three acres each. This rezoning would open the door for much more high density housing right off the end of the airport runway. Those homes would be located within a few hundred yards of the runway. They will be subject to very low flying aircraft and high noise. He would recommend that the Board not increase the potential for density, especially since he can accomplish his goal without rezoning and he would ask the Board to deny the rezoning.

Greg Ross, 5300 W. McIntosh Road, Griffin which is located on the north end of the runway and he is here in support of Mr. French in the way the property is trying to be rezoned.

Commissioner Dutton stated that he has the same concerns, he has lived in Griffin his entire life, with the exception of the time he was in college, and he has seen developers come in and promise the moon and then they get the zoning change they want and their plans change. He agrees, there is enough land to allow them to keep the zoning as it is and everyone could live there without a zoning change. If we do give the zoning change, the local residents are right, he can come back and add additional houses and it becomes a subdivision and no one will be able to stop him at that point.

If you want to subdivide the property and make the three lots R-2 as indicated, then why change the remainder of the tract. If the reality is indeed that he intends to simply develop those three plots then why not just rezone the plots involved and leave the remainder of the tract at the current zoning? If he wanted to abuse this, he could very easily do so, unless we put some sort of condition onto it right now. If they want to change the zoning to add those three houses along Ellis Road, then they need only to rezone those three areas, they wouldn't need to change the one for their home because it would still comply under the AR zoning.

Chairperson Flowers-Taylor then stated that her concern is directly across the street, there is only one tract of property that is one acre. The others are .65, .44, .42, .39 and .40. There are 9 parcels, two of them on either side of the runway where people already, that are much smaller than the parcels that these folks are requesting. There are a lot of houses in this county that are on an acre that are 1,500 square feet. From where she is standing she

doesn't see it as a problem. If they purchased the property, whether they know if there is an airport there or not, we can't fix that for them and it is in the path of the runway, that is on them, it's not on us. Let them worry about that. What we need to deal with is what they presented, what the feasibility of that is, is it consistent with what is already there.

Commissioner Dutton stated that if this zoning takes place, Mr. Solomon can build a subdivision there. He can build the initial four houses, then build more houses and more houses and we couldn't stop him for doing it.

Chairperson Flowers-Taylor then stated that if he builds a subdivision he will still have to come in and it be approved.

Mr. Galloway stated that if the entire tract is zoned R2, then he can come in and subdivide the remaining property. All he would have to do at that point is comply with the subdivision regulations. He added that the Board can condition approval to the site plan as presented. The reasoning for the design is to get the appropriate amount of road frontage. You could condition the property to just the number of lots that you see, you could potentially rezone just the three individual lots. Or we could take a minute to see if there is a way to design it that gives Mr. Solomon what he wants and at the same time does not result in a mechanism where these lots are substantially different from the AR2 properties that are five acre minimums in the area.

Mr. Galloway stated he did not foresee any problems coming up as there was no opposition at the Planning Commission.

Ms. Solomon then asked to speak and the Board agreed that Ms. Solomon could speak.

Janice Solomon, 215 Wood Creek Lane, Fayetteville stated that was a concern that Mr. Jacobs had from the beginning. We understood, when we purchased the land that we could build a home for ourselves and our daughters, but they informed us that we couldn't if the road frontage did not work out, so based on the direction that Mr. Jacobs gave us, he was very consistent and rigid about the rezoning based on the exact concerns being expressed this evening.

She advised that the only plan they have is to build their home, we don't want a subdivision, we are not builders, we are not investors, we are not any of that we are simply a mother and a father who feel this is the way our children will have the opportunity to have their own home because the way the economy is now, most likely they will never be able to do this if they are not afforded this opportunity. That is the reason that she and her husband wanted to get more lots on their property to make it work, but we had to go through Mr. Jacobs to make sure that everything was the way it was supposed to be. We are not here to cause any confusion, we don't want any

harm, we are not builders, we are not investors, we are not developers, we're just parents who want to provide for our children.

