

LOWNDES COUNTY BOARD OF COMMISSIONERS
MINUTES
REGULAR SESSION
Tuesday, March 12, 2024

COMMISSIONERS PRESENT

Chairman Bill Slaughter
Vice Chairman Demarcus Marshall
Commissioner Joyce Evans
Commissioner Scott Orenstein
Commissioner Mark Wisenbaker
Commissioner Clay Griner

Chairman Slaughter called the meeting to order at 5:30 p.m.

Chairman Slaughter presented a proclamation for "Animal Volunteer and Rescue Day" to Mr. Burton Fletcher, with the Burton Fletcher Foundation in Lowndes County, to be observed on February 27, 2024.

INVOCATION

Commissioner Scott Orenstein

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Scott Orenstein

MINUTES

The minutes were presented for the work session meeting on February 26, 2024, and the regular session meeting of February 27, 2024. Commissioner Orenstein made a motion to approve the minutes as presented, Commissioner Evans second. All voted in favor, no one opposed. Motion carried.

PUBLIC HEARING

REZ-2024-01 Gresham Event Venue, 8415 Old Valdosta Rd., E-A to PD-R, ~10.3 acres, Well & Septic

Mr. Dillard presented the item. Mr. Dillard stated this request is for E-A to PD-R in order for the applicant to utilize the property as a club, lodge, meeting or event facility and to also accommodate overnight guests. The subject property possesses road frontage on Old Valdosta Road and Salem Church Road, a collector and local road respectively, and is within the rural service area and agricultural/forestry character area. The TRC analyzed the request, the standards governing the exercise of zoning power set forth in 10.01.05 of the ULDC and factors most relevant to this application, including: 1.) The nature of the request as it pertains to a rural setting 2.) Current trends of event venues in rural areas 3.) Surrounding agricultural and clustered residential use of lands and is therefore supportive of the following staff recommended conditions:

1. Uses permitted in the Estate Agricultural (E-A) zoning district, and

1. A club, lodge, meeting or event facility, with overnight accommodations, where the operation of the facility is limited to meetings, retreats, celebrations, and weddings for groups no larger than the fire code allows for the proposed buildings/area. Outdoor performances by bands or ensembles that are accessory to a meeting, retreat, celebration, or wedding shall be allowed.
2. Unless otherwise noted on the Lowndes County Board of Commissioners approved site plan, the use of the property shall be subject to all standards applicable to properties in the E-A zoning district.
3. The operation of the event facility shall adhere to the Lowndes County Noise Ordinance.
4. Exterior lighting shall be shielded to avoid direct illumination of adjacent properties.

Mr. Dillard presented the site plan from the applicant showing the existing lodge and the existing accessory building plus the future buildings, should the applicant choose to build at a later date. Mr. Dillard stated the site plan is labeled 'Site Layout for Oak Grove' and dated January 4, 2023. Mr. Dillard further stated the Planning Commission recommended denial. Commissioner Griner asked 10.3 acres is the amount asking to be rezoned, but how many acres does the applicant own? Mr. Dillard responded the applicant owns approximately 1,200 acres. Vice Chairman Marshall asked what is the difference with E-A zoning versus PD zoning, what stands out to you that would be different for the PD request? Mr. Dillard answered the PD request is mainly for uses already allowed in E-A with the addition of the event/lodge facility. Vice Chairman Marshall asked if this property is currently being used as a club, lodge or event facility? Mr. Dillard responded no sir, that is the reason for the PD-R request. Brad Folsom, 2611 North Patterson Street, spoke against the request representing some of the adjacent residents to this facility. Mr. Folsom stated the PD-R map shows various proposed buildings, and in viewing the site, there is a one lane entrance and exit, and no limit on outdoor bands/parties. Mr. Folsom stated another concern is the noise surrounding this facility. Mr. Folsom stated the county needs to make a policy for these venues and the number needed in the county. Commissioner Griner asked Mr. Folsom how many restaurants do we need in the county? Mr. Folsom responded he did not know, but they needed to be opened in commercial areas. Mr. Richard Stalvey, 215 Knob Hill, spoke against this request. Mr. Stalvey stated he owns a farm near the proposed site. Mr. Stalvey read the definition for the zoning of E-A (Estate Agricultural) district from the July 11, 2023 ULDC. The district is intended to provide for agricultural activities including those related to crops, livestock and timber protected from the effects of suburban residential development. Single family homes and specified accessory structures and uses are permissible. Mr. Stalvey stated if this is approved this would establish a dangerous precedent for the area. Bill Holland, 109 South Ashley Street, spoke in favor of the request and representing the applicant, Mr. Gresham. Mr. Holland stated there will be a limit on the number of people attending to 175 people. Additionally, Mr. Holland stated there are two other possible entries, so traffic should not be an issue and there is a current noise ordinance in effect.

