

After Agenda

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, September 23, 2021
6:00 PM
Room 108, Annex Building**

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, September 23, 2021, beginning at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners James R. Dutton, Rita Johnson, Gwen Flowers-Taylor and Ryan Bowlden were present for the meeting. Also, present were County Zoning Attorney, Newton Galloway, County Attorney, Stephanie Windham, County Manager, Steve Ledbetter and Charlie Hearn, Administrative Secretary to record the minutes.

I. OPENING (CALL TO ORDER) by Chairman Clay Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

II. INVOCATION

Commissioner Gwen Flowers-Taylor, District #1, delivered the Invocation.

III. PLEDGE TO FLAG

Commissioner Ryan Bowlden, District #4, led the Pledge to the Flag.

Motion/Second by Dutton/Flowers-Taylor to amend the agenda to include under New Business consideration of an Amplification Permit for the Griffin-Spalding Chamber of Commerce to host a Girls Night Out Fundraising Event at the Lake Pavilion. Motion Carried unanimously by all.

A. Public Hearings

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. 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.

1. Conduct 3rd and Final Public Hearing on the 2021 Tax Levy.

Motion/Second by Flowers-Taylor/Dutton to enter into a Public

Hearing on the 2021 Tax Levy. Motion Carried unanimously by all.

Dr. Ledbetter then stated that he would like to reiterate the comments that he had made during the first Public Hearing on the Tax Levy.

In 2020, Spalding County set the millage rate at 16.138 mills. This year, the Tax Commissioner calculated our tax digest at 15.562 mills.

On March 11th of this year, the American Rescue Plan Act became law and in July, we received our first tranche of funds. Section M – Coronavirus State and Local Fiscal Recovery Funds, in Section 602, the law states:

A State or territory shall not use the funds provided under this section or transferred pursuant to section 603(c)(4) to either directly or indirectly offset a reduction in the net tax revenue of such State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.”

Staff interpreted this to mean that should we reduce our net tax revenue, we are subject to forfeiting the \$12,956,276 received through the American Rescue Plan.

A law called the Georgia Taxpayer Bill of Rights requires that local governments either roll back their millage rates to compensate for rising property values or announce the revenue gain as a tax increase. This year’s situation is somewhat unusual in response to a terrible pandemic and an unprecedented situation. Staff is recommending that the Board of Commissioners NOT accept the rollback. We would ask the Commissioners to adopt the same millage rate from 2020 – 16.138 mills.

By accepting staff recommendation, the taxpayers of Spalding County who have a home that assessed for \$100,000 and the home retained its value from 2020 to 2021, and the homeowner filed homestead exemption, the difference between the proposed millage rate of 16.138 and the rollback 15.562 would equate to \$23. But again, if your home held the same value as last year, the homeowner would pay the same amount of taxes as last year.

He then stated that staff’s recommendation is to retain the same millage rate levied in 2020 of 16.138 mils.

Dr. Ledbetter then advised that no one had signed up to speak for or against the 2021 Tax Levy.

***Motion/Second by Johnson/Dutton to close the Public Hearing.
Motion carried unanimously by all.***

B. New Business

1. **Application #21-08Z:** 585 Spalding Investments, LLC, Owner - 35 S. McDonough Road & 33 S. Walker's Mill Road (247.488 acres located in Land Lots 14, 15, 18 and 19 in the 3rd Land District) - requesting a zoning map change from AR-1 to PDD in the Arthur K. Bolton Overlay District for the purpose of creating a Planned Industrial District.

Debbie Bell, Community Development Director, advised that this property is located adjacent to the industrial park on the west side. It is in compliance with the Future Land Use Map. The request is to rezone a large parcel at the intersection of South McDonough Road and Arthur K. Bolton Parkway to PDD for a Planned Industrial District. This is consistent with the industrial zoning currently in place in the Green Valley Industrial Park and will function like a continuation of that park. The site plan submitted is conceptual and may change, so we will require as the land is developed for the developer to come back and present a corrected site plan to the Board. The site plan being presented the evening is for the purpose of rezoning.

Newton Galloway advised that the AKB on the Overlay Map provides for a planned commercial district, a planned industrial district or a planned residential district and covers AKB all the way to the county line. Designating this area as our proposed area for employment related uses: industrial, commercial that will be developed as planned units. He then asked the Board to remember that the Future Land Use Map does not zone property.

