

**REGULAR MONTHLY MEETING
PIKE COUNTY BOARD OF COMMISSIONERS**

The Pike County Board of Commissioners held its Regular Monthly Meeting on Tuesday, March 28, 2023, at 6:30 p.m. in the Courthouse, Main Courtroom, at 16001 Barnesville Street, Zebulon. Chairman Briar Johnson convened the meeting and Commissioners Tim Daniel, Tim Guy, Jason Proctor and James Jenkins attended. County Manager Brandon Rogers, County Attorney Rob Morton and County Clerk Angela Blount were also present. (O.C.G.A. § 50-14-1(e) (2)).

- 1. **CALL TO ORDER.**Chairman J. Briar Johnson
- 2. **INVOCATION.**.....Carson Whiteside
- 3. **PLEDGE OF ALLEGIANCE.**.....Chairman J. Briar Johnson
- 4. **APPROVAL OF THE AGENDA - (O.C.G A. § 50-14-1 (e) (1))**

County Attorney Rob Morton requested to amend the agenda to add an Executive Session for pending and potential litigation.

Motion/second by Commissioners Daniel/Proctor to approve the amended agenda, motion carried 5-0.

- 5. **APPROVAL OF THE MINUTES - (O.C.G.A. § 50-14-1(e) (2))**
 - a. Minutes of the March 8, 2023, Regular Monthly Meeting.
 - b. Minutes of the March 8, 2023, Executive Session.

Motion/second by Commissioners Guy/Daniel to approve the March 8, 2023 Regular Monthly Meeting minutes, and the March 8, 2023 Executive Session minutes, motion carried 5-0.

- 6. **INVITED GUEST - NONE**
- 7. **REPORTS FROM COMMISSIONS, DEPARTMENTS, COMMITTEES, AUTHORITIES**

- a. Monthly Reports submitted from County Departments and County Authorities, including a Revenue/Expenditure Statement for all departments and a summary check register. *There are no Department Reports as they will be provided during the first Board meeting of April. Revenue/Expenditure Statement and Detail Check Register are included.*

Motion/second by Commissioners Proctor/Guy to accept the Department Reports, motion carried 5-0.

- b. County Manager Report

Update on County finances for the following funds/accounts:	
General Fund	\$5,551,617.65
Fire Dept. Donations.....	\$7,721.24
Cash Reserve Account.....	\$467,582.54
Jail Fund	\$29,825.12
E-911 Fund	\$534,535.82
DATE Fund	\$39,165.82
Juvenile Court Fund.....	\$13,901.41
Residential Impact Fee	\$1,014,290.12
Commercial Impact Fees	\$166,248.03
C.A.I.P FUND	\$47,285.00
General Obligation SPLOST 2022-2028.....	\$806,334.67
L.M.I.G. Grant (DOT).....	\$721,815.85

- c. County Manager Comment

County Mananger Brandon Rogers stated all the Department Head Budget Meetings for FY 2023-2024 have finished up. The budget will be ready to be presented to the Board of Commissioners at their regular monthly meeting on April 12, 2023.

The county has several flooded roads and are in bad shape from the recent bad weather. It will take Public Works some time to get all the roads repaired.

- d. Commissioner Reports

District 1 – Commissioner Daniel reminded everyone that it will take time to repair the roads, it was a lot of water in such a short period of time. Thanked Todd Goolsby and Public Works for all their hard work.

District 2 – Commissioner Guy – No report.

District 3 – Commissioner Proctor thanked Public Works for all their work.

District 4 – Commissioner Jenkins – stated outside the road issue he would like to thank Commissioner Proctor for attending two weeks of budget meetings.

At Large Chairman Briar Johnson – No Report.

- e. County Attorney Report to Commissioners

County Attorney Rob Morton stated it has been a busy month dealing with open records responses, answering calls and some questions related to some of the work done by the Planning Zoning Board, assisted Pike County Water and Sewerage Authority with various issues, handling ordinance violations,

received some information related to personnel issues and dealing with the bond requirements that were discussed previously.

8. UNFINISHED BUSINESS

- a. Consider one appointment to the Pike Zoning Board to fill an unexpired term, representing the At-Large District of Pike County, set to expire December 31, 2024. *Applicant has met criteria.*

Applicants are James “Jim” McNair of Zebulon, Chad Proctor of Meansville, Cassandra Sharpe of Concord. Chairman Briar Johnson recommendation is Jim McNair of Zebulon.