Opposition - Rebuttal: Ms. Carla Penny, 8601 Morven Road, spoke against the request. Ms. Penny stated she lives 5,000 feet from a current venue and it is loud. No matter the number of people, you still have the noise pollution.

Support - Rebuttal: No one spoke.

Commissioner Orenstein asked the hours of the noise ordinance? County Manager, Paige Dukes, stated the noise stops at 10:00 p.m. and can begin again at 7:00 a.m. The threshold is whether or not it can be heard inside someone's residence. There is currently no decibel rating attached to the noise ordinance and this is due to working with Magistrate Court. Code Enforcement has direct contact with the owners of the current venues/facilities and they know to turn the music off at 10:00 p.m. Additionally, Mrs. Dukes stated there could be bass or other frequencies that might cause discomfort.

Commissioner Orenstein asked if most of the noise is band related, not crowd noise? Mrs. Dukes responded correct. Commissioner Orenstein stated it seems like it is an issue with not following the noise ordinance by 10:00 p.m. Mrs. Dukes responded the bands or music is turned off by 10:00 p.m. unless an extension has been requested which would come through her office. Commissioner Orenstein asked if the complaints received regarding the noise were prior to 10:00 pm? Mrs. Dukes responded yes. Commissioner Griner made a motion to approve the rezoning request with the four conditions, Commissioner Orenstein second. Commissioners Orenstein, Wisenbaker and Griner voted in favor of the request, Commissioner Evans and Vice Chairman Marshall opposed. Motion carried.

REZ-2024-02 Byrd Property, 3715 & 3725 Byrd Rd., E-A to R-1, ~7.5ac, Well & Septic

County Planner, J.D. Dillard, presented the item. Mr. Dillard stated this request represents a change in zoning on the subject property from E-A (Estate Agricultural) zoning to R-1 (Low Density Residential) zoning with approximately 7.5 acres. Mr. Dillard stated the applicant would like to subdivide the property into conforming lots for individual residences. Mr. Dillard stated this is within the agricultural-character area, with wetlands in the southwest corner of the property. The applicant is reserving 0.08 acres for potential right-ofway for any widening or paving of Byrd Road. The Planning Commission recommended approval and the TRC had no technical objections, noting that the unique shape of the property, coupled with the requirements for individual well and septic systems, naturally limits the overall development. No one spoke against this request. Mr. Tripp Talley, 113 Fairway Drive, spoke in favor of this request. Mr. Talley stated he was available to answer any questions and he believes the layout with the setbacks fits this property. There were no rebuttal remarks made in support or opposition of this request. Vice Chairman Marshall made a motion to approve the request as presented, Commissioner Orenstein second. All voted in favor, no one opposed. No one opposed. Motion carried

Chairman Slaughter stated if there were no objections, staff would like to add an item to the agenda, the Hospital Authority Revenue Certificates. There being no objections, Chairman Slaughter asked that the item be added as agenda item 6F.

