

After Agenda

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, October 28, 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, October 28, 2021 at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners Rita Johnson, James Dutton and Gwen Flowers-Taylor were present for the meeting. Commissioner Ryan Bowlden was absent from the meeting. Also present were County Manager, Dr. Steve Ledbetter, County Zoning Attorney, Newton Galloway, Director of Community Development, Debbie Bell and County Clerk, Kathy Gibson to record the minutes.

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

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

B. Invocation

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

C. Pledge to Flag

1. Commissioner Rita Johnson, District #3 led the Pledge to the Flag.

D. 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.

E. New Business

1. Consider approval of a Final plat for Romines Family Subdivision located on East McIntosh Road.

Debbie Bell, Director of Community Services, advise that this is a subdivision on a parcel of property that exceeds minimum division of 5 parcels within the AR-1 Zoning. Any division of property in AR-1 divided into 5 or more tracts must go through the subdivision process.

This plat was presented to the Planning Commission and has been approved and before you tonight for consideration is the final plat for this subdivision. This parcel was originally part of the Hollberg Estate in 2005 so this will actually be the 6th parcel created out of that parent tract. Staff recommends approval of the

final plat.

Commissioner Flowers-Taylor stated she understands that you subdivide a piece of property four times without a problem but once you get to the fifth division of the property, you have to be under the Subdivision Code?

Ms. Bell stated that it has to go through the Subdivision process, under the Subdivision Ordinance and they have to present the preliminary plat to the Planning Commission and a final plat to the Board of Commissioners.

Commissioner Flowers-Taylor then asked if the preliminary plat represents the sidewalks that are required within a regular subdivision? This is a subdivision, right?

Ms. Bell then stated that all of the subdivisions, at this time, do not require sidewalks. This has been sent to the Fire Marshal for review to confirm that there is water available.

Commissioner Flowers-Taylor stated that the Board made a decision that all future subdivisions. Because this was not a subdivision before, but because they wanted to divide an additional two plats, that makes it a subdivision. So, if we are going to raise the bar. Then we ask for exterior sidewalks around the project. When a parcel goes from 5 to 6 parcels then it needs to meet the requirements of what it is we want it to have. In terms of the ability for people to be able to walk around the area that is there.

Newton Galloway, Zoning Attorney, advised that this is a minor subdivision, there are no roads, there are no new utilities, it's not a subdivision like Stonebriar.

Commissioner Flowers-Taylor then asked why we call it a Subdivision after there are a certain division of parcels if we're not going to implement the requirements that we have for everybody else?

Dr. Ledbetter then advised that staff is following the current Zoning Ordinance as it stands for Minor Subdivisions. So, if it goes over a certain number, we do require the roads and the sidewalks and the other accoutrements of a subdivision that is required. This may be something that we can bring back to you for an official vote, so you can determine if you want a minor subdivision to have sidewalks and streetlights and the other items associated with a subdivision. But for this particular one, it is not required under the zoning ordinance.

Commissioner Johnson then added that as the current ordinance stands for a minor subdivision, this one actually fits. In order for it to change, we would have to create one that actually says it would be required to meet the requirements of a regular subdivision.

Dr. Ledbetter stated, "that is correct, we are following the ordinance."

Commissioner Flowers-Taylor stated that at least two times we have said either by consensus or by vote that our plan going forward was with any new construction that comes, we're going to state that there needs to be sidewalks.

Mr. Galloway then stated that he is not aware of a mandatory requirement in the ordinance on sidewalks.

Commissioner Flowers-Taylor then stated that we talked about this not two months ago and here we are getting new properties that should meet or have these standards.

Ms. Bell stated that when we were talking about “raise the bar” we had a general discussion and she advised that part of her recommendation under the “raise the bar” initiative would be that we make sidewalks in conventional subdivisions that have new infrastructure, new roads, a requirement. But she did not intend for this to apply to a minor subdivision which is simply road frontage lots that do not have any new infrastructure, she explained that they would look at requiring this in conventional subdivisions.

Dr. Ledbetter stated that this would require us to make a change to the ordinance that would require two readings and with the Board’s approval, he will work with our attorney to make that happen.

Commissioner Flowers-Taylor then stated that when we got the request from Zaxby’s they were told that they would have to have sidewalks and it wasn’t a requirement at first. I am saying there is no consistency, but we have been talking about it for two months, when are we going to see what it is that we said we wanted to see in order to raise the bar.

