



**After Agenda
Board of Commissioners - Zoning Public Hearing
January 26, 2023 6:00 PM
Room 108, Annex Building
119 E. Solomon Street
Griffin, GA 30223**

The Spalding County Board of Commissioners held a Zoning Public Hearing on Thursday, January 26, 2023, in Room 108 of the Spalding County Annex Building, beginning at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners James Dutton, Gwen Flowers-Taylor, Ryan Bowlden and Rita Johnson were present for the meeting. Also present were County Attorney, Stephanie Windham, County Zoning Attorney, Newton Galloway 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

Commissioner James Dutton, District #2, delivered the invocation.

C. Pledge to Flag

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

Motion/Second by Dutton/Johnson to amend the Agenda to include a new Item #1 under New Business for Chief Polk and Jason Ridder with GEMA to update the Board on the disaster relief in the county; to correct Item #3 under New Business to read the American Humane Association, not the American Humane Society; to authorize staff to initiate RFP's for Debris Removal, Debris Monitoring and Consulting Services for the damage that occurred as a result of the tornados; correct the spelling in Item 2 under New Business to reflect Sefcor, not Safecor and to eliminate Item #7 under New Business as it was added to this agenda in error. Motion carried unanimously by all.

D. Other Business

1. Chief Glenn Polk and Jason Ridder, GEMA Representative for our region, to update the Board on what has been done within the County to date and what to expect as far as disaster relief.

Chief Polk advised that the County has received a disaster declaration that has opened up a large number of avenues for those affected. FEMA has opened an office at the Senior Center to assist residents in filing for FEMA funding available, we have two shelters one at the Methodist Church and one at City Park that are

being run with the assistance of the Red Cross. The small business association also has representatives at the Senior Center to assist small businesses with funding to get back up and running. City Church has opened their warehouse for donations, and they are receiving donations and handing out supplies to those who need them.

Mr. Ridder stated that there wasn't much that he could add to Chief Polk's report, he just wanted the Board to know that he would be in Spalding County as long as he is needed here to assist in the relief efforts.

Commissioner Flowers-Taylor asked if all of the electricity had been restored to those who had lost electricity?

Chief Polk advised that electricity has been restored to every residence that is inhabitable. There were some houses that were simply too damaged to restore service to and those houses do not have electricity. He advised that is information received from the City of Griffin, Georgia Power and the EMC's that service Spalding County.

Chairman Davis stated that initially there were over 10,000 residents without power and at this time there are less than 200 residences without power and all of those are to damaged to restore power to. It is powerful when you see what our county residents can do for each other when they turn their mind to it.

2. Consider approval of actions taken by the County Manager and Chairman Davis on behalf of the Citizens of Spalding County, with the consensus of a majority of the Board of Commissioners, to facilitate assistance and aid in an expedient and efficient manner during Spalding County's State of Emergency.

Stephanie Windham, County Attorney, stated that immediately after the tornados on January 12th, the County Manager and the Chairman began to gather a consensus of the Board of Commissioners for an Emergency Declaration and that Emergency Declaration was approved. She added that she would like to have the Resolution approved in an open meeting as well. The emergency declaration is allowed by our ordinance in Section 3-30-14 which gives the governing authority of the County to take actions deemed necessary to deal with an emergency for the protection of the safety, health and wellbeing of the citizens of the County. This declaration also allowed us to suspend the bid process and competitive portions of the County's procurement policy therefore allowing us to enter into immediate debris removal and debris monitoring contracts.

Motion/Second by Flowers-Taylor/Johnson to approve the actions taken by the County Manager and Chairman Davis on behalf of the Citizens of Spalding County, with the consensus of a majority of the Board of Commissioners, to facilitate assistance and aid in an expedient and efficient manner during Spalding County's State of

Emergency to include the Emergency Declaration and contracts with Southern Disaster Recovery, LLC and DebrisTech, LLC. Motion approved unanimously by all.