REZ-2024-03 Southern Gardens, 4609 Bemiss Rd. 5ac, C-G to P-D, County Utilities

County Planner, J.D. Dillard, presented the item. Mr. Dillard stated this request represents a change in zoning on the subject property from C-G (General Commercial) zoning to P-D (Planned Development) zoning in order to develop a sixty unit apartment complex with amenities. Mr. Dillard stated this is within the corridor overlay, urban service area and neighborhood activity center character area. P-D zoning is recommended to allow for a mixture of housing types and there are no wetlands on the property. Mr. Dillard presented the original site plan and noted the applicant has since revised the site plan due to opposition's feedback at the Planning Commission. The revised layout shows relocating the one-story community building along the western property line adjacent to the Glen Laurel subdivision and increased the onsite parking to two spaces per unit. The Planning Commission recommended approval and the TRC found no technical objections. Commissioner Orenstein asked regarding the property immediately to the north, there's no unoccupied property there now, it's the car wash? Mr. Dillard responded there are duplexes on the western portion of the northern property and the car wash and then a parcel adjacent to the car wash that could be developed and it is C-H. Commissioner Orenstein asked if anyone has contacted our office regarding development of those two properties? Mr. Dillard answered no. Commissioner Wisenbaker asked if the pond on the property was a retention pond? Mr. Dillard responded yes. Vice Chairman Marshall asked if the buffer area that is specified, if that area would include trees? Mr. Dillard responded yes, a thirty foot landscape

buffer, including vegetation. Matthew Cox, 4095 Glen Laurel Drive East, spoke against the request. Mr. Cox stated he had items opposing the original plan and has not seen the revised site plan. Mr. Cox mentioned his concern is that there are not enough parking spaces. Melanie Ferrell, 3548 North Crossing Circle, spoke in favor of the request representing the owner and developer. Ms. Ferrell stated since the Planning Commission's approval of the site plan, concerns from the citizens were taken into consideration. Ms. Ferrell stated the parking spaces have been increased with over two per unit and the building has been moved so no three-story building will be overlooking residential back yards. Vice Chairman Marshall asked regarding the landscape buffer area to include trees? Ms. Ferrell stated yes, trees will be included. Commissioner Orenstein asked if this group of investors have other similar properties? Ms. Ferrell answered there are fiftyfive (55) similar properties throughout Georgia, eleven (11) properties in the Lowndes/Valdosta area and eight (8) of those are similar type of housing. Commissioner Orenstein asked regarding parking, this is not a different design than other properties? Ms. Ferrell stated there are typically two parking spaces per unit and there have been no issues. Commissioner Wisenbaker asked if the parking spaces were assigned? Ms. Ferrell answered no.

Opposition - Rebuttal: Matthew Cox, 4095 Glen Laurel Drive East, stated he appreciated the comment regarding landscaping, his main concern is will the landscaping proposal be for upkeep of current landscaping or new landscaping?

Support - Rebuttal: Melanie Ferrell, 3548 North Crossing Circle, answered if there are any older trees those would be kept, everything else would be new landscaping. Commissioner Orenstein asked if there were buffer requirements in place as far as the number of trees and shrubs? County Manager, Paige Dukes, responded yes. Vice Chairman Marshall made a motion to approve the request as presented with the revised site plan dated March 4, 2024, Commissioner Griner second. All voted in favor, no one opposed. Motion carried.

REZ-2024-04 Clyattstone Rd Subdivision, ~62ac, R-1 to R-10, County Utilities

County Planner, J.D. Dillard, presented the item. Mr. Dillard stated this request represents a change in zoning on the subject property from R-1 (Low Density Residential) zoning to R-10 (Suburban Density) zoning in order to develop a 110-lot subdivision. Mr. Dillard stated this property lies within the urban service area and suburban character area with some wetlands on the property. Mr. Dillard stated in 2020, the Ballantyne Subdivision was approved towards the east. The Planning Commission recommended approval and the TRC recommends approval with conditions that lots abutting Clyattstone Road shall be a minimum of 0.5 acres in size. Vice Chairman Marshall asked regarding the agreement that was signed by the developer and neighbor, which is included in the packet, if that agreement is binding? County Attorney, Walter Elliott, stated that is an agreement between the two private parties, unless you make it a condition. No one spoke against the request. Mr. Ferrell Scruggs, Jr., 502 Eager Road, spoke in favor of the request representing Cat Creek Development. Mr. Scruggs stated there has been consideration in designing this project with the mixed lots, the size of the lots, and the road layout. It meets the surrounding developments in the comprehensive plan. Mr. Scruggs stated he has worked with Steven Cooper, in the Meadow Woods Subdivision, and they came up with the lot size and square footage. Mr. Scruggs stated it is his intent to develop this subdivision and he has not been contacted by an outside developer. Mr. Steven Cooper, 4709 Summerfield Drive, spoke in favor of the request. Mr. Cooper stated this agreement was signed and to keep in conjunction if it was sold to another developer, it would be followed. Mr. Cooper stated he would like the agreement to be made part of the conditions. Commissioner Orenstein stated when we have groups that can come together and work things out, it is essential to place conditions as part of the rezoning. Commissioner Orenstein made a motion to approve the request with the staff's conditions and the