Motion/second by Commissioners Daniel/Guy to appoint Jim McNair to the Pike Zoning Board representing the At-Large District of Pike County, motion carried 5-0.

- b. Discussion of Animal Shelter.

County Manager Brandon Rogers stated because of the conversations the Board has had with Ruth Chandler, this agenda item has been left on the agenda until the Board decides how they would like to move forward with the Animal Shelter. Programs have been looked at to send out surveys to the citizens to get their input. One company, called Zencity, is a tool for helping make data-driven recommendations to the Board. The cost for Zencity is costly at a discounted price of \$10,000/ year, with the normal price being \$24,000/ year. The Board may want to consider polling the citizens in a different way. CM Rogers stated he has put some numbers together on how much it would cost to run the facility. For the most part, it would cost around \$300-\$350 per dog to house the dog for five days and adopt it out. This number does not include for individuals for walking and caring for dogs outside of normal hours and does not include any kind of supplies such as food and bedding. CM Rogers noted some negative things he has found out is Meriwether County gets \$20-\$50 adoption fee on desirable dogs. A lot of their undesirable dogs will sit for months and not get any kind of return. Commissioner Guy stated he would like the County Manager to follow up and bring it back to the Board. CM Rogers stated the community needs to be reached out to see what they want.

Discussion only.

9. NEW BUSINESS

- a. Consider one appointment to the Pike County Animal Shelter Board to fill an unexpired term, set to expire September 30, 2023. *Applicant has met criteria.*

Applicant is Cherry Thomas of Concord.

Motion/second by Commissioners Daniel/Guy to appoint Cherry Thomas to the Pike County Animal Shelter Board, motion carried 5-0.

- b. Consider use of Courthouse Grounds from Edward Alexander with Concerned Citizens of Pike County on Saturday, June 17, 2023, from 9:00 a.m. until 6:00 p.m. for Juneteenth.

Motion/second by Commissioners Proctor/Daniel to approve use of Courthouse Grounds, motion carried 5-0.

- c. Approve/deny to surplus 2004 Pontiac Vibe on GovDeals.

County Manager Brandon Rogers stated this vehicle is at its end of life and it is time to sell it. The vehicle was pulled from everyday operation over a year ago and when COVID-19 had a big outbreak, the Senior Center needed another vehicle to help deliver meals and the car was put back into service. The Senior Center has a new van and uses the Ford Explorer that belonged to the Board of Commissioners office to deliver meals.

Motion/second by Commissioners Daniel/Guy to approve to surplus the 2004 Pontiac Vibe on

- d. Consider allowing Pike County Tax Assessors to administer homestead exemption for the past three years for The Estate of Charles Barton Sr and Kathleen D Barton.

Greg Hobbs, Pike County Chief Appraiser, addressed the Board stating the property is identified as Map 30 Parcel 003 M located at 70 Johnson Road Concord, GA 30206. Mr. Charles Barton Sr passed away in 2016 and the Tax Assessors office did not receive some documentation which caused the exemption to be taken off and should have never been removed. Ms. Barton is eligible for the exemption for the prior three years.

Motion/second by Commissioners Guy/Daniel to approve homestead exemption for the past three years for The Estate of Charles Barton Sr and Kathleen D Barton, motion carried 5-0.

- e. Consider Tax Refund Application from Melissa Turner/Chadwick Mercer in the amount of \$618.83.

Greg Hobbs, Pike County Chief Appraiser, addressed the Board stating the property is identified as Map 85 Parcel 013 A located at 532 U S Highway 19. Ms. Turner went into the Tax Assessors office to file a return in January 2023 and made them aware that the house on the property burned November 20, 2021. Mr. Hobbs stated when something like this happens in the previous year, you make the Tax Assessors office aware the following year the house has burned. Ms. Turner went into the Tax Assessors office in 2023 and skipped over the year 2022 when the house burned in year 2021. Chief Appraiser Greg Hobbs recommends not refunding the \$618.83.

Motion/second by Commissioners Guy/Proctor to deny the Tax Refund Application from Melissa Turner/ Chadwick Mercer, motion carried 5-0.

- f. Authorize the use of ARPA funds for design engineer services rendered on Reidsboro Road.

County Manager Brandon Rogers stated this is the engineering for Reidsboro Road waterline that runs from the Reserve at Reidsboro to around Brown Station. Watkins & Associates LLC is the engineer for the Water Authority, and they have sent over an invoice for \$45,455.37. This was an ARPA approved project for the Water Authority. CM Rogers is asking the Board for the approval of the payment for the invoice.