3. Consider approval nunc pro tunc of a Memorandum of Understanding with the American Humane Association for assistance with animals being housed at the Spalding County Animal Shelter.

Commissioner Flowers-Taylor then asked if items 3, 4, 5 and 6 could be read and then voted on as a group since they are all nunc pro tunc?

Ms. Windham advised that they could be voted on as a group.

4. Consider nunc pro tunc a FEMA License and Use Agreement for use of the Senior Center as a Disaster Recovery Center.
5. Consider nunc pro tunc approval of a No Cost Space Agreement with the U.S. Small Business Administration Office of Disaster Assistance.
6. Consider approval nunc pro tunc to Memorandum of Understanding with the State of Georgia Insurance Commissioner, Allstate, State Farm, Georgia Farm Bureau, USAA, Auto Owners, Travelers and NICB for use of the Senior Center Parking lot to meet with citizens regarding damage and claims.

Motion/Second by Flowers-Taylor/Dutton to approve the nunc pro tunc actions as presented in Items 3, 4, 5 and 6 of this agenda. Motion carried unanimously by all.

7. Consider approval of street light district for the River Falls Subdivision.

Eva Morales, Community Development, stated that this is the second hearing on this matter and that all of the residents were in favor of the street lights. She also advised that the HOA would be covering the costs of the streetlights.

Motion/Second by Flowers-Taylor/Bowlden to approve a street light district for the River Falls Subdivision. Motion carried unanimously by all.

8. Consider request to issue an RFP for Debris Removal, Debris Monitoring and Consulting Services for reimbursement assistance.

Ms. Windham advised that now is the time for us to put these services out to bid as we will need to continue the debris removal and monitoring. The monitoring is required for us to be reimbursed by FEMA and the Consulting contract will provide the potential of a group coming in whose sole focus is getting the county the maximum reimbursement from FEMA.

The reason we have to use our purchasing policy at this point is because even through there are regulations that are less strict, we are required to use the more

stringent of the policies in our procurement of these services. So, when the emergency is technically considered to be over, we will still need these services. Because Spalding County's policy is stricter than both the federal and state policies we are required to use the Spalding County procurement policy which requires that these services be put this out for bid.

Motion/second by Dutton/Flowers-Taylor to approve an RFP for Debris Removal, Debris Monitoring and Consulting Services for Reimbursement Assistance. Motion carried unanimously by all.

E. Public Hearings

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 the 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. **Lift from the table and conduct a Public Hearing on Application 22-09Z:** Clinton C O'Brien & Sandra O'Brien Maloy, Owners. HFG Development, Agent. 480 Tomachichi Road (Approximately 85.90 located in Land Lot 49 & 50 of the 3rd Land District). Applicant requests rezoning from AR-1, Agricultural and Residential and R-2, Single-Family Residential to C-2, Manufacturing.

County Zoning Attorney, Newton Galloway, advised that he would recuse himself from this hearing as he has a conflict and Ms. Windham will be representing the County for the purposes of this hearing and application.

Motion/Second by Flowers-Taylor/Johnson to lift from the table and conduct a Public Hearing on Application 22-09Z: Clinton C O'Brien & Sandra O'Brien Maloy, Owners. HFG Development, LLC, Agent. 480 Tomachichi Road (Approximately 85.90 located in Land Lot 49 & 50 of the 3rd Land District). Applicant requests rezoning from AR-1, Agricultural and Residential and R-2, Single-Family Residential to C-2, Manufacturing. Motion carried unanimously by all.

To speak in favor of the rezoning:

Steven Jones, Attorney with Taylor, English and Duma, 1600 Parkwood Circle, Suite 200, Atlanta, GA, representing the applicant HFG Development LLC. Mr. Jones stated that this is a parcel of approximately 85.9 acres that fronts on Arthur K. Bolton, Tomachichi and Chehaw Roads. This rezoning request is consistent with Spalding County's AKB Overlay. The parcel is subject to the Overlay because it has a curb cut on AKB. This parcel has split zoning between AR1 and R2. R2 is along the road frontages of the subject property and AR1 is located toward the interior of the subject property.