conditions agreed upon in the agreement, Vice Chairman Marshall second. All voted in favor, no one opposed. Motion carried.

REZ-2024-05 Dasher Property, 1776 Old Clyattville Rd, ~115ac, E-A & CON to M-2 & CON, County Utilities

County Planner, J.D. Dillard, presented the item. Mr. Dillard stated this request represents a change in zoning on the subject property from E-A (Estate Agricultural) and CON (Conservation) zoning to M-2 (Heavy Manufacturing) zoning and CON zoning. Mr. Dillard stated of the 115 acres total, approximately 16.45 acres are being requested to change from E-A to M-2, with approximately 18 acres requested to change from E-A to CON zoning, increasing the total Conservation zoning to approximately 98 acres. The TRC recommended approval with the following conditions that section 10.02.05(C) must be completed and submitted to the County Manager or their designee by any and all future prospects for review prior to any development approval from the local issuing authorities and correctional facilities, transitional care facilities and junk and salvage yards shall not be permitted. The Planning Commission recommended approval with the conditions. No one spoke against this request. Mr. Mike Newsome, 209 Huntersville Court, Macon, Georgia, a real estate broker, spoke in favor of the request, representing Mr. Steven Dasher who owns this property. Mr. Newsome stated he is trying to help Mr. Dasher sell this property. Further, Mr. Newsome stated they explored the best use for the property and this is the reason for the rezoning request. Vice Chairman Marshall made a motion to approve the item as presented with the conditions, Commissioner Orenstein second. All voted in favor. No one opposed. Motion carried.

FOR CONSIDERATION

Transportation Investment Act (TIA) Local Project Delivery Application - Hall Road

Director of Engineering Services, Chad McLeod, presented the item. Mr. McLeod stated Hall Road is on the Transportation Investment Act (TIA) Constrained list to start professional engineering in June 2024. Mr. McLeod stated staff is asking for the commission to approve the local project delivery application which starts the process to allow Lowndes County to manage the project and procurement process. Commissioner Griner made a motion to approve the application and authorize the Chairman to sign for Hall Road, Commissioner Orenstein second. All voted in favor, no one opposed. Motion carried.

Transportation Investment Act (TIA) Local Project Delivery Application - Orr Road Extension

Director of Engineering Services, Chad McLeod, presented the item. Mr. McLeod stated Orr Road is on the Transportation Investment Act (TIA) Constrained list to start professional engineering in June 2024. Mr. McLeod stated staff is asking for the commission to approve the local project delivery application which starts the process to allow Lowndes County to manage the project and procurement process. Commissioner Orenstein asked if land acquisition was involved? Mr. McLeod answered, we currently have right of way there. Vice Chairman Marshall made a motion to approve the application and authorize the Chairman to sign for Orr Road, Commissioner Griner second. All voted in favor, no one opposed. Motion carried.

Purchase of Wetland Credits for Coleman Road NW Paving Project

Director of Engineering Services, Chad McLeod, presented a proposal from Williams Investments, LLC, in the amount of \$39,600.00, for the purchase of wetland credits required by the Coleman Road NW paving project. Commissioner Griner made a motion to approve the purchase as presented, Commissioner Orenstein second. All voted in favor, no one opposed. Motion carried.

Walker Avenue Quit-Claim

Director of Engineering Services, Chad McLeod, presented this item stating that Lighthouse Christian Fellowship Center has requested a quit claim deed for their portion, which is 0.115 acres, of the abandoned right of way. Mr. McLeod stated the Commission abandoned the unopened right of way of Walker Avenue off of US 41 South and Danieli Drive South on May 8, 2012. Commissioner Wisenbaker made a motion to approve the quit-claim deed, Commissioner Evans second. All voted in favor, no one opposed. Motion carried.

