



**After Agenda
Board of Commissioners - Regular Meeting
April 3, 2023
6:00 PM
Room 108, Annex Building
119 E. Solomon Street
Griffin, GA 30223**

The Spalding County Board of Commissioners held their Regular Meeting on Monday, April 3, 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 Manager, Dr. Steve Ledbetter, County Attorney, Stephanie Windham, County Zoning Attorney, Newton Galloway and County Clerk, Kathy Gibson to record the minutes.

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

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

1. We have one item that needs to be addressed before officially starting the meeting this evening. When doing the After Agenda for the Work Session on Friday, March 24, 2023, it came to our attention that the Board never adjourned the meeting. Can I have a motion to adjourn the Work Session for Friday, March 24, 2023.

Motion/Second by Dutton/Flowers-Taylor to adjourn the Work Session on Friday, March 24, 2023. Motion carried by a unanimous vote.

II. INVOCATION

1. Reverend Zachery Holmes, Pastor at Grace Paradise Fellowship Baptist Church delivered the Invocation.

III. PLEDGE TO FLAG

1. Commissioner James Dutton, District #2, led the Pledge to the Flag.

IV. PUBLIC HEARING

1. Conduct a Public Hearing on street light district for Sun City Pods 21, 22, 23, Del Webb Blvd Extension, and Peachtree Parkway.

Motion/Second by Flowers-Taylor/Dutton to open a Public Hearing on street light district for Sun City Pods 21, 22, 23, Del Webb Blvd Extension, and Peachtree Parkway at 6:03 p.m. Motion carried by a unanimous vote.

Dr. Ledbetter advised that no one had signed up to speak.

Motion/Second by Flowers-Taylor/Johnson to close the Public Hearing at 6:04 p.m. Motion carried by a unanimous vote.

V. PRESENTATIONS/PROCLAMATIONS

1. The National Society of the Daughters of the American Revolution would like to recognize Spalding County Employees for their response to the recent tornado events.

Ms. April Parker with the National Society of the Daughters of the American Revolution – Pulaski Chapter recognized and thanked the Spalding County employees for their dedication and hard work during the recent tornados and the clean up after all of the destruction. She then reminded the Board that in 2026 America will be celebrating its 250th Anniversary and she hopes that the County will plan special events around this significant date in history.

2. Consider a Proclamation to recognize Telecommunicators Week on April 9-15 and show our appreciation for the Spalding County E-911 Operators' commitment and devotion to Public Safety.

Dr. Ledbetter read the Proclamation thanking the Spalding County E-911 team for their dedication and hard work. Ricardo McCrary, Director of E-911 Services, accepted the Proclamation and extended an invitation to be Board to visit the 911 Center.

Commissioner Flowers-Taylor stated that she is very proud of the Spalding County 911 Center. She has heard from other counties about the professionalism displayed by our staff at 911. These people are easily and quickly forgotten because they are a voice on the other end of a line, but if they don't do their job, the rest of what needs to be done doesn't happen.

Dr. Ledbetter then encouraged each Board member to go by the 911 Center and sit for 30 minutes, the professionalism that these men and women show is phenomenal with the amount of information that is coming into them at any time. They are extremely busy and it is amazing to see the amount of workload that our telecommunicators have to sift through on a daily basis.

3. Staff to provide an update on the status of House Bill 542 that repealed the act incorporating the City of Sunny Side.

Dr. Ledbetter advised that House Bill 542 was introduced by Representatives Mathiak, Knight and Daniel, the bill was enacted by the Legislature, signed by Gov. Kemp this past week, and will be effective on January 1, 2024. At that time, the City of Sunny Side will no longer be a city, and this transfers all duties and obligations to Spalding County to provide for a transfer of all legal rights and privileges and assets to Spalding County.