We have six children, five girls and one son and most of them don't want to move out, they feel it is too far away, too rural. They are city people and that's where they want to be and that's fine, but for the ones who want to be close to us, we were just trying to give them that opportunity

Ms. Solomon stated that they are not here to threaten anyone, they are simply two parents who love their children and want to give them a leg up, that's all.

Mr. Galloway then asked the Solomons if they were under any time constraint?

Ms. Solomon advised that they were trying to get their house up for sale right now. They aren't really under a time constraint.

Mr. Galloway stated he does not want to be in a circumstance where we are in a public meeting with people who have spoke against and for the rezoning. He stated that there were no issues raised on the rezoning during the Planning and Zoning hearing so he is surprised to see this many people here this evening. Mr. Jacob's direction to the applicant regarding road frontage was correct, but if it is acceptable to the Solomons, could we take a 1 month breather and look at your design and see if we can get a resolution to the risk that has been brought forward by the neighbors regarding a subdivision could be done. He didn't hear a lot regarding the specific lot size of the three lots. He then asked the Board to table this request for 30 days.

Chairperson Flowers-Taylor stated that she doesn't agree with looking at someone's application and lumping them in with other individuals who have abused the opportunity.

Mr. Galloway stated that he feels he has a solution, but he can't address it tonight because he hasn't done the research on it, that is why he is asking for 30 days to see if there could be a possible solution that satisfies all parties.

Chairperson Flowers-Taylor stated there would be no additional costs to the applicant and asked Mr. Solomon to come back to the podium.

Mr. Solomon stated that based on extensive discussion with Mr. Jacobs, it is that the road frontage is a huge factor. We currently have 515' across the front of the property and that would allow two homes to be built on that road frontage, so when subdivided there would not be enough road frontage to allow for a subdivision to be built on that 26 acre parcel. They have no desire to build any additional homes on the property, it is just going to be a family retreat.

Motion/Second by Dutton/Johnson to table Application #20-04Z: William A.B. Solomon & Janice M. Solomon, Owners - 3870 West Ellis Road (30 acres, more or less, located in Land Lot(s) 22 & 23 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential until the Public Zoning Hearing in April. Motion carried unanimously by all.

Mr. Galloway stated that they would look at whether they can do this property as a conservation subdivision in AR1 which would allow condensed lots and it would remain in AR1. He wanted to make it clear that we can not promises this, we have to research, but the preliminary indication is that you can do that in AR1 as well.

7. Consider a resolution to enact a moratorium for approval of Group Home, Transitional and/or Personal Care Home within Spalding County, Georgia.

Mr. Galloway stated that the moratorium seeks to hold development on any new, application or rezoning for a Personal Care Home for 90 days. Under the current ordinance you have Personal Care Homes defined in Section 202 BBB of the ordinance and they are divided into Family Personal Care, Group Personal Care and Congregate Personal Care Homes and those are based upon size. The family is the smallest and the congregate is the largest. We prepared the Ordinance currently being used based on definitions in Georgia Rules and Regulations in Chapter 290-535 and our strategy was to keep the definitions and the permits with the applicable State regulatory rules and the agency that enforced it.

We learned last year that all of those regulations have been repealed. So, therefore there are no regulations that govern that are consistent with the definitions that we currently have in the Ordinance. In fact, new regulations have been adopted in the Georgia Rules and Regulations which require a personal care home to have at lease 25 beds. Our goal was to keep local regulations consistent with state regulations and our definitions are now out of date and we have a fair amount of work to do on this and we are asking that you approve the moratorium for 90 days and in that time we will come back with an ordinance to redo those definitions.

Motion/Second by Johnson/Dutton to approve a resolution to enact a moratorium on Group Homes, Transitional and/or Personal Care Homes within Spalding County. Motion carried unanimously by all.