The County's Comp Plan designates this parcel and every other parcel along AKP that has a curb cut for Employment Development. In the Employment Activity Center one of the zoning districts eligible for this development is C2. So this application does comply with the County's Comprehensive Plan.

The primary entrance for this property is through the curb cut on AKB and there is an auxiliary entrance and exit for circular flow of traffic on Chehaw Road. There are truck courts on both sides of the building and the building is designed for 1 million square feet.

Mr. Jones then brought everyone up to date on the history of this application and the changes that the developer has agreed to as a result of these meetings.

To speak against the rezoning:

Melissa Griffis, 32 S. Court Square, Newnan, GA, Attorney for representatives of the Community who are in opposition to the development. Ms. Griffis stated that they have reviewed the rezoning application packet all of the documents that have been provided through numerous open records requests. She stated that based on the documents presented, the applicant has not met all of the County's requirements for the zoning application and the documents that must be submitted.

The initial staff report had numerous errors for example: the square footage referenced is 100,000 square feet instead of the 1,000,000 square feet that the building has been from day one. This proposed inaccuracy created incorrect calculations throughout the staff report. Including inaccurate calculations regarding the parking that still exists today. The current staff report still has miscalculations in it. It states that there will be 91-92 trips per day, but if you add up the numbers provided, it equates to 372 trips per day. Which is a substantial difference of more than 3 times the number that is in the current staff report that the Board is basing their decision on.

There is a stream that runs through the property and there is much wildlife that will be affected. From the documents submitted, it does not appear that the proper protections are in place. The amount of asphalt shown on the plans will generate a substantial amount of runoff and the neighbors shouldn't have to be affected by this. There are residents and families with small children all around the proposed development. This proposal would allow for huge trucks on the road and families would not feel safe for their children to play in their yards.

The plans do not appear to have enough detail for how many of the items will be addressed. If this approved, it will be spot zoning, you will be creating an island. When you look at the map it is residential and agricultural properties all around. There is no commercial adjacent to this property.

Comments by prior staff when asked about citizens concerns were that these items would be addressed after the rezoning. You have one chance to decide on the rezoning and to set conditions. Once you approve their request without

conditions, it is too late try to add these requirements to a project after the fact. The requirements should be added by either denying it or adding additional conditions this evening on the front end before you approve anything because these conditions will travel with the land.

The current staff report has less protection for the neighbors and the taxpayers than the original staff report. The buffer keeps shrinking, the developer can change before the project is built. A traffic study should be prepared and provided by an agreed upon professional so that the traffic concerns can be addressed. There is reference in the documents that one has been performed, but no detail has been included and none has been provided in the numerous open records requests that have been made by the citizens. This should be a mandatory step in the process.

The main road is on a GDOT Hwy 16 Route, it should be addressed. The roads that are adjacent to this project cannot handle the truck traffic. Chehaw Road and Tomochichi are not built for truck traffic, they are built for the people who live there and the families who are bringing their children home from school. These are rural homes with yards, the area is not made for warehouses or to accommodate these trucks.

Ms. Griffis stated that a 100' buffer next to homes with families and children would be more appropriate. Condition #2 barely allows for a buffer based on it's proposed wording. The Planning Commission at their November 22, 2022, meeting attempted to add additional conditions which fell short because they would not allow for any public comment that night, so they could not hear from the residents. Some of the items that have never been addressed are hours of operation and truck lights that could be shining into the homes at all hours of the night.

Ms. Griffis ended that there would be negative impacts because of this zoning request and she asked that the Board deny the request.