This Bill repeals an Act to incorporate the city of Sunny Side, to provide a new charter for the government of said city, approved February 17, 1950 to provide for transfer of duties and obligations to Spalding County; to provide for transfer of all legal rights, privileges and assets to Spalding County; to establish a special tax and service district for outstanding bonded indebtedness and other obligations; to provide for transfer of all federal and state permits and licenses; to provide for the transfer of ongoing judicial actions; to provide for the continuation of zoning and land use regulations; to provide for future proceeds of special and local option sales taxes; to provide for the designation of the historic Sunny Side community; to provide for related matters; to repeal conflicting laws; and for other purposes.

Dr. Ledbetter then advised that this action would have an impact on the FY2024 Budget as we will need to add additional funding to perform maintenance for the City of Sunny Side. There are currently funds available for SPLOST projects that were designated and we will need to manage those projects until they are completed.

Commissioner Flowers-Taylor stated that the City of Sunny Side was not included as part of our Comprehensive Plan, so we are going to have to make some amendments to that Plan.

Newton Galloway, County Zoning Attorney, stated that the legislation the City of Sunny Side's Zoning Ordinances will continue as a County Ordinance.

VI. CITIZEN COMMENT

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

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

Dr. Ledbetter advised that no one had signed up to speak.

VII. MINUTES

1. Consider approval of the Minutes from the Spalding County Board of Commissioners Extraordinary Session on March 20, 2023, and the Spalding County Board of Commissioners Zoning Public Hearing on March 23, 2023.

Motion/Second by Flowers-Taylor/Bowlden to approve the Minutes from the Spalding County Board of Commissioners Extraordinary Session on March 20, 2023, and the Spalding County Board of Commissioners Zoning Public Hearing on March 23, 2023. Motion carried by a unanimous vote.

VIII. OLD BUSINESS

1. Lift from the table and consider recommendation from the Parks and Leisure Services Advisory Commission to allow use of City Park for the Doc Holliday Festival.

Motion/Second by Johnson/Flowers-Taylor to lift from the table and consider recommendation from the Parks and Leisure Services Advisory Commission to allow use of City Park for the Doc Holliday Festival. Motion carried by a unanimous vote.

T.J. Imberger, Director of Parks, Public Grounds and Public Works, stated that staff recommends the following:

- The area will be prepped as usual for any other weekend by the contractor maintaining the park.
- No special accommodation or on-call services will be provided that weekend including trash pick-up.
- The utilities will be covered in our FY 2024 Budget and will enable us to analyze those charges for the FY 2025 Budget.

Commissioner Dutton asked if portable bathrooms would be placed at the location as this is something that has been traditionally provided.

Mr. Imberger advised that would not be a problem.

Commissioner Flowers-Taylor stated that this request is for the next Fiscal Year so there should be funding. Her question is what will be done with the park in the interim and when will we allow Parks and Recreation to lease those pavilions?

Mr. Imberger stated that they are working on the bid for a contractor to do the maintenance on that park and hope to have the bid out within the next week to week and a half. Then it will have to be out to bid for 30 days.

Dr. Ledbetter stated they are giving the contractors 30 days to respond to the bid, which will put us well into May and then we will bring it back to the Board in the first week in June for consideration and award of the bid.

Dr. Ledbetter then added that if the Board is in agreement, staff could begin shortlisting contractors and instead of doing a formal RFP we could get quotes by phone and put a contractor to work immediately for the interim.

Commissioner Dutton asked if we could get a schedule of times the contractor would be performing maintenance on the park and then maybe we can ask some of the clubs like Kiwanis and Rotary to do some of the maintenance.

Dr. Ledbetter stated that if we shortlist this we could do maintenance every 10 days instead of every 7 days, so we may be able to pull in some civic organizations to support us in the meantime.

Motion/Second by Flowers-Taylor/Dutton for staff to fast track finding a contractor for the short term to do the maintenance on City Park and continue with the RFP for a long-term solution and to approve the recommendation from the Parks and Leisure Services Advisory Commission to allow use of City Park for the Doc Holliday Festival in September. Motion carried by a unanimous vote.

IX. NEW BUSINESS

1. Consider request from Cindy Alexander to hold a National Day of Prayer at the courthouse Veranda on Thursday, May 4th, 2023, from noon until 12:40 p.m.