Motion/second by Commissioners Jenkins/Proctor to approve use of ARPA funds in the amount of \$45,455.37 for design engineer services rendered on Reidsboro Road, motion carried 5-0.

- g. Approve/deny authorizing Chairman Johnson to sign the new Opioid MOU.

County Attorney Rob Morton stated the Board was provided information in January that new settlements were on the horizon related to the National Opioid litigation matters. The county received information from the outside council that they are anticipating a new Memorandum of Understanding that includes the new settlements with new Settling Defendants: Teva, Allergan, CVS, Walgreens and Wal Mart. The resolution that was sent out to the Board is authorizing the Chairman to be the designated signatory.

Motion/second by Commissioners Daniel/Guy to approve the new Opioid MOU, motion carried 5-0.

- h. Discussion of Impact Fee Credits.

County Manager Brandon Rogers addressed the Board stating the county has received a request from STS Development Group requesting a credit for the following improvements at the subdivisions listed and for the value specified:

1) **Fox Tales Subdivision** – 525' Paving of a dirt road to county standards from Chapel Hill Road traveling west on 2nd District Road. Valuation is \$52,500.

2) **Fox Tales Subdivision** – 375'8" water main on 2nd District Road from Chapel Hill Road which includes one fire hydrant. Valuation is \$13,125.

3) **Whitehorse Subdivision** – Deed to Pike County for one (1) acre lot for the benefit of Fire Station. Valuation is \$35,000.

The total credit requested is equal to \$100,625. Pike County Ordinance 157.08 addresses Impact Fee Credits in Section B Granting of Credits. CM Rogers recommendation is to not approve any credits on these three projects because these requests were not brought to the Board's attention before, and the Board did not have a say so of what they thought the values were. The Board did not have the opportunity to agree/disagree giving credits before the projects were done and completed. Commissioner Guy asked if STS received any credit at the beginning of the projects. County Manager Rogers replied no that the only credits that he is aware of that the Board of Commissioners authorized with Impact Fees is Peachstate Aerodrome for Ron Alexander which was given years ago. Commissioner Daniel stated he needs more information to make a decision. CM Rogers stated the policy states the credits can be given by the Administrator in which he understands it to be himself. CM Rogers noted his reasons for denial are in the County Ordinance Book under 157.08 (B)(1)(a) The system improvement is included for impact fee funding in the Capital Improvements Element of the Comprehensive Land Use Plan and (B)(1)(c) The Board of Commissioners shall have explicitly approved said improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer. Commissioner Proctor stated he agrees with Commissioner Daniel that they need to study this more before a decision is made.

Motion/second by Commissioners Daniel/Proctor to postpone this agenda item until the next Board of Commissioners meeting, motion carried 5-0.

- i. Discussion of Georgia Department of Transportation Bridge Replacement Project located at Williams Mill Road at Little Potato Creek.

County Manager Brandon Rogers addressed the Board stating the Georgia Department of Transportation, GDOT, sent a letter to receive the input concerning the potential impact of the proposed project on the provision of emergency services, school bus routes, including locate or state routes in the area. A detour map has been attached illustrating the proposed route and location of the project. One of the questions GDOT asked on the questionnaire is to rate the impact on service if the bridge were closed for up to a year. Another important question GDOT ask for a response is are there any future time periods or events that the Board knows of where bridge closure would be of particular concern. Commissioner Proctor stated TNT Christmas Trees Farm, from Thanksgiving to Christmas. CM Rogers' concern was the landowner right at the bridge with the flooding that takes place at her location. The detour is 5.6 miles where the normal route length is 1.3 miles.

Discussion only.

- j. **PUBLIC HEARING:** To receive public input regarding REZ-23-01 – McJota Holdings, LLC owner and Jonathan Anderson applicant request a rezoning from A-R (Agricultural-Residential) to C-3 (Heavy Commercial) for property located at the southwest corner of Rose Hill Road and US Highway 19, Meansville, GA 30256 in Land Lot 218 of the 8th District, further identified as Parcel ID 071 059N. The property consists of 3.12+/- acres. The request is for the construction of a self-storage facility. Commission District 3, Commissioner Jason Proctor.