Darrel Bishop, 359 Tomochichi Road, Griffin, GA

Jerry McKneely, 131 Chehaw Road, Griffin, GA

Anthony Bailey, 313 Tomochichi Road, Griffin, GA

Dena Roberson Ray, 73 Parham Road, Griffin, GA

David Lynch 185 N. Walkers Road, Griffin, GA

Gerald Bailey, 2527 High Falls Road, Griffin, GA

Necole Kimble, 282 Tomochichi Road, Griffin, GA

Jonathan Shakespeare, 282 Tomochichi Road, Griffin, GA

Kay Wimpy, 164 S. Walkers Mill Road, Griffin, GA

Joel Beal, 614 Swint Road, Griffin, GA

Steven Jones stated he is accompanied by John Palmer should the Board have any specific questions regarding the engineering or design of the facility. He reiterated that the Comprehensive Plan's designation of AKB as commercial and industrial development has been in place for decades. The County's overlay

along Arthur K. Bolton Parkway presumes and was adopted based on its own text with the intent to promote such development. The questions regarding stormwater, sewer, buffers are all addressed in the Development Code and they must be complied with. Many of these items are also addressed in State Law and they are complied with at the time of the land disturbance permit. The application before you is about zoning of a parcel. Design and all the other issues come at the time of the land disturbance permitting. They come when the engineering is done; however, with any zoning and any development it is addressed when it gets to that point, those items are handled. Before you tonight is the zoning of the property and when you consider that, you consider the factors set out in your ordinance.

Foremost is the Comprehensive Plan, your staff and your Planning Commission have reviewed this and those factors and they both recommended approvals. To address concerns the applicant has come forward and self-imposed a number of conditions. We started with nine and we are now at seventeen. Many of which the applicant self-imposed.

There have been issues raised regarding the application, but there have been no specifics regarding these issues. The application is complete, some of the information may not have been published online, but it is in the file and it was tendered with the application. We would ask that you vote consistent with your Comprehensive Plan, vote consistent with the Planning Commission's recommendation and vote consistent with similar rezonings, one that is directly across Hwy 16 approved earlier this year and make a consistent decision to zone this property as it has been planned to be developed for decades.

Commissioner Flowers-Taylor stated that as a commissioner, we have not done what we needed to do. She has been on this Board for 18 years and for that entire period of time Arthur K. Bolton has been zoned and intentioned to be Industrial all the way out to I75 even though that goes into Butts County. One of the unintended consequences is that we have residential areas that back up to the property on Arthur K. Bolton. We have not addressed that in our ordinance and this is probably the first time that we have been confronted with this. So, as a result based on what we have approved, we have not done what we need to do because of all the unintended consequences associated with this.

Commissioner Flowers-Taylor further stated that she doesn't have a problem with the expanded buffers because the applicant has gone beyond what the ordinance requires. The only problem she has with this proposal is the traffic on Chehaw Road, she is very uncomfortable with that. She would like the entrance and exit to be on SR16 and she is very uncomfortable with that curb cut on Chehaw Road.

Many of the items talked about this evening are developmental items that have to be determined and approved as the process goes forward.

Commissioner Johnson stated that she can understand what it would be like to bring this type of development into the neighborhood, but she wanted to focus on the economic impact of the development. As a commissioner, this is also part of the consideration that we have to look at. She then Mr. Jones if he could provide an estimate of the economic impact this development could have for the community.

Mr. Jones stated that the economic impact of the building would be the ad valorem impact which is based on the square footage of the building. This is based on the value of buildings of this nature in the area. Take the value of the existing building and enter it into the Tax Assessor Calculator and multiply the amount per square foot times the number of square feet in the building and that equals approximately a \$1.4 million ad valorem increase.

Mr. Jones then advised that as to the jobs and what they would be, is based on an industry standard that the broker advises would be the types of businesses that would go into this facility. We are aiming in size for this building to attract Fortune 500 caliber companies to this facility. They will select the site based on the conditions that are imposed and the resulting plan if reduced. So when it gets to the time of permitting and gets to later stages in the development cycle, that will then attract the end user which will bring in the resulting jobs. The specific jobs and benefits we are unsure of at this time.