Ms. Alexander stated she is here this evening on behalf of the National Day of Prayer, seeking permission to utilize the courthouse veranda for the National Day of Prayer Spalding County event on May 4th, 2023 from 12:00 p.m. until 1:00 p.m. This will be the 17th year they have held this event at this location and they are hoping that the Board will approve the event again.

Motion/Second by Flowers-Taylor/Dutton to approve the request from Cindy Alexander to hold a National Day of Prayer on the courthouse Veranda on Thursday, May 4th, 2023, from noon until 1:00 p.m. Motion carried by a unanimous vote.

2. Consider request to cancel the April 27, 2023, Zoning Public Hearing and move all items for that Agenda to the April 17, 2023, Extraordinary Session.

Dr. Ledbetter advised that the Board would be attending the ACCG Annual Conference in Savannah from April 26th through the 30th and we need to move those items for Zoning Public Hearing.

Motion/Second by Dutton/Johnson to cancel the April 27, 2023, Zoning Public Hearing and move all items for that Agenda to the April 17, 2023, Extraordinary Session. Motion carried unanimously by all.

3. Consider a Moratorium on the issuance of permits to allow the location of additional manufactured homes in existing manufactured home parks which are located within the Agricultural-Residential 1 (AR-1) zoning district.

Mr. Galloway stated that this Moratorium addresses a particular problem what started in the Fall of last year. One of the manufactured home parks in Spalding County has been purchased and the developer desires to upgrade. However, they also want to increase the number of units on the property, and this has created a problem. Our current zoning district for a manufactured home park calls for a planned manufactured home community and that is under the R-3 zoning. The only R-3 community currently in Spalding County is South Hampton, the remaining parks are located in AR-1 zoning districts and the question has been raised regarding the parks in AR-1 which are non-conforming uses could be expanded? Or, could they be expanded as non-conforming uses?

The Spalding County Ordinance states that a non-conforming use cannot be altered, extended, or enlarged and if there is a modification, our ordinance states that any new development comply with the requirements of the underlying district. This would make the manufactured home addition to have to comply with AR-1. However, there is case law that is specifically applied to a manufacture home park, that a park can be altered or extended, and new units added to the extent of the property boundary.

Staff have been asked how many manufactured homes can be added and how much can be done? Mr. Galloway stated we simply don't know and there is no guidance for this in State Law, nor do we have any guidance in our ordinance. Also, according to an email received today, this request has been expanded to include all the mobile home park owners currently located in an AR-1 zoning.

Mr. Galloway stated that staff feels the best thing to do is to take 90 days to develop a policy for dealing with how a manufactured home park can be expanded. There are issues that arose in December regarding water service at some of those parks and some of those owners are now participating in the request to expand. There have also been issues at various times related to sewer service through septic tanks. Some of these parks are on community septic tanks and the Health Department has no idea exactly what the capacity may be for those community septic tanks. So, before someone comes in to expand a park, we need to make sure that the services are adequate, and there is appropriate capacity for both water and septic service.

For these reasons, staff is asking the Board for a 90 Day moratorium that applies only to those parks that are non-conforming within the AR-1 zoning district. It prohibits the issuance of a permit for new manufactured homes to be added to any of those parks for 90 days. This does not impact someone's right who is living in the park to replace what they currently have. Neither does it impact a person whose home was destroyed or damaged in the recent tornados nor does it prevent those individuals from repairing their homes or replacing those homes.

Mr. Galloway stated it is his hope that they can prepare policies for this that would address AR-1, but also incentivize folks who have these parks to get them zoned properly to R-3. If they are going to have the park, if they are going to operate the park it is clearer and it is much more logical for that property to be zoned for the use to which it is being placed.

Mr. Galloway then advised that in the last legislative session, a bill was introduced that would protect the right of a manufactured home park to expand irrespective of the underlying zoning district which did not pass. Also, HB 514 did pass which limits the County's authority to do a moratorium on things going forward to 180 days. The moratorium requested is for 90 days, and at this time he doesn't know if HB 514 has been signed by the governor.