Abandonment of a Portion of Race Track Road SE (CR #310)

Director of Engineering Services, Chad McLeod, presented a request to abandon a portion of Race Track Road, SE from Langdale Vallotton, LLP attorneys representing Southern Gateway, LLC, which owns the property surrounding all sides of this portion of Race Track Road SE. Mr. McLeod stated this request is before the Commission to determine either (a) "that this section of the county road system has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it" or (b) "that the removal from the county road system is otherwise in the best public interest", or both. Commissioner Griner made a motion indicating this section of the county road system has ceased to be used by the public to the extent that no substantial public purpose is served by it, Commissioners Orenstein and Wisenbaker second. All voted in favor, no one opposed. Motion carried.

Hospital Authority Revenue Certificates

County Manager, Paige Dukes, presented the item. Mrs. Dukes stated the Hospital Authority issued Revenue Certificates in 2011 and Revenue Certificates in 2019 to refund the 2011 Certificates. The County entered into Intergovernmental Contracts with the Authority providing additional security for both of these series of Certificates. The Hospital Authority is now issuing not to exceed \$140 million Revenue Certificates to finance improvements and construction at South Georgia Medical Center, including Woman's, Infant's and Emergency Trauma Services. The Hospital Authority is requesting the County to enter into a similar Intergovernmental Contract to provide similar additional security. Mrs. Dukes stated the attached resolution is before you for your consideration. Commissioner Griner asked who decides the amount up to \$140 million; Lowndes County or the Hospital Authority? Chairman Slaughter answered this is the request from the hospital and this intergovernmental agreement has a "not to exceed" amount. Commissioner Griner asked who decides the amount; Lowndes County or the Hospital Authority? County Attorney, Walter Elliott, responded that the contract has a blank, on page one, for the final amount to be approved by Lowndes County and the Hospital Authority when the proposed final amount is determined. Commissioner Griner made a motion to approve the request as presented, Vice Chairman Marshall second. All voted in favor, no one opposed. Motion carried.

REPORTS - County Manager

County Manager, Paige Dukes, mentioned the upcoming events:

- A ribbon cutting will be held for the new gym floor at the Mildred Hunter Center hosted by the Valdosta-Lowndes County Parks and Recreation Authority tomorrow at 10:00 a.m.
- Mrs. Dukes will be speaking at the South Georgia Women's Leadership Initiative graduation program in Cairo on Thursday.
- Thursday evening at 6:00 p.m. Lowndes County will be hosting the Rotary at the historic courthouse for a tour and reception.

- Monday at 10:00 a.m. there will be a celebration for Sparky the Fire Dog's birthday at Georgia Christian School
- Tuesday, March 19th is the Children's Advocacy Center (CAC) Anchored in Hope Dinner at Foxhill Plantation
- Wednesday, March 20th is the ribbon cutting for the Clyattville Community Center at 10:00 a.m.
- Saturday, March 23rd is the Annual Cookoff for the Boys & Girls Club at Seasons Garden Center of Miller Hardware
- Chairman Slaughter will be participating in the Dancing with the Stars of Valdosta on Saturday, March 23rd

Further, Mrs. Dukes mentioned the VSU Lady Blazers basketball team won the Gulf South Championship this past weekend. The Lowndes County Fire Rescue team won, one of two divisions, at Kinderlou with the South Georgia Medical Center Golf Tournament and Brice Garnett won the Puerto Rico Open.

CITIZENS WISHING TO BE HEARD - Sandra Jones, 4940 Coppage Road, addressed the commission to express her thanks for the opportunity to serve on the Tax Assessors Board. Mrs. Jones stated it is an honor to serve the citizens of Lowndes County.

ADJOURNMENT

Commissioner Wisenbaker made a motion to adjourn the regular session, Commissioner Griner second. All voted in favor, no one opposed. Chairman Slaughter adjourned the meeting at 6:45 p.m.