F. Other Business:

A. Other Business:

1. Consider approval of Declaration of Local Emergency.

Mr. Wilson advised that Item #2 no longer needs to be considered as the Department of Revenue came out with extended deadlines so we didn't have to adopt a resolution in allowing for that. The only resolution we have for

consideration this evening is number 1.

Mr. Wilson then advised that three resolutions had been provided to the Board, one entitled Griffin, which is the resolution that the City of Griffin adopted on Tuesday night, Spalding A is the Griffin Ordinance with a few changes that the Commissioners have asked for over the last few days and the third one noted as Coweta modified for Spalding that Commissioner Dutton requested the Board look at. Ms. Windham has reviewed all three Resolutions and made appropriate changes as requested by the Chairperson and Commissioner Johnson

Mr. Galloway exited the meeting at 7:30 p.m.

Commissioner Dutton stated there are a number of things that he has been reviewing with other Municipalities and other individuals. He had a long conversation with Mayor Hollberg today. There are a number of things in the Griffin declaration, that are frankly unenforceable and the reasoning that they used, for example the curfew, was that we want limit our officers exposure as much as possible. But, if they are out enforcing a curfew they are actually going to be exposed more and they are going to have to interact more with people. So, the way that Newnan did theirs, if you look at the Coweta modified for Spalding plan, Section 7, it is voluntary, but it gives the guidance that everyone should be getting and it covers the intention of what we want it to cover. That said, the problems with a mandatory curfew are many. What's the punishment if somebody breaks it? Unless you are willing to state that anyone out past curfew is fined then the section is totally unenforceable. We could to like other municipalities and implement the voluntary shelter at home which would make much more sense than a mandatory curfew.

People in urban environments, what the City wants to do is up to the City, but people live in Counties for a reason. They live in rural environments for a reason and making an entire countywide curfew would mean that our law enforcement is going to have to enforce that. The Mayor today stated that their curfew was so that their officers didn't have to react as much, but if you are going to have to be out enforcing a new law to keep everyone inside. Their curfew gives them the ability to stop anyone that they see and ask them why they are out. This simply gives a legal justification to do exactly what we clearly don't want them to be doing, because randomly stopping people would not be a good idea and they would be empowered to do so under a mandatory curfew.

Commissioner Johnson stated that this is about the virus and about everything that we are facing right now. So, let's not take this out of context. She then stated that she would like to find out from the Sheriff's perspective, she asked Chief Deputy Tony Thomason to come up and advise his take if we were to make this happen tonight.

Chief Deputy Thomason stated he does agree with Commissioner Dutton. We take this virus very seriously and they have enacted a lot of measures at the facility to prevent the spread. The community is behaving very well and

he doesn't see it is necessary. He feels we should put out statements that we encourage them to continue to behave well. One of our main functions is to protect constitutional rights and he is concerned about any overreach if we mandate these things and he doesn't know that the Sheriff would be interested in enforcing a curfew.

Commissioner Dutton stated those are the concerns that he has. He gets the eating establishments unless you can maintain 6 feet away for everyone you have to do curbside only. But that's not saying you have to totally shut down, it is simply saying that you need to do it this way opposed to that.

Chief Deputy Thomas then advised that if the curfew starts at 9:00 p.m. they have 7 deputies patrolling 201 square miles and folks are calling for service and if we have to stop random people, he doesn't feel it is a good use of their limited resources.

Chairperson Flowers-Taylor stated that her thing is if she is driving her car after 9:00 p.m. she doesn't feel it would be appropriate to be stopped and asked why she is out. But, if I'm out in the public, just standing around, just basically out "hanging out" then under those circumstances, she would expect an officer to say "hey, you know there is a declared health emergency and you shouldn't be out at this time of night" because the stores are closed.