Mr. Galloway stated that sidewalks are a requirement in the TCC (Tri County Overlay) and that is what required the sidewalks for that Commercial Business.

Commissioner Johnson then stated that we need to change the ordinance for minor subdivisions.

Mr. Galloway stated there is no need to change the ordinance for minor subdivisions because minor subdivisions have no infrastructure and as a general rule they are larger tracts that are intended to continue in AR-1 or Agricultural Zone where there is really not going to be a sidewalk. But in regular subdivisions, if we don’t already have it in the ordinance for zoning districts for a Standard Subdivision then we need to.

Commissioner Dutton then stated that the problem is with the language, we’re using the word subdivision to mean two different things. This is not a neighborhood per say, it is a larger parcel of land being broken into a number of smaller portions that are not requiring infrastructure.

Ms. Bell stated that the lots in question are all road frontage lots and the addition of these two lots pushed it over limit to require consideration of the Board. There is no additional infrastructure. They all have the required road frontage.

Commissioner Flowers-Taylor stated that she would like to see this type of division of parcels to be called something besides a subdivision. Then if you are on road frontage, we need to see how they are accessing the property.

Commissioner Flowers-Taylor then added that if you are going to call something a subdivision when it meets a certain threshold, then we need to have some requirements for accessibility.

Commissioner Flowers-Taylor stated that we need to figure out how many houses would constitute the need for additional infrastructure to be required. She doesn't like this being called a subdivision.

Commissioner Dutton agreed, that it is a language issue.

Mr. Galloway stated that at some point the Hollbergs had a track of land and they divided some pieces off of it and when they got to the magic number of 5, they had to come in and get approval for the layout and design. They just couldn't continue subdividing property without review and approval. But it is still considered a "minor subdivision" because there is no infrastructure, no roads and they are historically larger lots. He would agree that if the Board wants to require sidewalks in a traditional subdivision, that would be appropriate, but for lots of this size with no infrastructure, it simply doesn't seem appropriate.

Motion/Second by Flowers-Taylor/Johnson to approve a Final plat for Romines Family Subdivision located on East McIntosh Road. Motion carried unanimously by all.

2. Consider approval of a final plat for Rocky Creek Estates Subdivision Lots 4A & 4B.

Ms. Bell advised that this is a very similar situation in that it is an additional lot created from a parent tract, it is over the threshold, so it does require a review. It is a revision to the final plat of this older subdivision. These are large lots in a rural area as well and it meets the road frontage requirements, but there is no new infrastructure. Staff Recommendation is for approval.

Motion/Second by Dutton/Flowers-Taylor to approve a final plat for Rocky Creek Estates Subdivision lots 4A & 4B. Motion carried unanimously by all.

3. Consider a Special Exception Application #21-58S for 525 Lakeside Road; Land Lot 74 of the 2nd Land District of Spalding County consisting of 13.533 +/- acres.

Ms. Bell advised this is a request from Ms. Huckaby to have a special exception approved for a Rural Event Center and a Bed and Breakfast on her property. Ms. Huckaby would like to address the Board regarding this request.

Evelyn Huckaby, 525 Lakeside Road, Williamson, GA stated that she has received one special exception already as a destination where photographers come and take pictures and this has been operating since June 2021. We set up about 20 different photo props around our land so that groups of families or prom groups can come in with their professional photographers and they take pictures. We have done product shoots and things like that. Everybody that comes to our property requests additional services like birthday parties, baby showers or whatever it may be. They are not currently zoned to be able to do that. We have posted a few personal pictures of events at the location.

They purchased the property with the intent of making it a wedding venue and that was before the Board changed the zoning for this type of use to be 25 acres or more. Then in the 3-4 months it took for them to negotiate with the owner for her home, that zoning changed and they were already in love with the property. We had already made plans.

There is an 800 square foot cottage at the front of the property. The people who built the larger home on the property lived in the cottage while the bigger house was under construction. It is a little one-bedroom cottage and they are asking to convert into a Bed and Breakfast.

The back 7 acres of the property contains a commercial warehouse, which was used by the prior owner for his concrete company. They have redone the interior to look like a business center, they have a huge blank wall that photographers can use and then add their own backgrounds. They have a small sink and serving area and a large bathroom. A conference room that could double as Ms. Huckaby's office and 1/3 of the building is used for storage for her import/export business and the extra props they use.