Motion/Second by Dutton/Flowers-Taylor to approve a Moratorium on the issuance of permits to allow the location of additional manufactured homes in existing manufactured home parks which are located within the Agricultural-Residential 1 (AR-1) zoning district for 90 days. Motion carried by a unanimous vote.

X. REPORT OF COUNTY MANAGER

- ✓ Public Notice has gone out regarding the proposed amendments to the Development of Impact Fees. The first Public Hearing is scheduled for April 17th at 6:00 p.m.
- ✓ The Archway Executive Committee will be meeting this Wednesday morning at 8:00 a.m. at the Spalding County Senior Center.
- ✓ Staff received notification GEMA/HS that the County has satisfied the incentive standards outlined in the GEMA/HS Federal-State-Local Disaster Match Policy that increases the State's match for disaster-related grant funding from 10% to 12.5%.

Dr. Ledbetter then wanted to call attention to the last paragraph of the letter received for Director Stallings: "Please accept my personal congratulations for this well deserved achievement. GEMA appreciates your hard work and dedication to Emergency Preparedness, specifically I want to recognize the Spalding County Emergency Management Agency and its Director, Glenn Polk. Due to the Emergency Management Agency's commitment to excellence, Spalding County will be one of only a few Georgia Counties to receive this benefit. The benefit of 12.5% reimbursement. On behalf of GEMA, thank you for constantly striving to make your community and our State a safer place to live."

- ✓ HB 542 – We covered earlier this evening. This was the bill repealing the act to incorporate the City of Sunny Side.
- ✓ HB 189 passed and this will increase the weight of trucks carrying agricultural products and timber on our roadways.
- ✓ HB 254 passed, and this bill provides other means of advertising that can be legally utilized by governments in addition to the Legal Organ available.

XI. REPORT OF COMMISSIONERS

Rita Johnson

- Asked for clarification on SDS as far as the services that were discussed, was that immediate or does it go int affect the first of the year?

Dr. Ledbetter advised that it was immediate.

- Thanked Dr. Ledbetter for a very productive retreat. She feels that we covered a lot of ground during that meeting, and that we are headed in a good direction for the county. She is looking forward to have it implemented and shared with the Department Heads.

Ryan Bowlden – Had no comment this evening.

Gwen Flowers-Taylor – Had no comment this evening.

James Dutton

- Echoed Commissioner Johnson, “we had a great retreat.” He feels we got a lot accomplished. It wasn’t as organized as planned, we had an agenda, but we were able to add to that agenda and got a lot accomplished.
- The State Legislature just finished their session, and he is disappointed they didn’t pass the school choice bill.
- He is also sad for the residents of Georgia whose roads are going to be absolutely destroyed by this truck weight bill. Those timber trucks are going to be able to drive on local roads, it is effectively an unfunded mandate by the State to repair rural roads that these trucks are going to damage.

Clay Davis

- Stated that thought the conversation during the retreat was excellent. Not everyone saw the items discussed in the same light, but each of us was willing to listen and determine what the best thing for the citizens. He was extremely pleased with that.
- Budget is getting ready to happen. This is going to be a tough budget year, and everyone needs to understand that this is the toughest budget we have had to deal with considering the disaster and everything else. For those submitting a budget, please remember that we have a process, the budget goes to the County Manager and after the County Manager has reviewed it and combines everything into a budget it comes to the Board for their consideration. Trying to get to board members individually or as a group beforehand is not the way the process works.
- April 17th is going to be a full agenda and we need to be ready for that night.

Commissioner Johnson then asked that the Zoning Public Hearings be placed at the top of that agenda for consideration before anything else. The Board agreed to that request.

^q
XII. EXECUTIVE SESSION

1. Conduct an Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6).

Motion/Second by Dutton/Johnson to enter an Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6) at 6:58 p.m. Motion carried by a unanimous vote.

Motion/Second by Flowers-Taylor/Johnson to close the Executive Session at 7:29 p.m. Motion carried by a unanimous vote.

XIII. ADJOURNMENT

Motion/Second by Flowers-Taylor/Johnson to adjourn the meeting at 7:30 p.m. Motion carried by a unanimous vote.