Commissioner Johnson stated that not even four months ago we were sitting here battling whether or not we were going to have to raise taxes or raise the millage rate. Our job is to make sure we don't do that or try not to do that because we know our tax base. So the concerning part for her is in not bringing in a facility like this is a hinderance to the overall community when it comes to the millage rate and the taxes. We know that we have a very tight budget and this is something that we have to consider in the long run.

Commissioner Bowlden stated that there are a number of things with this plan that he doesn't like. Number one would be the curb cut on to Chehaw Road. That is going against the ordinance, no trucks on county roads. We are in the process of trying to get our roads repaired and this would be detrimental to that goal. The second is he simply doesn't like the location of the septic area across the creek. A lot can go wrong between that location and the building. There could be a lot more tweeking on this.

Commissioner Flowers-Taylor then expressed her concern that the information contained in the staff report is not correct. That is a concern and if there is incorrect information that is our responsibility, she feels it should be fixed. Our errors are not the applicant's error, but if there is something wrong with the staff report then it doesn't need to be approved without it being corrected.

Commissioner Dutton asked that staff check on the items in question regarding the staff report? A number of people brought up the parking lot assessment

based on the square footage, that could have simply been a clerical error on the page. He asked that it be checked.

Eva Morales, Community Development, stated that they had not checked the calculations since Ms. Littlefield's departure, she was under the impression that it was good to go. They can go back and look at this again.

Commissioner Dutton then asked if in the other industrial zones close to this location were required to have a 100' buffer?

Ms. Morales stated that she couldn't speak to this as she would have to review the other locations and see if that buffer was required. There were two approved last year and she would need to review that data in order to answer the question.

Commissioner Dutton stated that the one that was done next to the Lakes at Green Valley we simply implement the rules that were approved for the Lakes at Green Valley and all the green requirements that already existed.

Newton Galloway, Zoning Attorney, stated he would have to check on the buffer for the development across the road from this proposed development. It was part of the conditions and part of the site plan. He then stated that Mr. Palmer may know because he was the engineer on that project.

John Palmer, Falcon Design, stated that when the property across the road from this proposed development came through there were 50' buffers with the same conditions 10' undisturbed and 40' disturbed and replanted.

Commissioner Dutton stated that the plan calls for a staggered row of trees all the way around the property except for the Hwy 16 side and the edge on High Falls Road.

Mr. Jones stated there are two conditions that address the double staggered row of evergreens which would surround all road frontages and adjacent properties that being that there is no more than 1/3 of any specific type of species and that an arborist will review and keep an eye on the trees for at least three years to make sure reach maturity and are established. It's not just the undisturbed buffer, behind that is a double staggered row of evergreen trees.

Commissioner Dutton stated that he also has an issue with the curb cut on Chehaw Road.

Chairman Davis then stated that there appears to be two issues one being the curb cut on Chehaw Road and the buffer issues. The remainder seem to meet the standards we are talking about.

Commissioner Flowers-Taylor then asked if client would be interested in a single entry and exit for the property off of SR16 and not having a curb cut on

Chehaw Road. There are a number of industrial parks where the trucks to do in and out of the same entrance. With this change, she would be okay. The biggest concern she is hearing is that the neighbors don't want any trucks driving on Chehaw Road. If you keep off Chehaw, you can keep the trucks off Tomachichi and the other roads in the area.

Chairman Davis then asked to talk about buffers.

Mr. Jones then covered the buffer and expanded buffer as recommended by staff, which was in response to concerns. (1) There should be a 50' minimum buffer and a 75' average buffer along all properties contiguous with the subject property and zoned AR1. (2) Along all road frontages on Tomachichi and Chehaw Roads there shall be a 25' minimum buffer and a 50' average buffer which at a minimum shall consist of 10' undisturbed and a 15' planted buffer.

