



**After Agenda
Board of Commissioners - Zoning Public Hearings
June 22, 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, June 22, 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, Community Services Director, Charles Reese and County Clerk, Kathy Gibson to record the minutes.

A. Opening (Call to Order) was led by Chairman 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.

Motion/Second by Bowlden/Johnson to amend the Agenda to move Item #5 under Public Hearings to Item #1 to allow public comment on the FY2024 Budget, to move Item #1 under New Business the vote on the FY 2024 Budget Resolution be considered immediately following the Public Comments and to add an Item #5 under New Business to read: Consider approval of a contract with CW. Matthews Contracting Co., Inc. in the amount of \$7,397,700 for the 2023 TSPLOST Resurfacing (Phase II) project Motion carried by a unanimous vote.

D. Presentation of Financial Statements

1. Consider approval of financial statements for the eleven months ended May 31, 2023.

Jinna Garrison, Administrative Services Director, stated that she would be happy to answer any questions the Board may have regarding the financial statements.

Motion/Second by Flowers-Taylor/Bowlden to approve the financial statements for the eleven months ended May 31, 2023. 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.

Items moved by Agenda Amendment:

- The Spalding County Board of Commissioners to allow Public Comments at this time regarding the FY2024 proposed Budget.

Michael Middlebrooks, 1108 Maple Drive, Griffin, GA spoke regarding the FY2024 Budget and the possible closure of the Trash Collection Centers. Asked that the County consider spending money on educating the elderly citizens on the exemptions available to them on their property. He requested some type of Town Hall to let the senior citizens know what their options are to reduce their cost of living in the county.

Gary Peters, 442 Tallulah Drive, Griffin, GA spoke about the property taxes. He expressed his concern should we have another event like the tornados in January. We need to build a cash flow, we can go day to day with the budget.

- Consider approval on first reading adoption of the FY 2024 Budget Ordinance.

Dr. Ledbetter stated that he has made multiple presentations of the budget over the last month, and he will be happy to answer any questions the Board may have regarding the proposed budget.

Commissioner Dutton asked what is the total budget being proposed for FY2024?

Dr. Ledbetter advised that the total budget for FY2024 is \$121 million which includes the General Fund, Water Fund, Fire District Tax Fund, the 911 Fund and the other funds.

Commissioner Johnson asked what the percentage of increase this represents?

Dr. Ledbetter stated that it is a 10.46% increase over the FY2023 budget.

Commissioner Johnson then asked that Dr. Ledbetter give bullet points on what the increase includes.

Dr. Ledbetter stated that we have a \$4.5-\$4.6 million increase which represents:

- 6.6% increase overall to our costs of goods and services for this year.
- 2% pay increase for our employees.

This accounts for the \$6.61 million increase to the budget for the General Fund this year. This is a modest amount of increase based on the hyper inflation we have been hearing from all of those who attended our Town Hall meetings. The amount of inflation we are experiencing at home is the same level of inflation the county is experiencing for goods and services. Much of the money includes increases in our gas costs, water, electricity, sewer, storm water and the maintenance requirements we have on the assets we own within the county. There are no new services being offered and there are no additional personnel except for the replacement of one of our senior staff who is taking advantage of retirement. Which has necessitated our bringing on an individual to transition the job duties.

Commissioner Dutton then asked how much money in the General Fund is being allocated toward the swimming pool or pickleball?

Dr. Ledbetter stated that in the proposed budget there is zero money allocated for the swimming pool or pickleball.

Commissioner Dutton then asked if all the money allocated to the Aquatic Center is coming from SPLOST?

Dr. Ledbetter stated, "that is correct."

Commissioner Dutton then stated that once the SPLOST is voted on, those funds cannot be used for the General Fund.

Dr. Ledbetter confirmed that the funding provided by the SPLOST cannot be used for maintenance and operation or any General Fund expenditure.

Commissioner Dutton then added that currently there are no allocations in the budget for personnel, maintenance, or operation of the Aquatic center.

Dr. Ledbetter stated, "that is correct." There is no money currently allocated in the budget for Aquatic Center.

Commissioner Johnson stated that the FY2024 budget as proposed includes the Recycling Centers remaining open. We will maintain the services as they exist today.

Dr. Ledbetter state "that is correct." All services that are currently being delivered in Spalding County are funded in this budget.