Mr. Galloway then stated that this the first proposed development along AKB that is not specifically tied to the Development Authority. This is the first independent developer coming along on AKB with a project of significant magnitude. It is imperative that we get this correct and it is imperative that you impose the conditions as identified to make the transition from the Lakes at Green Valley into this property to be transparent. The precedent you set here will carry forward further out AKB as you go toward the county line. The goal from our perspective is to have a much consistency between what the IDA is doing and what this developer is proposing.

Steve Redding, 560 Melton Drive, McDonough, Georgia is representing 585 Spalding Investments, LLC. He has been in real estate for more than 30 years and he feels that this location is a premier spot and the plan that you have it will be a prime area for industry that has already been established by the Development Authority at Green Valley. This development will bring in a lot of good paying jobs to Spalding County. They are 100% speculative, they purchased the property hoping that good things will come and he feels that the planning for expansion and the improvements on Arthur K. Bolton was a perfect set up for private industry to come in. He then stated that they intend to carry this through and be cohesive and transparent and appear to be the same development. They have planned a myriad number of sizes of lots to attract development to this area. They have agreed to all of the conditions recommended by staff.

Jeff Herman, 2130 Cannonview, Alpharetta, Georgia a partner in this project

stated that they have no problems in submitting the plans to make sure that they are consistent with the look and feel of Green Valley, but when you get into covenants, that is more than a looks. We are leaving it up to your judgement as presented. "The development shall be consistent with the design and architectural style as required by the Griffin-Spalding Development Authority at the Lakes at Green Valley."

Ms. Windham stated that what the Board is talking about are conditions, when the builders hear covenants they are thinking about restrictive covenants and that is different.

Motion/Second by Flowers-Taylor/Johnson to approve Application #21-08Z: 585 Spalding Investments, LLC, Owner - 35 S. McDonough Road & 33 S. Walker's Mill Road (247.488 acres located in Land Lots 14, 15, 18 and 19 in the 3rd Land District) - requesting a zoning map change from AR-1 to PDD in the Arthur K. Bolton Overlay District for the purpose of creating a Planned Industrial District with the conditions of staff. Motion carried unanimously by all.

2. Consider request for an amplification permit from the Griffin-Spalding Chamber of Commerce to host a Hawaiian Luau as a fundraiser at the Lakes Pavilion on Saturday, September 25, 2021.

Motion/Second by Dutton/Johnson to approve the amplification permit from the Griffin-Spalding Chamber of Commerce to host a Hawaiian Luau as a fundraiser at the Lakes Pavilion on Saturday, September 25, 2021. Motion carried unanimously by all.

C. Other Business:

1. Consider approval of the 2021 Tax Levy for Spalding County.

Motion/Second by Bowlden/Johnson to approve the 2021 Tax Levy for Spalding County.

Commissioner Dutton stated that he just wanted to put in the record how disgusted with the Federal Government he is right now. In taking the assistance during COVID we now do not have an option.

Commissioner Johnson stated this is keeping the millage rate the same. She also wanted to make sure that everyone knows what the roll back money will be used for. This money is to go to the first responders to keep quality staff to keep this County moving forward. This will help us keep the employees that we are losing to the City of Griffin and other areas because we are not competitive.

Motion carried unanimously by all.

2. Consider on second reading a request from Community Development to amend the Spalding County Code of Ordinances to provide revisions to facilitate code enforcement for property maintenance issues.

This will be an enhancement to the International Property Maintenance Code. Staff recommends that the Board approve the addition to this chapter.

Motion/Second by Flowers-Taylor/Johnson to approve second reading a request from Community Development to amend the Spading County Code of Ordinances to provide revisions to facilitate code enforcement for property maintenance issues. Motion carried unanimously by all.

D. Closed Meeting

E. Commissioner Comments

Commissioner Flowers-Taylor stated that when she came to the meeting tonight she was not going to vote for the Tax Levy was because she knows this is not going to be enough money to do what we need to do.

Commissioner Dutton stated that at the Barbeque luncheon at Kiwanis yesterday, he spoke with the Fire Chief and he has invited him to go to one of their practice burns tomorrow. He wanted to thank Fire Chief Byrd for this opportunity.

Chairman Davis thanked the Board for voting the Tax Levy through, this was tough on us and he appreciates everyone staying together and working our way through this.

Commissioner Johnson then added that she wanted to give a big thanks to the County Manager for all of your assistance in helping us figure this out. Reviewing the explanations at all three hearings. We feel like we are doing the right thing.

Chairman Davis then thanked Dr. Ledbetter for all his has done during the first six weeks of his employment.

F. Adjournment

Motion/second by Johnson/Flowers-Taylor to adjourn the meeting at 6:58 p.m. Motion carried unanimously by all