Currently, the cottage is just sitting there unused. It was supposed to be a mother-in-law suite; however, she has no family that can make use of it. So, it is a beautiful little space that is perfect for people to come and use for a Bed and Breakfast or a Air B&B which is the company we would use. At this time the warehouse is busy in the evenings for 1 hour increments, but it is not busy for several hours at a time. So, it is not generating the income they would like for it to. She is asking for the Special Exception to be a small event center and to cap it at 50 people or less. It is very easy to accommodate that number in the building. They have ample space for parking. It is far enough off of the road as not to bother any of the neighbors.

Commissioner Flowers-Taylor then asked if Ms. Huckaby currently had a license for a home business?

Ms. Huckaby advised that she does have a business license for a creative arts studio.

Commissioner Flowers-Taylor then asked what the ordinance says about parking.

Ms. Bell stated that the request was presented with a concurrent variance request to address the question of parking. The special exception is for the event center and the bed and breakfast and the variance requests were to vary from the 25 acre requirement and allow the operation of a rural event center on a parcel of 13.5 acres and then to allow parking on the grass/green space areas instead of requiring additional parking areas be paved. This is consistent with the rural character of the property and of the neighborhood. It also minimizes impervious surface which has storm water benefits. Since they are able to provide parking in a grassy area and it still leaves the paved driveway open for emergency access. The applicant has agreed to limit the size of events to 50 people which would be 10-12 cars for people attending the event.

Commissioner Flowers-Taylor then asked if Ms. Huckaby would be getting a business license for each business that will be in operation on her property.

Ms. Huckaby advised that she would be seeking business licenses for each business on the property individually.

Commissioner Johnson then stated that she had invited the Board to accompany her to this property during an event the Chamber of Commerce held there. It is very spread out. There were approximately 60 people who attended this event and almost everyone came in their own car.

Ms. Huckaby stated that they did push the limit for the number of cars to park that evening, but they were able to accommodate.

Commissioner Johnson then stated that because the space is so spread out, if she had licenses for three different types of businesses. The spacing is there. It is so hidden and tucked away that you wouldn't even know it is there.

Commissioner Dutton stated he thinks this is a phenomenal project and what they have done to turn the concrete warehouse into what it is today, he wishes everyone in Spalding County would follow suit and do exactly the same thing.

Commissioner Johnson then stated that when we speak of raising the bar, they have raised the bar significantly.

Motion/Second by Dutton/Johnson to approve the Special Exception Application #21-58S for 525 Lakeside Road; Land Lot 74 of the 2nd Land District of Spalding County consisting of 13.533 +/- acres with staff conditions. Motion carried unanimously by all.

F. Other Business:

1. Consider request from Stalwart Films to rent a portion of the parking lot located at 411 E. Solomon Street from November 9th through the 11th.

Dr. Ledbetter stated that this is the reuse of this location and they are looking to rent the space from November 9th thru the 11th and it is our intent to take the rental money and place it back into the Commissioners Contingency Fund.

Motion/Second by Dutton/Johnson to approve the request from Stalwart Films to rent a portion of the parking lot located at 411 E. Solomon Street from November 9th through the 11th, 2021.

Dr. Ledbetter stated it would be the western portion of the parking lot.

Motion carried unanimously by all.

2. Consider final approval of the 2021 CIE-CWP Resolution for Spalding County.

Ms. Bell stated that a few weeks ago, staff presented to the Board the 2021 Update of the CIE-CWP. That was sent to DCA via Three Rivers. DCA has given their approval and this is the formal adoption of the 2021 Update. We also have adoption Resolutions from the City of Orchard Hill and the City of Sunny Side and we will be sending those to DCA in the morning.

Motion/Second by Johnson/Dutton to approve the 2021 CIE-CWP Resolution for Spalding County.

Commissioner Flowers-Taylor then asked what the changes were to the CIE-CWP?

Ms. Bell advised there were no changes made to the plan this year. Staff is getting ready to update the Comp Plan and the CIE-CWP and we will be doing a full update over the coming year. Next years will be fully updated and brand new.

Commissioner Flowers-Taylor then asked if the CIE-CWP was reflective of Impact Fees or is it in general the work plan?

Ms. Bell stated that it is both. It is the completion of whatever projects we have worked on during the year. It lists the completion of those projects or the percentage of completion of the projects that are ongoing. This just an update, it isn't intended to be a change to the Plan. To change the CIE and fully amend it would require a full amendment of the Impact Fee program. It would be considered a major amendment and would have to go through a complete DCA review.