Chairperson Flowers-Taylor then added that as a healthcare professional she stated that if we don't do something serious to stop the rise of this disease and level the curve of this disease which means asking people to stay sheltered in place. We can ask them all day, but that isn't going to make them stay in the house. The ordinance doesn't make you stay in the house, you can go outside of the house, you can go to a park, but you can't be in a crowd of 10 people. She appreciate his sharing where he is and she get's it the City of Griffin have 50 police officers and they have 15 square miles to patrol, so for them it may be a much easier task, but she does understand that they are not arresting people for not following the recommendations, they are encouraging them to disburse and to do whatever it is they are supposed to be doing.

Commissioner Miller stated the only thing you could try to implement jurisdiction over is if you have 10 or more people on a street corner. Then you would have a little more control over them, then you would anything else.

Chairperson Flowers-Taylor then asked Glen Polk what kind of effect the curfew is intended to be?

Deputy Chief Polk advised that they are simply trying to keep people away from other people and the #1 deterrent that we are asking is Social Distancing and whatever we can do to encourage that we need to be doing. He stated that he had just received a message and that the US has now more cases than China or Italy. It is accelerating and whatever we can do to slow the process we need to look at trying to do.

Chairperson Flowers-Taylor then advised that these are extraordinary times, they are not ordinary times and the measures we are having to implement flies in the face of everything that we talk about in terms of our freedom and our rights, but people who want to exercise their right to breath where other people might walk in that area need to be protected. This not just the flu, it is something 10 times worse. We are asking people to shelter in place and shelter in place means you need to stay around the house. So, you really should not be hanging out.

Chairperson Flowers-Taylor then stated that right now we are in the middle of a crisis and we're having to take extreme measures so that we don't end up with the death toll that has happened in other countries around the world.

Commissioner Dutton then stated that are a number of things on here like the banning of large groups, the curtailing of inside dining and the specific closure of certain types of businesses, the personal distancing are all good requirements that people most people are going to self-enforce. However, a blanket curfew for everyone in the County, 201 square miles, that is a show, that is theater. There is nothing to it.

Commissioner Johnson stated that the City and the County are different, but we do have a partnership and when Mayor calls you up and says they are supporting the County in this, they have their Resolution in place and it shows uniformity for us as the City and the County have something that will work together. We are standing together because we all take this very seriously and the citizens will see by us working together. It would send the wrong signal for them to do one thing and us to do something different. She likes the uniformity of the Ordinance the way that it is as well as the consistency.

Deputy Chief Polk stated that this is also covered under the Emergency Management Ordinances that we passed in 2012 for Emergency Curfews. If nothing else, it promotes the idea of staying at home. It is a show under Emergency Management of what we are trying to get them to do. We are not trying to force the Sheriff's Office to go out and enforce it, it is a message.

Mr. Wilson then asked the Board which version they would like to consider this evening and then changes can be made from there.

Commissioner Dutton stated that what we want to ask of our County residents is to shelter at home. Not just at night but all the time. We are not talking about the folks who live in the City of Griffin, we are talking about the folks who live out in the County.

Chairperson Flowers-Taylor and Commissioner Johnson stated they would go with the recommendation of the CDC and since the Governor decided today that schools would be out until the 24th, she feels that our State of Emergency for this particular action go at least until that time. She projects it will probably go longer, but it would be more realistic for us to put a date on what it is that we want people to do in terms of sheltering in place. Follow

the rules of the CDC and the infection control people have done. We can always stop it, but here is not need to come back and address this when the Governor has said it is not safe for kids to be out and going to school at least until the 24th. She would like those dates on whatever document that is chosen.

Commissioner Johnson then asked if we need to focus on the changes we have been discussing.

Mr. Wilson then asked again, which one the Board is wanting to consider, it appears we may have three votes on the Spalding A.

Commissioner Dutton stated the is not in favor of anything that has a mandatory curfew, we should encourage people to shelter at home all the time, not just at night. If you are not going out for a reason then you should be sheltering at home all of the time, instead of just implementing movement at night to nothing.

Mr. Wilson stated there is no need in going through any of these individual changes until we agree on one of the three. Once we agree on one of the three then we can go through and make changes.