Commissioner Dutton then asked where the planted buffer is defined as a double staggered row of evergreens and does that specify how far apart the trees need to be to actually block site?

Mr. Jones stated that Condition #12 proposes that the planted buffer shall consist of a staggered double row of evergreens consisting of no more than 33% of the same species and in areas where internal parking facilities are at or above the roadway, a planted berm to improve sound reduction. The double staggered row has to be tight enough to create that visual barrier.

Commissioner Dutton then stated if it doesn't specify how close the trees in the double staggered row should be. He would like for it to state that the trees would have to touch in order for it to be a true barrier. He would like to see that in the condition.

Mr. Jones suggested that in the condition for the arborist to monitor the trees for three years a condition could be added that the arborist or a land scape design architect assist in the planting location of the trees to secure the effect of the barrier.

Chairman Davis stated there are three items that need to be resolved:

- (1) The curb cut on Chehaw Road.
- (2) The discrepancy in the staffing report that needs to be resolved; and,
- (3) The description in the planted buffer.

Commissioner Flowers Taylor and Commissioner Dutton feels that since there are so many comments about errors in the staff report, they would like for staff to review the report and make sure that all the points are accurate.

Mr. Jones stated that eliminating the curb cut on Chehaw Road would reduce the size of the building by 100,000 square feet, but if that is the will of the Board the Applicant is fine with this request.

Ms. Griffis stated that she would be happy to share the inaccuracies she has found within the staff report with Ms. Morales and requested that she be involved in the meeting that will look at the edited conditions, she feels that would assist. She would like to have a seat at the table.

Mr. Jones advised that he would get with Ms. Griffis on the staff report inaccuracies and get the proposed conditions with the changes the Board has noted this evening to Ms. Morales.

Ms. Windham ask Ms. Griffis to provide the information to her at the same time as she provides the information to Ms. Morales and then give us a chance to work together before we all meet.

Commissioner Dutton wanted to commend Mr. Jones on his efforts and the hard work he has done to go above and beyond on this development.

Mr. Jones advised that the credit should go to the developer who has worked hard to meet the requests of both the board and the residents.

Motion/Second by Flowers-Taylor/Bowlden to table the application until the Planning and Zoning Public Hearing on February 23rd to give staff an opportunity to review the staff report and correct any items that may be in error and define the buffers for the project as discussed. Motion carried unanimously by all.

Motion/Second by Flowers-Taylor/Dutton to close the public hearing. Motion carried unanimously by all.

Chairman Davis called for a five-minute break to allow everyone to move out of the meeting room at 8:13 p.m.

Chairman Davis reconvened the meeting at 8:21 p.m.

F. New Business

1. Consider approval of an extension to the Resolution declaring a State of Emergency.

Ms. Windham stated that this Resolution will extend the local State of Emergency through February 28, 2023. The declaration also extends the contracts for debris removal and debris monitoring.

Motion/Second by Flowers-Taylor/Johnson to extend the State of Emergency through February 28, 2023, and include the continuance of the debris removal and debris monitoring contracts. Motion carried unanimously by all.

2. Consider approval of a contract with Sefcor to provide warehouse space to house FEMA relief items and donations.

Ms. Windham stated that these will be all relief items and donations, they will not be FEMA specific relief items and donations. Chief Polk and Chief Byrd found the space and Sefcor has agreed to allow us to use. We do not have an executed contract back from them currently. This is simply permission for use of this space should we need it.

Motion/Second by Flowers-Taylor/Dutton to approve a contract with Sefcor to provide warehouse space to house relief items and donations. Motion carried unanimously by all.

3. Consider the approval for the addition of Retail Sales of wine to existing 2023 approved alcohol business (S & M Grocery).

Ms. Windham advised this is an addition to the current alcohol permit for this location, staff recommends approval as all of the conditions have been met and there are no violations.