Commissioner Flowers-Taylor then stated that she appreciates all the work that staff and Dr. Ledbetter have put forth on the budget, but she feels there are still some areas that we need to look at in terms of our employees. Every government entity around us has given their employees a 10-12% salary increase. We can't expect people to stay here when we are talking about a 1-2% cost of living increase. She would like to have some things in the budget moved around. It is important that we have money for roads, but if we're collecting \$12 million a year from

TSPLOST, maybe this year we can lower the allocation in the General Fund. She would look at increasing the cost-of-living increase for our employees with that money.

Commissioner Flowers-Taylor went on to say that we currently fund the Development Authority, and they are beneficial to the County, but the Development Authority needs land. There is no way that will happen unless some time in the future there is a SPLOST. In the meantime, if their fund balance is more than ours, we don't need to be giving them money. She would also suggest taking that money to give the employees an increase in their salary.

There are other areas she sees that could be beneficial in terms of what we are looking at, but she doesn't know at this point that we haven't trimmed everything as much as possible. Generally, she is okay with the numbers, but she does feel that some things could be moved around to make a bigger impact.

Commissioner Flowers-Taylor then stated that the Collection Centers were initially presented and built by the SPLOST to serve as Recycling Centers. That is not how they have been utilized, from the beginning they have collected household garbage and bulky items. They have never been utilized as Recycling Centers. We voted to have Recycling Centers, it turned into Collection Centers.

Commissioner Johnson stated that we did the Town Hall Meetings because we wanted to be upfront with the citizens on what we have and what we are working with. It is unfortunate that there has been information given from inside the County, whether it is within the Recycling Centers or wherever it has come from, because our goal is to provide the citizens with the accurate information of where we are right now as a government and why we do what we do.

Commissioner Dutton stated that for the most part he agrees with what has been said this evening. The one thing that he doesn't agree with is regarding the Development Authority, because the Development Authority pays us back. We are trying to hold our housing growth to a certain level which also slows down manufacturing growth. Our Development Authority is bringing in hotels, they have filled up our industrial park and are now working with private developers to bring in more private growth.

Commissioner Flowers-Taylor asked that staff advise how much a 1% cut to every department would mean to the total budget should that happen and what could be accomplished by a 1% reduction.

Motion/Second by Flowers-Taylor/Johnson to approve on first reading adoption of the FY2024 Budget Ordinance with changes requested and the proposal of what an 1% decrease countywide would represent at second reading. Motion carried by a unanimous vote.

Motion/Second by Dutton/Flowers-Taylor to go into a Public Hearing. Motion carried by a unanimous vote.

1. A-23-01: Resolution to Amend UDO, Article II, Definitions of Terms Used to replace Section 202(RRR) – General Definitions – Use, Non-conforming; to Amend UDO, Article II, Definitions of Terms Used to add Section 203(DD’) – Housing Definitions – Planned manufactured home community, non-conforming; to Amend UDO, Article IV, General Procedures to replace Section 403, Continuance of Non-conforming Lots, Uses and Structures.

Newton Galloway, County Zoning Attorney, stated we have had a considerable number of problems with non-conforming uses and how to assess if a non-conforming use has ceased. We have had issues arise in old commercial buildings as well as in AR zones. The legal standard is whether the property owner intended to abandon a non-conforming use. We have had issues arising with the placement of new homes on vacant pads in non-conforming manufactured home parks and the procedures and standards for replacement of manufactured homes in non-conforming mobile home parks.

Mr. Galloway stated that he would be discussing general non-conforming uses then he would move on to address the manufactured homes non-conforming uses. He covered the definition of non-conforming use for the Board and moved through the proposed ordinance noting the changes being proposed within the ordinance and the reason for the change.

Mr. Galloway then advised that except for one mobile home park in Spalding County, all the other mobile home parks are non-conforming uses located in AR-1 zones. A number of issues have arisen regarding how, when and what policies should apply when someone desires to replace a manufactured home in those non-conforming parks. A definition has been added to the housing definitions of a manufactured home community non-conforming. The definition provides that a manufactured home community non-conforming is a lot used or intended as a residential area by more than one manufactured home where the resident owns or rents the manufactured home and rents the manufactured home space in which the home community is not located in the R-3 zoning district. This covers every manufactured home park in Spalding County except for South Hampton.