Chairperson Flowers-Taylor stated that she is in agreement with Spalding A.

Commissioner Dutton then asked Commissioner Miller what he thought of mandatory curfews.

Commissioner Miller stated that the people in the City of Griffin also live in Spalding County, they pay taxes in Spalding County so our resolution needs to be consistent with what the City is doing.

Chairperson Flowers-Taylor then asked which resolution does the Board want to work off.

Consensus of the Board was to work on Spalding A.

Mr. Wilson then asked in the last paragraph on page 1 instead of noon on April 6th we change it to noon on April 24th. Consensus of the Board is was to make the change.

Commissioner Dutton then asked if it we wanted to be consistent with the City then we would need to terminate the resolution on April 6th now you want to change it so it's not consistent.

Commissioner Miller stated that the Governor had already extended the schools being out until April 24th, so it only makes sense to extend the deadline so that we don't have to come back in and do this all over again.

Commissioner Johnson stated that the policies would be consistent the end day would simply be different.

Ms. Windham stated that the change on page one was an error, that paragraph actually acknowledges what Governor Kemp mandated.

Mr. Wilson advised there are not changes that can be done on pages one and two those are things that someone else has done and we are referencing.

Mr. Wilson then went item by item on page 3:

- (1) Findings of Fact – Consensus of the Board that this item is fine as written.
- (2) Declaration of a Public Health Emergency – Consensus of Board is this item is fine as written.

Ms. Windham stated that under Declaration of Public Health Emergency, it says that it will remain in force and effect for 11 days.

Mr. Wilson stated that would be through April 6th so if you want to make it different you need to make the change now.

Chairperson Flowers-Taylor stated that it needs to be in effect until at least April 24th.

Ms. Windham stated it will be changed to read that it will in force and effect until noon on April 24th.

Mr. Wilson stated that April 24th which is a Friday, they will be returning to school an April 27th which is a Monday.

Consensus (3-1) that the state of emergency remain in effect until April 24th.

- (3) Public Gatherings on County Property – Consensus of the Board is this item is fine as written.

- (4) Classification of County Services

- a. Chairperson Flowers-Taylor wanted a definition of what discretionary services: Fire, EMS.....

Mr. Wilson stated that would change from day to day.

Chairperson Flowers-Taylor then stated that if that is the case she doesn't have a problem with it.

Mr. Wilson then asked about items b, c, d – Consensus of the Board is these items are fine.

- e. These items should read “specifically related to the emergency.”
Consensus of the Board is the item is fine with the requested change.
- f. Consensus of the Board is fine with this item as written.
- g. Chairperson Flowers-Taylor advised that she talked with Mayor Hollberg about this condition and for her it is a matter of trust. She has to trust that the person that we have put in charge of the County is going to do whatever is right. If we need to extend these requirements, she would be okay with Mr. Wilson saying that the Governor has extended this another 45 days and he can resubmit the

declaration.

Commissioner Dutton stated if you could add the same language as was added to “e”: “specifically related to this emergency.” He would have no problem with it.

Consensus of the Board is the item is fine with the requested change.

- (5) See below.
- (6) Tolling of Deadlines – No problem.
- (7) Eating Establishments – Mr. Wilson stated that the red statement at the end of the paragraph was added because that is what the City did and that specifically applies to Caterpillar as they have a restaurant specifically for their employees within their facility and we don't want that one to shut down because it is a closed group.

Consensus of the group after discussion was to leave 7 alone and not add delivery of alcohol.

Ms. Windham stated that we do not have a Section 5 because that section under the City of Griffin's resolution addressed utilities.

- (8) Closure of Certain Businesses – Commissioner Dutton stated there is one thing that he would like to change, he asked about the closing of health and wellbeing establishments. Why would you close a health and wellbeing establishment in a health crisis?

Chairperson Flowers-Taylor advised that it is her understanding that Doctor's Offices and Dentist's Offices are allowed to be open, but they are making their own appointments and all business is being conducted by appointment. They are also practicing the social distancing within their offices.