Jeremy Gilbert, Director of Planning and Developed, addressed the Board stating the rezoning and special exception before them is currently zoned A-R Agricultural Residential and is currently vacant land. The applicant wishes to rezone the subject property to construct a self-storage facility on the 3.12 acres. The site is in the US 19 Overlay District and has a concurrent application for overlay review

running with this rezoning application. Based on the overlay only the first 400 feet of the property from the center of the right-of-way is located in the overlay and bound by the requirements. Based on the survey submitted the entire property shall be bound by the overlay. According to the proposed site plan the applicant is proposing four storage buildings consisting of approximately 30,000 square feet. Chapter 160 of the Pike County Code requires self-storage facilities to be approved as a special exception in the US 19 Overlay District. The applicant has a concurrent special exception application running with this rezoning application. Staff recommends denial of the request. However, should the Board approve the request staff recommends the following conditions: 1) The entire site shall be developed in compliance with the US 19 Overlay Ordinance, 2) All portions of the building facing a public right-of-way shall be brick or stone and in substantial compliance with the proposed pictures provided as part of the request, 3) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code. The request was heard by the Planning Zoning Board on March 9, 2023 and they recommended denial of C-3 and approval of C-1 with the following three conditions: 1) The entire site shall be developed in compliance with the US 19 Overlay Ordinance, 2) All portions of the building facing a public right-of-way shall be brick or stone and in substantial compliance with the proposed pictures provided as part of the request, 3) A twenty-five foot (25') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code. The applicant is requesting a special exception to allow self-storage facilities in the Hwy 19 Overlay District. Staff recommends denial of this special exception. However, should the Board approve the request staff recommends the following conditions: 1) All storage buildings shall be designed and constructed in such a manner that no roll-up doors are facing a public right-of-way, 2) All portions of the building facing a public right-of-way shall be brick or stone and in substantial compliance with the proposed pictures provided as part of the request, 3) A six (6) foot tall privacy fence shall be provided along all property lines adjoining residential properties. A decorative fence will be allowed along all public rights-of-way. The special exception request was heard by the Planning Zoning Board on March 9, 2023 and they recommended approval with the following three conditions: 1) All storage buildings shall be designed and constructed in such a manner that no roll-up doors are facing a public right-of-way, 2) All portions of the building facing a public right-of-way shall be brick or stone and in substantial compliance with the proposed pictures provided as part of the request, 3) A six (6) foot tall privacy fence shall be provided along all property lines adjoining residential properties. A decorative fence will be allowed along all public rights-of-way.

In Favor

Jonathan Anderson
Allen Harris

Oppose

David Allen

Chairman Briar Johnson asked about if approved for C-1, is it okay to put a storage facility via special exception. Jeremy Gilbert replied in the ordinance book under section e. it states any use that is not listed. The Board of Commissioners has the zoning administration ability to do what they choose to do. This Board has the authority to give them C-1 via special exception. Chairman Johnson noted since it is a part of the Overlay District but not a part of the Comprehensive plan, the Commercial Corridor does not go past Highway 109, he will not be able to support this. Johnson would like to see a condition be a fifty-foot (50') buffer if approved. Commissioner Guy noted there are business down the road from this property.

Motion/second by Commissioners Proctor/Guy to approve REZ-23-01 to C-3 (Heavy Commercial) with four conditions, motion carried 3-2, with Chairman Johnson and Commissioner Jenkins opposed. Conditions are as follows:

- 1) The entire site shall be developed in compliance with the US 19 Overlay Ordinance.
- 2) All portions of the building facing a public right-of-way shall be brick or stone and in substantial compliance with the proposed pictures provided as part of the request.
- 3) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code.
- 4) Self-storage buildings can only be built on the property.

- k. **PUBLIC HEARING:** To receive public input regarding SE-23-01 - McJota Holdings, LLC owner and Jonathan Anderson applicant request a special exception to allow a self-storage facility on property located the southwest corner of Rose Hill Road and US Highway 19, Meansville, GA 30256 in Land Lot 218 of the 8th District, further identified as Parcel ID 071 059N. The property consists of 3.12+/- acres. Commission District 3, Commissioner Jason Proctor.

Combined Item k. with Item j. for one Public Hearing.