Motion/Second by Dutton/Flowers-Taylor to approve the addition of Retail Sales of wine to existing 2023 alcohol business permit for S & M Grocery. Motion carried unanimously by all.

4. Newton Galloway, Spalding County Zoning Attorney, will present a moratorium on rezoning, special exceptions, and other zoning procedures.

Mr. Galloway stated that with Ms. Littlefield's departure from the Community Development office and with work that Ms. Windham and he has done coordinating with Ms. Morales, they believe that it is imperative to take some "breathing room" time to restart the office get back up to speed. Particularly until a new director can be named and employed for a period of time.

Mr. Galloway advised that this moratorium will apply to Rezoning Special Exception applications, Preliminary Platt Approval, Land Disturbance Permits and Construction Plans. This will allow for anyone who has something already in process to have their application proceed on through, but this will stop the mentioned items effective tomorrow morning and go through May 31st, 2023. This gives us four months to study what needs to be done, get a new Community Director in that position and then get on the path to having that office back up to speed.

Motion/Second by Flowers-Taylor/Dutton to approve a moratorium on Rezoning Special Exception applications, Preliminary Platt

Approval, Land Disturbance Permits and Constructions Plans until May 31, 2023. Motion carried unanimously by all.

5. Consider the approval for Greyson Parc Phase 2A Final Plat. This plat consists of 59 townhome units, located within the VN, Village Node District.

Ms. Morales stated that this is extension of the Village Node on Hwy 155 close to Heron Bay. This is a 59-unit town home development on Hwy 155. Their final plat for Phase I was approved on November 7th of 2022. As of this date no dedication of the right-of-way or infrastructure has been completed. This has been added to the conditions imposed on the current development. The applicant is present this evening.

Commissioner Flowers-Taylor then asked Mr. Foster, the developer how many stories will the town homes consist of?

Mr. Foster stated that these are all two story town homes as approved in the land development permit and they will have a second portion of the town homes which will consist of 86 town home in the next phase.

Commissioner Flowers-Taylor then asked if there would be any single units in this development.

Mr. Foster stated that in phase 1 they have currently plated 67 single family lots and they have 25 – 50' lots and 24 – 75' lots in the last phase that connects into the Heron Bay portion. There are a total of 269 total units.

Mr. Galloway stated that his comments are not directed at Mr. Foster or his development company, but in reviewing what was approved in phase 1 and comparing the approval to the requirements set out in the subdivision regulations in sections 408-410 there were deficiencies in the plat procedure that were not caught and staff is trying to correct the deficiencies in plat procedure within phase 1 to during the approval process for phase 2.

Mr. Galloway advised that among other things, there is a requirement for provisions of right-of-way and infrastructure that have been completed. We also have a requirement that private covenants, if there are going to be any, have to be filed at the time of the final plat. We have no indication that those were required when phase 1 was approved in November of 2022 or that they were available or required by the staff in November of 2022. So, for purposes of the staff recommendation, you will see that staff is asking them to come back and get those deficiencies corrected.

Mr. Galloway reiterated, there is nothing wrong with the lots that they have plated, there were other things required by the ordinance that staff apparently did not request of the builder. So, we are asking the builder to come back and comply and provide us the information that should have been provided prior to final approval on phase 1 as a condition of the final plat approval on phase 2.

Mr. Galloway then stated that on the Sun City Peachtree development and on the Heron Bay development staff has historically worked with Minerva and Pulte and their other purchasers to have a little more comment and direction on the final plat. Those were not reviewed with the Board, and you have probably not heard about those. We do not have a specific requirement for them, and we have had the cooperation of Minerva and Pulte to provide those comments.

Commissioner Flowers-Taylor questioned why if they have met the requirements set out in November we are now asking for additional requirements?