Ms. Bell then stated that the RFP for the update to the Comp Plan includes updating the CIE-CWP so that we can make the changes discussed with the Board in the coming year. We will be taking a fresh look at everything and decide what the needs are now.

Dr. Ledbetter advised that DCA has us on a clock as well. It is a 10-31 required clock to have this finalized. So, one of the things that we have done as staff is we're keeping track of the date requirements and we're putting them out in a database so that we can make sure that we bring that information to you on a more timely basis.

Commissioner Flowers-Taylor then stated that the last two meetings she has attended with DCA they have assured her that it is not a "big deal" to make changes to your work plan.

Dr. Ledbetter advised that it's not a big deal to submit changes to the work plan, but they do make it a big deal if you miss the timing for those changes.

Motion/Second by Johnson/Dutton to approve the 2021 CIE-CWP Resolution for Spalding County. Motion carried unanimously by all.

3. Dr. Ledbetter and Miles Neville would like to update the Board of Commissioners on the proposed salary increases for county staff.

Dr. Ledbetter advised that this is a high level update for what has been going on. He thanked Miles Neville and Wendy Stinchcomb for all of the work they have done on this along with Tony Thomason in putting together all of the material for the raises that we have been talking about for the last few months. The total dollar figure is roughly \$3.3 million. We have located the funds to do the upgrades for our salary increases this year. Additionally, one of the requests was that we raise the lower end salaries up, that has been done. He believes all of the employees are going to be pleased with what these wonderful people have been able to accomplish over the last month. We are ready to move the program forward with increasing salaries within the first week of November. Kudos to the

whole team for what they have done. He believes we can go ahead and get this move made and we will bring back to you the budget amendment for the raises that we will be doing for the employees.

Commissioner Flowers-Taylor then asked where the money is coming from and where is it going to come from next year?

Dr. Ledbetter stated that this year we agreed to not roll the taxes back for our tax digest and that is where the money is coming from this year and we will take a very strong look at our budgets next year, to make sure that we do not incur any damage for the services we provide to our County and we will be able to satisfy the additional monies moving forward year over year for the increases in pay. Yes we do have the money and yes we have located it.

Chairman Davis congratulated staff on the hard work and to break it out individually. This is a huge step forward from where we have been in the past few years. We still have some pay compression issues that we need to solve along the way, but this is a step in the right direction to be able to get this done.

Commissioner Flowers-Taylor then asked how much ARPA money are we using?

Dr. Ledbetter advised that we are not using any ARPA money for this pay increase.

Chairman Davis stated that he wanted everyone to understand that we have spent zero ARPA money for anything so far. We need to be very tight fisted when we start using ARPA money, it is going to be a big issue.

Dr. Ledbetter stated that he would love to have the opportunity to come back to the Board to discuss premium pay for any employee. It is only a one-time event that can be paid out of the ARPA funding.

Chairman Flowers-Taylor then asked if everyone would be receiving a pay increase of \$3.00 an hour.

Dr. Ledbetter advised "no."

Commissioner Dutton stated that the documentation supplied provided a matrix that he feels is very fair to all of the employees.

Commissioner Flowers-Taylor then asked what the affect will be on all first responders?

Dr. Ledbetter stated that all of our first responders will have an increase in their pay. Also, if you have been watching the news, Governor Kemp has implemented a \$1,000 premium pay bonus to all first responders. Again, Mr. Nevelle and Ms. Stinchcomb have done a fabulous job in pulling all of that together. The document for the submission is over 40 pages and it is very time consuming for us to be able to capture that \$1,000 in premium pay for our first responders.

Commissioner Flowers-Taylor stated that what she is looking at is we had a pay study done and now we feel like we have to increase everybody's pay, but we didn't have that money when we did the budget. She is concerned over where that money is coming from.

Chairman Davis stated that Commissioner Flowers-Taylor's point is well taken. Dr. Ledbetter did a very good job of where we are taking the money from our taxes that we didn't reduce. Where we are going to find the funding in next year's budget is something we are going to have to work our way through.

Commissioner Johnson stated that she appreciates staff's efforts in making this happen and she hopes that staff also appreciates it. At the end of the day, we have one source of revenue and she feels that County staff and this Board have done what we need to do to make it work.

G. Closed Meeting - None.

H. Adjournment

Motion/Second by Johnson/Flowers-Taylor adjourn the meeting at 6:51 p.m. Motion carried unanimously by all.