Motion/second by Commissioners Proctor/Guy to approve SE-23-01 with four conditions, motion carried 3-2, with Chairman Johnson and Commissioner Jenkins opposed. Conditions are as follows:

- 1) All storage buildings shall be designed and constructed in such a manner that no roll-up doors are facing a public right-of-way.
- 2) All portions of the building facing a public right-of-way shall be brick or stone in substantial compliance with the proposed pictures provided as part of the request.
- 3) A six (6) foot tall privacy fence shall be provided along all property lines adjoining residential properties. A decorative fence will be allowed along all public rights-of-way.
- 4) Property owner must coordinate water drainage and lighting with adjoining property owner in the back, David Bell.

1. **PUBLIC HEARING:** To receive public input regarding REZ-23-02 - Johnnie Bertram owner and Steve Godwin applicant request a rezoning from A-R (Agricultural-Residential) to C-3 (Heavy Commercial) for property located on the west side of US Highway 19, East of Williamson Zebulon Road, Zebulon, GA 30295 in Land Lots 224 & 225 of the 8th District, further identified as Parcel ID 066 032 ZZ. The property consists of 39.146+/- acres. The property to be zoned is only the property in Pike County as illustrated as tract 1 and 2 on the plat drawn by Sibley-Miller Surveying and Planning dated 12/28/2022. The request is for future commercial use. Commission District 1, Commissioner Tim Daniel.

Jeremy Gilbert, Planning and Development Director, addressed the Board stating the subject property is currently zoned A-R, Agricultural-Residential, and is currently a vacant wooded lot. The overall parcel is partially in the City of Zebulon and partially in the County. The part of the property in the City is currently zoned commercial and the part in the County is zoned A-R. The proposed rezoning is only for the part that is in the county. The applicant is wishing to rezone the subject property to C-3, Heavy Commercial, for the expansion of Middle Georgia Fleet and for additional future commercial uses to be determined at a later date. A portion of the site is located in the US 19 Overlay District and will be required to go through the overlay review process before any development can be started. Based on the overlay ordinances only the first 400 feet of the property from the center of the right-of-way is located in the overlay and bound by the requirements. So based on the survey submitted, approximately the first 320 feet of the property would be bound by the overlay requirements. Only a small amount of the property will be in the overlay and not close to the code requirement, if 50% of the site is in the overlay; the entire property shall be bound by the overlay. Staff recommends approval of the request to rezone with the following conditions: 1) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code, 2) Any proposed future development of the subject property shall be reviewed by the Planning and Zoning Board to ensure compliance with the intent of the US Highway 19 Overlay Ordinance. The request was heard by the Planning Zoning Board on March 9, 2023 and they recommended approval of the request with the following three conditions: 1) a one hundred-foot (100') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code, 3) No heavy truck traffic allowed on Williamson-Zebulon Road.

<u>In Favor</u>	<u>Oppose</u>
Steve Godwin	David Allen
Cherry Thomas (not in favor or opposed)	Kerry Stusak
	Kenny Ayers
	Terry Holland
	Tom Brown
	David Hughes

Commissioner Daniel asked if a concrete plant is permitted in C-3. Jeremy Gilbert replied no, it is not. Jeremy Gilbert clarified that a junkyard is not permitted in a C-3 zoning district. A concrete plant is not allowed in a C-3 district zoning. The following permitted uses are permitted in C-3 Districts: Any C-2 or C-1 permitted use; Automobile and truck sales; Boat sales; Commercial kennel for boarding of pets all structures must be setback a minimum 200 feet from all adjacent agricultural and residential properties; Dry cleaning plant employing no more than 20 persons; Farmers market; Feed and seed store; Heavy equipment sales and service; Major automotive repair; Mini-warehouse and warehouse without outdoor storage; Manufactured home sales lot; Motel, hotel; Outdoor theater; Recreational vehicle sales and service; Tire retreading; Trade shop, including electrical, plumbing, gutter, machine and HVAC contractor; Used car and truck sales; Special Trade Contractor Shop, including, but not limited to: Janitorial; Exterminating; Floor laying; Masonry; Ornamental metal work; Painting; Plastering; Plumbing; Sheet metal; Special building equipment installation; Utility substations meeting the following development standards a buffer must be provided along the entire substation perimeter; Portable building sales lot; Co-location of a telecommunications antenna on an existing structure. There are additional uses that would have to come back via special exception for approval. Commissioner Daniel asked if this is approved C-3 will they ever have to come back before the Board of Commissioners. Jeremy Gilbert replied the way the ordinance is written now, no. If a condition is placed on the property to require it to come back before the Board, then it would. Jeremy Gilbert stated this evening, the only thing that the Board is looking at is changing the color on a map.