Commissioner Dutton stated that it is so vague, he feels that it needs to be addressed.

Chairperson Flowers-Taylor stated when you go to someone and they provide medical care for you they are called medical providers. A chiropractor, dentist, an acupuncturist are all medical providers.

Change the section to read, “general health and well being purposes exclusive of medical and mental health providers.”

- (9) Personal Distance - Consensus of the Board is there is no problem with this item as written.
- (10) Gatherings – After discussion regarding being certified as essential there were no changes made to this item. Consensus of the Board is to proceed with no changes.
- (11) Emergency Interim Successor to Manager/Administrator – Mr. Wilson asked that Assistant to the County Manager be changed to

read Assistant County Manager. Consensus of the Board is they have no problem with this item with the requested change.

- (12) Curfew – Commissioner Dutton stated he is totally against any type of mandatory curfew.

Chairperson Flowers-Taylor stated that we have three Commissioners that want to go with the Curfew that the City has.

Commissioner Dutton would prefer to have a shelter in place provision for all day long. If you don't have to go anywhere then you should stay at home as opposed to you have to stay at home from 9:00 p.m. until 5:00 a.m.

Commissioner Johnson asked Deputy Chief Polk to comment on this.

Deputy Chief Polk stated he feels that both of the curfew recommendation should be in this document. The voluntary as well as the mandatory. He advised that he has seen several declarations that include the language for both.

Commissioner Johnson then stated she would like to have both of these in the resolution.

Commissioner Dutton stated he would like to see the language from the Coweta Resolution:

The governing body of Spalding County requests that all persons within the County consider voluntary sheltering at home and not leave their homes, except as follows:

- (1) When a person is on an errand necessitated due to an emergency or engaged in procuring or seeking an essential service;
- (2) When a person is traveling or returning directly home from lawful employment or otherwise engaged in lawful employment that makes it necessary to leave home;
- (3) When a person is engaged in interstate and intrastate travel through the County.
- (4) When a person is procuring essential food or medicine or seeking essential medical care or providing essential food, medicine or medical care to another person; or,
- (5) Personal or family activities such as walking, jogging, and cycling.

Commissioner Dutton then stated if the Board wants to put in a mandatory curfew, you can.

Commissioner Flowers-Taylor then stated that we are going with language that addresses voluntary shelter at home and we will also follow the City's recommendation for a curfew from 9:00 p.m. to 5:00 a.m.

- (13) Procurement – Commissioner Dutton stated that he feels that Procurement should be attached to things specifically used to address

the emergency at hand.

Ms. Windham stated she would add “specifically related to this emergency.”

Consensus of the Board is the item is okay with the added language.

(14) Consensus of the Board is they are fine with it as written.

Ms. Windham stated that she would renumber the document and have Voluntary Shelter at home as Section 11 and Curfew would be Section 12.

Motion/Second by Johnson/Miller to approve with changes as requested the resolution of Declaration of Local Emergency – Spalding A document in effect March 27, 2020. Motion carries 3-1 (Dutton).

Mr. Wilson then stated that we have talked about essential and non-essential and the City has gone to an “A” and “B” shift in case something happens to a group and someone in group “A” is exposed, then “B” shift can come in and run everything and they are rotating days. We’re going to look into that and if that is possible, does the Board have any problems with that.

Consensus of the Board is for the County Manager to explore the essential and non-essential staff and implement accordingly.

Commissioner Miller then asked how staff would be paid.

Mr. Wilson advised that they would be paid by the County. There are some departments that this will work with and others it will not be a possibility.

2. Consider approval of Resolution approving the waiver of certain penalties and interest by the Spalding County Tax Commissioner.

No action taken.

G. Closed Meeting – None.

H. Adjournment

Motion/Second by Johnson/Miller to adjourn the meeting at 8:33 p.m. Motion carried unanimously by all.