

**REGULAR SESSION
TIFT COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 10, 2017 (6:00P.M.)**

The scheduled Regular Session of the Tift County Board of Commissioners was called to order by Chairman Thompson on Monday, April 10, 2017 at 6:00p.m. in the Commission Meeting Room of the Charles Kent Administration Building. Members of the Commission present in addition to Chairman Thompson were: Vice Chairman Robert Setters and Commissioners Donnie Hester, Melissa Hughes, Stan Stalnaker, Fred "Buck" Rigdon and Greg Wood.

Vice Chairman Setters offered an invocation followed by the Pledge of Allegiance to the United States Flag.

MINUTES: A Motion to approve the Minutes of the March 7, 2017 Workshop and Executive Sessions and the March 13, 2017 Regular and Executive Sessions was offered by Commissioner Wood and Seconded by Commissioner Hester. The Motion carried unanimously.

PUBLIC COMMENTS: None

ADDITION TO THE AGENDA: A Motion to add a Regional TSPLOST Resolution to the agenda designated as item "F" was made by Commissioner Rigdon and was Seconded by Commissioner Wood. The Motion carried unanimously.

APPOINTMENTS:

1. A Proclamation declaring April as "Child Abuse Prevention & Awareness Month" was presented to Mr. Dave Hetzel representing the Tift County Commission on Children & Youth.
2. A Proclamation recognizing the 2017 AAAAAAA State Basketball Champions was presented to Tift County High School Basketball Head Coach Dr. Eric Holland.

PUBLIC HEARING:

A. **TC-ZA-17-01: Application by Jonathan Garvey, dba: Tifton Rental Houses, LLC, requests rezoning of 1.89 acres located at 1608 Westover Road from R-12 (Residential) to M-R (Multi-Residential). The preliminary site plan indicates a proposed development of four (4) buildings of which two (2) buildings have six (6) apartments and two (2) have five (5) for a total of twenty-two (22) apartments. The subject property is reflected on Tift County Tax Map 045, Parcel 013.**

Tift County Development Support Services Director Carl Fortson provided the Staff Report. He stated that the application came before the Greater Tift County Planning and Zoning Commission on March 9, 2017 and it was approved unanimously by the 4 members present at the meeting. Mr. Fortson then read the Staff analysis from the submitted materials highlighting each of the 11 Standards for Exercise of Zoning Power and he spoke to his verification of data relevant to required green space. He concluded that the application was in compliance with each of the 11 standards as well as the Tift County Comprehensive Plan. Therefore, he recommended approval of the petition for a change in zoning from R-12 to M-R.

Chairman Thompson inquired about the parking area and the availability of adequate space. Mr. Fortson referred him to the proposed site plan.

Commissioner Hester inquired asked about the water/drainage aspects of the application. Mr. Fortson referred to the storm water plan and highlighted the proposed retention pond on the southwest corner of the property.

County Attorney Tony Rowell addressed the Board as to conflicts of interest. Specifically, he asked if any member, businesses that they own, partnerships or other business relationships have any interest in the property that is the subject matter of the rezoning. There was no affirmative response indicating a conflict of interest. With that, he opened the Public Hearing and asked for comment from anyone in favor of the application.

Jonathan Garvey- 2602 Central Avenue – Mr. Garvey spoke on behalf of the rezoning application. He presented a written statement, aerial photograph and stated that he would like to clarify some concerns relative to the rezoning. He reminded the Board that the decision before them was simply a land use decision. He spoke to the large number of apartment or multi-family properties surrounding his proposed site, some of which were ‘Section 8’ housing. He alluded to the fact that he has no ‘Section 8’ tenants and his development as proposed would allow for an area of transition between ‘Section 8’ areas and Single Family Residential areas. He continued to state that there was no data to support claims of loss in value to adjacent properties and that his application was in full compliance with the 2028 Greater Tift County Comprehensive Plan. He stated that he was preserving his Constitutional right to rezone the property as he sees fit. If denied by the Board, he stated that he was reserving his Constitutional right to appeal such denial as he felt that would be in violation of his Constitutional rights. He asked for the opportunity to reserve five minutes for closing arguments after opponents voiced their objections. He asked that his presented materials be made a part of the record.

There were no other comments in favor of the application.