Motion/second by Commissioners Daniel/Guy to allow applicant Steve Godwin to speak, motion carried 5-0.

Steve Godwin stated everything always comes back before the Board of Commissioners. Mr. Godwin stated he does own a concrete plant but he will not be putting a concrete plant on that property. Staxis would like to grow their business and they will sell some of the property to Staxis. Mr. Godwin said everything will be a good thing, it will not be a bad thing .The property is being rezoned to sell.

Motion/second by Commissioners Daniel/Guy to approve REZ-23-02 to C-3 (Heavy Commercial) with four conditions, motion carried 4-1, with Commissioner Jenkins opposed. Conditions are as follows:

- 1) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code.**

- 2) Any proposed future development of the subject property shall be reviewed by the Planning and Zoning Board to ensure compliance with the intent of the US Highway 19 Overlay Ordinance.
- 3) No heavy truck traffic allowed on Williamson-Zebulon Road.
- 4) Any use other than the expansion of the current business will be required to go before the Board of Commissioners for approval.

m. **PUBLIC HEARING:** To receive public input regarding REZ-23-03 - Southern Cousins Properties, LLC owner and applicant request a rezoning from P-I (Professional-Institutional) to C-3 (Heavy Commercial) for property located at 13576 US Highway 19, Zebulon, GA 30295 in Land Lot 91 of the 2nd District, further identified as Parcel ID 075 111 D and 075 111. The property consists of 7.44+/- acres. The request is for future commercial use. Commission District 4, Commissioner James Jenkins.

Jeremy Gilbert, Planning and Zoning Director, addressed the Board that the subject property is currently zoned P-I, Professional Institutional, and is currently a vacant lot that used to be operated as a plant nursery. The Property was rezoned to P-I on April 24, 2018, with four zoning conditions for the purpose of constructing a religious facility. The applicant wishes to rezone the subject property now to C-3, Heavy Commercial, for future commercial uses to be determined later. The site is located in the US 19 Overlay District and will be required to go through the overlay review process before any development can be started. Based on the overlay ordinance only the first 400 feet of the property from the center of the right-of-way is in the overlay and bound by the requirements. So based on the survey submitted, approximately the first 320 feet of the property would be bound by the overlay requirements. It will be extremely close to the code requirement, if 50% of the site is in the overlay the entire property shall be bound by the overlay. Staff recommends approval of the request to rezone with the following conditions: 1) The entire site shall be developed in compliance with the US 19 Overlay Ordinance and be subject to overlay approval by the Planning and Zoning Board, 2) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code. The request was heard by the Planning Zoning Board on March 9, 2023 and they recommended denial of C-3 and approval of C-1 with the following three conditions: 1) The entire site shall be developed in compliance with the US 19 Overlay Ordinance and be subject to overlay approval by the Planning and Zoning Board., 2) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code, 3) Auto service stations shall be prohibited.

Newton Galloway with Galloway & Lyndall, LLP Attorneys at Law provided two letters for the record: a Constitutional Objection to Restrictions in the Zoning Ordinance of Pike County, Georgia; and an Evidentiary Objections to Zoning Hearing based on York v. Athens College of Ministry, Inc.

Chairman Briar Johnson noted several mentioned running businesses out of the storage facility and that is alarming, is there a limitation on this? Jeremy Gilbert replied if someone came into Planning and Development to pull a business license with the address at the storage facility it would not be approved. A person may have a home-based business and the license issued to their home address and materials store in the storage facility.

<u>In Favor</u>	<u>Oppose</u>
Allen Harris	David Allen
Newton Galloway	
Sam Giles	
Chris Sobers	
Tristin Harris	
Tristin Burns	
Tina Harris	
Rodney Harris	

Motion by Commissioner Jenkins to deny REZ-23-03, motion failed due to lack of second.