Mr. Galloway provided the Board with a summary of events leading up to the hearing this evening and in that summary, he has cited the case law that defines how a manufactured home park or community non-conforming can be expanded. As noted in the memo, the Georgia Court of Appeals allowed a manufactured home park to expand over the entire tract; however, as noted, the issue did not dissolve the question of what happens with compliance within the underlying zoning district. If there are criteria in the underlying zoning district, how does that affect the ability of the manufactured park to expand.

Mr. Galloway stated that they had met with the owners of the manufactured home communities and developed criteria for how manufactured home communities that are in a non-conforming zoning district can be dealt with. He then reviewed the regulations included in the ordinance.

Mr. Galloway stated that in doing the research it became apparent that we really know very little about how utility services are being provided. There have been complaints about water service at Pine Glen because they are on private wells. That private well is permitted by EPD as a public source, but we know very little about it and we have a limited ability to regulate it. We also have the same issues related to sewer and septic. Depending on the age of the manufactured home placed in the park, we may have no information about the septic system.

We require that before the end of this year, manufactured home community owners come in to meet with Mr. Reese to go over these issues, so we know what residents are dealing with in terms of these services. Again, because of complaints regarding water pressure and water service, Pine Glen has now connected to the County water system. Mr. Blackshear's community at Ponderosa is also served by private wells but has a back-up connection to public water. Beyond that, we really don't know what they have or how water is supplied, and we cannot identify the locations of septic tanks.

Mr. Galloway then stated that the revised ordinance also requires that the mobile home community identify and designate a public area for recreation. At least 2,500 square feet in size, primarily for a playground for use by resident children.

Kelly Wilson, Environmental Health Manager for the Department of Public Health in Spalding County. Stated she has been in Spalding County for 23 years and they have had to be creative in some instances, but most of the parks do have individual septic tanks. The main goal, however, is if a system fails, we must get that sewerage back underground where it is safe. There is one location in the county that does have a large engineered system with several septic tanks combined, but we don't really like to do that because it is difficult to maintain. She has warned that if there is a home system that needs replacement and they do not have sufficient sewerage, then she will say they can't replace the home. They will have to move the residents to a different spot and not use that lot.

Jordan Blackshear, 654 Brooks Circle, Griffin stated that there are mobile home parks in the county that are zoned commercial. He advises that all the non-conforming parks are not in AR, there are some in commercial zoning. He went on to say that there are several empty lots that have always been there. Many of the parks in the County were developed in the 60's and 70's and have been there 50+ years. He owns 14 mobile home parks throughout the state and has replaced approximately 50 septic tanks over the past five years and he has never had a situation where they could not get a replacement drain field in. He has replaced approximately 10 septic tanks in the past six months in the Ponderosa Mobile Home. They have worked closely with Ms. Wilson to get this work done. We have approximately 10 more that we have permits to replace. He is here this evening to answer any questions the Board may have. He can't say that he is in support of the text amendment to the ordinance, but he can say that in its current form they would abide by it. Mr. Galloway has really helped us to understand this amendment and he feels that Mr. Galloway has been fair.

Mr. Blackshear then stated that these parks are not perfect, many of them have been in decline for a long time. The ones that he owns he is spending money to revitalize them and bring the standard up. The main thing to understand is that there is a large portion of the county who have historically relied on manufactured housing to have a roof over their head.

William Downs, 934 Glenwood Avenue, Suite 110, Atlanta, GA, attorney representing one of the park owners, Regal Griffin which owns the A&B Mobile Home Park. His purpose in speaking today is to thank the Board for listening to our concerns and to thank the County for working through this process. He thanked Mr. Galloway for working with them on drafting this ordinance. To improve these parks, the park owners are going to need to be able to fill them with homes on the existing lots. It is important that we are all on the same page about what is required to add a home to an existing pad. He does support the ordinance to the extent that it does give a road map for this. He then expressed his concern regarding some of the language contained in the ordinance.

Commissioner Flowers-Taylor expressed her concerns regarding fire protection and water hydrants for these communities.