Mr. Galloway advised that their final plat for phase 1 has been approved; however, staff is asking that they supplement what they have approved with additional information to comply with the ordinance so that they have proof of compliance with the final plat specs and we have assurance that we have insisted on compliance with the final plat requirements in Sections 408 – 410. So, at this time staff is recommending conditional approval, to allow us to get these things caught up so that everybody is in compliance for both of these phases. It doesn't impact the lots, nor does it impact their ability to continue to do what they are doing in phase 1. It catches everything up and assures they are in compliance and no one from the county will come back at some point in the future and tell them there is something that was missed. At the same time we have assurance that when the next developer comes up he can't look at us and say that a particular item wasn't required of another developer.

Mr. Galloway then advised that staff is asking the Board to approve this conditionally and then once the items are completed the builder can file his plat and move forward.

Mr. Foster then stated that they have already been working on these items to become compliant.

Ms. Morales stated that this development requires the abandonment of most of Fincher Road and that abandonment has not occurred.

Mr. Foster stated that he has had conversations with staff and there is no evidence that the road was ever dedicated to the County. There are no deeds that we could find. The title search company found nothing to that affect.

Ms. Windham advised that the only information she has is that the County has actually maintained the road which means we accepted it even without any evidence of anything being recorded. There is one house on the road, but that portion of the road would not be closed, it would be the remainder of the road that would need to be abandoned. Ms. Windham advised that she will need a surveyor to look at the road and provide her with a legal description of what is to be abandoned.

Mr. Galloway thanked Mr. Foster for his willingness to work with us and he apologized for the discrepancies that have occurred.

Motion/Second by Flowers-Taylor/Johnson to conditionally approve the final plat for Greyson Park Phase 2A. Motion carried 4-1 (Dutton).

6. Consider the approval of the Final Plat for River Park Industrial. The plat consists of 9 tracts located within Spalding County, with all the tracts being within the C-2, Manufacturing zoning.

Ms. Morales stated that this the final plat for River Park Industrial staff recommends conditional approval of the final plat she then added that:

“Approval is conditioned upon the compliance with the following conditions:

- a. Presentation of a final plat with the required Engineer and Owner certifications.
- b. The final Plat may not be filed or recorded with the Clerk of Superior Court until condition (a) is satisfied.”

Motion/Second by Johnson/Dutton to approve the Final Plat for River Industrial Part with the conditions as provided by staff. Motion carried unanimously by all.

- ~~7. Consider the Master Site Plan for the Racetrac Fuel Canopy Expansion located at 4200 N Expressway.~~

The Chairman then called for comments:

Ms. Windham – no comment.

Ms. Gibson – no comment.

Mr. Galloway – advise that we will be discussing things over the next few months.

Ms. Morales – no comment.

Commissioner Johnson stated that Community Development needs to be the Number 1 priority.

Commissioner Bowlden stated that he agrees with Commissioner Johnson, and we have to keep focus on Code Enforcement as well. He continues to get “hammered” regarding Code Enforcement.

Commissioner Flowers-Taylor stated that she loves the people in Spalding County because they showed up and showed out during this crisis.

Commissioner Dutton stated he has been attending the Emergency Operation Center meetings and he was amazed at how well our staff coordinated what needed to be done. He is honored that Chief Polk and Chief Byrd work for us. The outpouring from the community that we have had is unbelievable. He feels when this is behind us that we need to bring some of these folks in for recognition.

He then wished Dr. Ledbetter a speedy recovery.

Chairman Davis stated he would like to make a comment about the diversity on the Board of Commissioners. It is interesting to look at how each individual on this Board does business. Commissioner Johnson is making sure that we look at the claims side on who is doing what. Commissioner Bowlden working on the construction side and seeing what is going on there. Commissioner Flowers-Taylor going around to see where the people are being housed and asking questions like are we going to close a shelter. Commissioner Dutton is working to get volunteers. That is a diversity on Board of Commissioners that is really powerful.

G. Adjournment

Motion/Second by Flowers-Taylor/Johnson to adjourn the meeting at 8:41 p.m. Motion carried unanimously by all.