Motion/second by Commissioners Guy/Daniel to approve SE-23-03 to C-3 (Heavy Commercial) with four conditions, motion carried 4-1, with Commissioner Jenkins opposed. Conditions are as follows:

- 1) The entire site shall be developed in compliance with the US 19 Overlay Ordinance and be subject to overlay approval by the Planning and Zoning Board.
- 2) A fifty-foot (50') buffer shall be planted or maintained on all property lines that abut a residentially zoned property meeting the standards outlined in Chapter 164 of the Pike County Code.
- 3) Excluded Proposed Uses C-1 (156.188)
 - (A)(2) Automobile service station meeting the following development standards;
 - (A)(20) Small scale indoor recreation, including, but not limited to, pool rooms and game rooms; excludes indoor shooting ranges;
 - (A)(23) Laundromat;
 - (A)(27) News or tobacco shop;
 - (A)(35) Taxi office;
 - (A)(36) Local, state or federal government building;
 - (A)(37) Utility substation meeting the following development standards: a buffer must be provided along the entire substation perimeter;

Excluded Proposed Uses C-2 (156.203)

- (A)(5) Ambulance service;**
- (A)(8) Bus terminal;**
- (A)(18) Parking lot or structure;**
- (A) (26) Daycare center meeting all state development standards.**

Excluded Proposed Uses C-3 (156.218)

- (A)(3) Boat sales;**
- (A)(5) Dry cleaning plant employing no more than 20 persons;**
- (A)(8) Heavy equipment sales and service;**
- (A)(9) Major automotive repair;**
- (A)(11) Manufactured home sales lot;**
- (A)(13) Outdoor theatre;**
- (A)(14) Recreational vehicle sales and service;**
- (A)(15) Tire retreading;**
- (A)(17) Used car and truck sales.**
- (A)(18) Special Trade Contractor Shop, including, but not limited to:**
 - (a) Janitorial;**
 - (b) Exterminating;**
 - (c) Floor Laying;**
 - (d) Masonry;**
 - (e) Ornamental metal work;**
 - (f) Painting;**
 - (g) Plastering;**
 - (h) Plumbing;**
 - (i) Sheet metal;**
 - (j) Special building equipment installation;**
- (A)(20) Portable building sales lot;**

4) Any proposed use will be required to go before the Board of Commissioners for approval.

10. PUBLIC COMMENT (limited to 5 minutes)

- a. Steve Reeves to address the Board regarding the Pike Zoning Board Appointment.

Mr. Reeves postponed this item until a later date.

- b. Becky Watts to address the Board regarding Brandon Rogers performance as County Manager.

Becky Watts addressed the Board stating her concerns have been ongoing for more than a year. Mrs. Watts has tried to work behind the scenes to help smooth the process for the public and those working for Pike County, but nothing seems to change. Mrs. Watts noted she is here tonight speaking on the record because she does not know what else to do. First, there seems to be a communication problem in this county. Several of the Board members noted this was an issue when you participated in the first required annual evaluation for County Manager Brandon Rogers last May. Suggestions included “Communicated better with the public, staff, and department heads”, “Make amends with Constitutional Officers and department heads”, Provide direction for staff and be a great leader”, Keep Board more informed of issues and the day-to-day operations”, and “Be open to constructive criticism and ideas for the County.” Mrs. Watts asked the Board if communication is better, worse or the same as it was this time last year? Second, there seems to be a problem with leadership in our county. Is the Board notified by email or text when Brandon is not going to be in the office and why? What about the staff in the Commissioner’s office? Or the entire county when he is out of the office? Ms. Watts asked the Board if they are getting regular County Manager reports. Commissioners are elected by the citizens, and the County Manager is hired by you. Everyone has job responsibilities and should be held accountable for their actions. Let’s move to county hiring practices and the lack of respect that Mrs. Watts is seeing for this Board. Was the Board notified that Brandon was going to introduce Jeremy Filbert, the current Planning and Development Director, as the Assistant County Manager in the budget meetings? If Brandon did this without an express OK from this Board for a new county position or did he do this without giving you an opportunity to make that introduction first, you should let him know that you do not appreciate that kind of disrespect. If you do not, this will happen again with something else. According to open records from Spalding County, Jeremy signed a contract to work in Spalding County for \$82,511/year on February 15, 2023. He gave written notice on February 13, 2023 that March 10, 2023 was his final day in Pike County. The county spent money to run an ad in the paper for his replacement. On March 7, 2023, the day before the Board of Commissioners meeting, he then wrote a letter to Spalding County advising that “Pike County has offered me something to stay that I cannot pass on the opportunity.” Mrs. Watts stated she knows that Jeremy Gilbert stayed for more than just a week of vacation given at the last Commission meeting, but according to two open records requests, he has no signed contract, no written rate of pay, no written job description, and his pay had not changed from \$63,719.398/year. There is nothing in writing that shows that he was reinstated to work in this county, and the Pike County ordinances do not include the position of Assistant County Manager. Mrs. Watts asked if this is how the Board would conduct business at their Personal Business, she doubts it so why is it ok here? The Board is responsible for the actions of your County Manager. The Board is responsible for the way that Brandon speaks to and treats members of the public, your employees and department heads, and elected officials. The Board is also responsible when Brandon refuses to speak to people in our county. Is the Board confident that when Brandon Rogers speaks on your behalf a complaint will not end up before a county committee, a Judge, or the EEOC? Is the Board confident that Brandon will consult with the Board and the County Attorney on future expenditures and decisions made on your behalf? The \$5,000 spending limit seems to be ensuring good communication on