Motion/Second by Dutton/Bowlden to approve on first reading a Resolution A-23-01 to Amend UDO, Article II, Definitions of Terms Used to replace Section 202(RRR) – General Definitions – Use, Non-conforming; to Amend UDO, Article II, Definitions of Terms Used to add Section 203(DD’) – Housing Definitions – Planned manufactured home community, non-conforming; to Amend UDO, Article IV, General Procedures to replace Section 403, Continuance of Non-conforming Lots, Uses and Structures. Motion carried by a unanimous vote.

2. A-23-02: Ordinance to Amend the Unified Development Ordinance of Spalding County, Georgia, Article 21 Sensitive Land-Watershed Protection District: Section 2103 – Definitions to amend subsection (E) to define “Perennial Stream;” to Amend Section 2106 – Uses Exempt from S-2 Criteria to add subsection (E) to identify “Master Planned Developments.”

Charles Reese, Community Development Director, stated that the whole point of the ordinance amendments this evening is to make sure that the county is in compliance with the EPD. Staff have been working very closely with our consultant Rebecca Lindsey to ensure that we meet those requirements. We will continue to come to the Board with updates as they need to be approved. This is a big step in bringing our code into compliance with the EPD.

Motion/Second by Flowers-Taylor/Dutton to approve on first reading Ordinance A-23-02 to Amend the Unified Development Ordinance of Spalding County, Georgia, Article 21 Sensitive Land-Watershed Protection District: Section 2103 – Definitions to amend subsection (E) to define “Perennial Stream;” to Amend Section 2106 – Uses Exempt

from S-2 Criteria to add subsection (E) to identify “Master Planned Developments. Motion carried by a unanimous vote.

3. A-23-03: Ordinance to Amend the Unified Development Ordinance of Spalding County, Georgia, Article 4, General Procedures; Section 411 – Variances; Section 413 Special Exceptions; Section 413(A)-(G), (H)-(N); Section 414 Amendments to Comply with the requirements of House Bill Section 1405, as codified in Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, et se.

Motion/Second by Johnson/Dutton to approve on first reading Ordinance A-23-03 to Amend the Unified Development Ordinance of Spalding County, Georgia, Article 4, General Procedures; Section 411 – Variances; Section 413 Special Exceptions; Section 413(A)-(G), (H)-(N); Section 414 Amendments to Comply with the requirements of House Bill Section 1405, as codified in Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, et se.

Amend motion to include changes to the ordinance as requested by County Attorney Stephanie Windham. The amendment was seconded by Commissioner Johnson.

Mr. Galloway stated that these are major revisions to zoning procedures law where the County will be given authority over variances related to rezonings and special exception developments.

Motion carried by a unanimous vote.

4. A-23-04-Ordinance to Amend the Unified Development Ordinance of Spalding County, Georgia, to amend Appendix D – Spalding County Soil Erosion and Sedimentation Control Ordinance by replacement in its entirety.

Mr. Galloway stated that in order to make our code more flexible, we are removing the Soil Erosion Ordinance from being part of the Zoning Ordinance to being part of the Codes so that it can be changed as we received new directives from DNR and APD without having to comply with zoning procedures law. It is not a regulation that affects zoning, and this permits us to move it into the code. So what is happening in this Ordinance amendment is you are deleting Appendix D and you will approve the transfer of the ordinance to the Land Development portion of the General Code as Chapter 3.

Motion/Second by Flowers-Taylor/Dutton to approve on first reading Ordinance A-23-04 to Amend the Unified Development Ordinance of Spalding County, Georgia, to amend Appendix D – Spalding County Soil Erosion and Sedimentation Control Ordinance by replacement in its entirety. Motion carried by a unanimous vote.

5. (Moved by Amendment to Agenda.) The Spalding County Board of Commissioners to allow Public Comments at this time regarding the FY2024 proposed Budget.

Mr. Galloway stated that Ms. Lindsey is on via ZOOM and she is prepared to discuss the new Stormwater Ordinance and the new Soil Erosion Ordinance. These are required to bring Spalding County into compliance with EPD regulations.

Motion/Second by Flowers-Taylor/Dutton to close the Public Hearing section of the meeting. Motion carried by a unanimous vote.

F. New Business

1. *(Moved by Amendment to Agenda.)* Consider approval on first reading adoption of the FY 2024 Budget Ordinance.
2. A-23-05 Ordinance to Amend the General Code of Spalding County, Georgia, to amend Chapter 4.-Illicit Discharge and Connection Stormwater Ordinance.