expenditures and should prevent future issues with state law. That is good at least. Does Brandon’s overall actions as County Manager make you proud of your choice to hire and retain him as your County Manager? Is Brandon treating the Board with respect and are you sure that he not going to treat you like he did Chairman Johnson at the past meeting? If you cannot answer with a firm yes to every one of these questions, you should do something about it. Actions should have consequences. The Board is elected by the people of this county to work with Brandon for the good of our county. If you are not happy with what you see, there is no one else who can fix the problem. Mrs. Watts asked again for the Board to conduct the required annual evaluation for Brandon and compare it to last year. What has improved? What needs to be improved? And what had better not happen again? In closing, it really should not be so hard to communicate with others, follow state and local laws, and treat others like you want to be treated, but problems continue to happen without consequences. Board, when you make a decision to remain silent when concerns are voiced by two of your fellow Commissioners, you are speaking loudly as to what you will allow because silence implies consent. Mrs. Watts noted if you remain silent at the lack of communication and disrespect shown to the public, your employees, elected officials, and yourselves, you as the Board are responsible for the results.

- c. David Allen to address the Board regarding Planning and Zoning Board and Codes.

David Allen addressed the Board stating last year it was decided to abolish the Board of Appeals and Planning Commission Board and have one Board, Planning Zoning Board. Mr. Allen stated he has concern with this because the county went from having 10 knowledgeable voices to 5 voices that do not have experience and need training. At the March 9, 2023 meeting the Planning Zoning Board was all over the place. The Planning Zoning Board needs to be very familiar with the Pike County Code Book. Mr. Allen noted how the zoning was handled tonight by the Board of Commissioners is sad. Rezoning hearings is to find out what people are doing, not rezone the property and find out in the future what the planned use is for the property. Mr. Allen stated Code Enforcement in Pike County is a joke, they cannot enforce a junk car ordinance and it is straight forward. Mr. Allen stated he is very concerned.

11. EXECUTIVE SESSION

- a. County Manager Brandon Rogers requests an Executive Session to discuss the possible acquisition of real property pursuant to O.C.G.A. 50-14-3 (b)(1).
- b. Chairman Briar Johnson requests Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency, as provided in O.C.G.A. § 50-14-3(b)(2), germane to personnel.
- c. County Attorney Rob Morton request Executive Session for consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1). (agenda amended to add this item)

Motion/second by Commissioners Daniel/Proctor to adjourn Regular Session and enter into Executive Session at 8:40 p.m., motion carried 5-0.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF PIKE

AFFIDAVIT OF PIKE COUNTY BOARD OF COMMISSIONERS

Members of the Pike County Board of Commissioners, being duly sworn, state under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Pike County Board of Commissioners met in a duly advertised meeting on 3-28-2023.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 8:40 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

- Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);
- No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____insert the citation to the legal authority making the tax matter confidential);
- Yes Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

- Yes Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency, as provided in O.C.G.A. § 50-14-3(b)(2);
- No Other – Germane to authorizing negotiations to purchase, dispose of or lease property.

Pike County Board of Commissioners:

J. Briar Johnson, Chairman	(L.S.)
Tim Daniel, Commissioner	(L.S.)
Tim Guy, Commissioner	(L.S.)
Jason Proctor, Commissioner	(L.S.)
James Jenkins, Commissioner	(L.S.)

This the 28th day of March 2023.

Sworn to and subscribed
Before me this 28th day of March 2023.

Robert L. Morton
Morton & Morton Associates
County Attorney and Notary Public
My commission expires: August 10, 2026.

Motion/second by Commissioners Guy/Daniel to adjourn Executive Session and enter into Regular Session at 9:24 p.m., motion carried 5-0.

12. ADJOURNMENT

Motion/second by Commissioners Guy/Daniel to adjourn at 9:24 p.m., motion carried 5-0.

J. Briar Johnson, Chairman

Angela Blount, County Clerk