Motion/Second by Flowers-Taylor/Bowlden to approve on first reading Ordinance A-23-05 to Amend the General Code of Spalding County, Georgia to amend Chapter 4 – Illicit Discharge and Connection Stormwater Ordinance.

Commissioner Flowers-Taylor expressed her concern that Spalding County doesn't have a formal Stormwater Program.

Ms. Rebecca Lindsey joined the meeting via ZOOM and advised that the County does have a stormwater utility called an MS4 – and you operate that stormwater utility. In conjunction with this Spalding County is a local issuing authority which means you have the authority to approve land development plans. These ordinances emanate out of those two regulatory authorities.

The Illicit Discharge Ordinance is related to protecting your stormwater system which includes all of your culverts and anything that receives rainwater or storm water discharge and ultimately makes it way to the state waters within your defined urbanized area.

Motion carried by a unanimous vote.

3. A-23-06-Ordinance to Amend the General Code of Spalding County, Georgia, to amend Appendix D – Spalding County Soil Erosion and Sedimentation Control Ordinance and add to the General Ordinance.

Ms. Lindsey stated that this Ordinance is separate and relates more to the County's responsibility as a local issuing authority for regulating development and erosion, pollution control associated with new developments and runoff in your jurisdiction as a whole.

Motion/Second by Flowers-Taylor/Johnson to approve on first reading Ordinance A-23-06 to Amend the General Code of Spalding County, Georgia, to amend Appendix D – Spalding County Soil Erosion and Sedimentation Control Ordinance and add to the General Ordinance. Motion carried by a unanimous vote.

4. Consider approval of the 2023 Owner Questionnaire and Disclosure- Environmental for the Griffin Housing Authority as part of the sale of the property.

Ms. Windham stated that this is for the Park at Rosenwald Development, we completed this owner questionnaire in 2022, but given the delay in the development, we need to complete the questionnaire again for the engineers.

Motion/Second by Flowers-Taylor/Johnson to approve the 2023 Owner Questionnaire and Disclosure-Environmental for the Griffin Housing Authority as part of the sale of the property. Motion carried by a unanimous vote.

5. Consider approval of a contract with C.W. Matthews Contracting co., Inc. in the amount of \$7,397,700 for the 2023 TSPLOST Resurfacing (Phase II) Project.

Dr. Ledbetter advised that this item was put out to bid on two separate occasions. There were no respondents to the initial request for the bids. A second RFP was submitted, it was advertised, and C.W. Matthews was the only contract who submitted a bid during the second bidding process. He did have conversations with the Georgia Department of Community Affairs and with the Georgia Department of Transportation and both have “green-lighted” the sole source provider for this project. Paragon Consulting and staff recommend approval of the contract in the amount of \$6,917,900 for the resurfacing under the TSPLOST Phase II and additionally the Carver Road Station, the back pad has converted to gravel. There was money set aside in last years’ budget and we are utilizing C.W. Matthews to do this resurfacing and full depth reclamation of that back parking area in the amount of \$469,800.

Motion/Second by Dutton/Flowers Taylor to approve a contract with C.W. Matthews Contracting co., Inc. in the amount of \$7,397,700 for the 2023 TSPLOST Resurfacing (Phase II) Project. Motion carried by a unanimous vote.

G. Executive Session

1. Consider request from the County Attorney to conduct an Executive Session to update the Board of Commissioners on actions taken regarding current property owned by Spalding County, to discuss the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4) and to discuss 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 Flowers-Taylor/Dutton to enter into an Executive Session to update the Board of Commissioners on actions taken regarding current property owned by Spalding County, to discuss the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4) and to discuss 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 8:24 p.m. Motion carried by a unanimous vote.

Motion/Second by Dutton/Flowers-Taylor to close the Executive Session at 8:56 p.m. Motion carried by a unanimous vote.

Motion/Second by Dutton/Flowers-Taylor to donate the easement area for the movement of utility lines by Georgia-Power/Georgia Transmission in favor of the Griffin-Spalding Airport Authority. Motion carried by a unanimous vote.

H. Adjournment

Motion/Second by Johnson/Flowers-Taylor to adjourn the meeting at 8:57 p.m. Motion carried by a unanimous vote.