Comments from those opposed:

Rev. Salone Green – Carpentar Road Church of God – Rev. Green spoke in opposition to the application. He stated that his motive was not to withhold growth from Tift County, but rather to keep this development from infringing on the Church property. He stated that only a few days earlier, heavy rain had caused a “torrential current” of water to flow onto Church property. His fear is that development would only worsen the current water problem that his church recently paid \$12,000.00 to correct. He asked on behalf of his congregation that the petition be denied.

Stephen Scott – 4347 Highway 125N- Mr. Scott stated that he was speaking on behalf of his parents who reside on Westover Road in opposition to the proposed rezoning. He stated that he felt as though the request for zoning was prepared by the County and lacked any negative reference. He suggested that there should be a “big picture” approach to rezoning that takes into account “the people’s” perspective. He continued to state that he felt as though water, traffic density, green space, population overcrowding and property value were significant negative factors associated with this proposed development. He then spoke about the current development underway on the opposite side of his property and the manner in which it complies with the current code. He stated that he was not opposed to the Garvey’s, but rather he was trying to preserve a small piece of Tift County. He asked that the Board “make the right decision” and deny the petition to rezone.

Bobby Kirkland – TiftWest Subdivision- Mr. Kirkland spoke in opposition to the rezoning application. He referred to the map and stated that he had been in several units at the apartment complexes depicted. It was his contention that in each of the units he visited, there were at least 5-8 occupants. Therefore, he didn’t feel like there was sufficient area nor green space to accommodate the number of occupants that would be inhabiting the proposed development. Additionally, he stated that he has lived in the area for nearly 25 years and he is concerned that the development would worsen the already bad watershed situation. He asked the Board to deny the request.

Charlotte Bedell -1710 Sara Drive- Mrs. Bedell spoke in opposition to the proposed rezoning. She cited the fact that the extensive number of impervious surfaces would worsen the water runoff in the area and she was equally concerned about ingress/egress and the volume of “pickup trucks” that accompanies student housing. She urged the Board to consider the impact of the proposed rezoning on the existing neighborhood, particularly Westover Road, and deny the petition.

Rick Hawkins -1604 Westover Road – Mr. Hawkins presented the Board with a petition signed by approximately 130 individuals in opposition to the proposed rezoning. He concurred with previous speakers about the water issues in the area, traffic from the YMCA athletic facilities

and he reminded the Board that the property was R-12 when it was purchased by Mr. Garvey. Consequently, he argues that he should have been prepared to develop it as R-12. He asked that the Board retain the current zoning, R-12.

Lester Potts -406 Bowen Marchant Road- Mr. Potts spoke in opposition to the proposed rezoning request. He advised that he is a champion for controlled growth in Tift County, but he feels as though the population density in this particular area is growing out of control. He posed the question to the Board, when will it stop? Additionally, he asked the County Attorney about the appeals process as it relates to the decision before the Board. Mr. Rowell explained that this was not an appeal, but rather a new application. He implored the Board to stop the expansion of population density in Tift County and enforce the current land use designation, R-12.

Tom Hendricks – 1812 Whiddon Mill Road – Mr. Hendricks spoke in opposition to the proposed development. He stated that he lives across from the eyesore that is the current development underway on the former Amos Marchant property. He presented his major two concerns relative to the proposed development. The first was traffic in the area and the second was water runoff. He asked the Board to deny the rezoning request.

There were no other comments in opposition to the application.

Jonathan Garvey- Mr. Garvey offered rebuttal with respect to traffic in the area, surrounding area land use and growth in Tift County.

There were no additional comments from the public and Mr. Rowell closed the Public Hearing.

A Motion to retain the current zoning of R-12 was offered by Commissioner Wood and Seconded by Commissioner Rigdon. The Motion carried by a 4-2 vote. Those voting in the affirmative were Commissioners Hester, Hughes, Rigdon and Wood. Those against were Vice Chairman Setters and Commissioner Stalnaker.

A Motion to enter into a brief recess was made by Commissioner Hughes and Seconded by Vice Chairman Setters. It carried unanimously at 7:30pm.

The Chairman reconvened the Meeting at 7:35pm and all Commissioners were in attendance.

CONSENT AGENDA:

A. Motion to approve the Board of Education Resolution for tax levy

- B. Motion to authorize the submission of Tifton Eldorado Road widening as a 2017 LMIG safety project**
- C. Motion to declare the property as submitted surplus and authorize disposal via govdeals.com**
- D. Motion to authorize the purchase of a Kubota BX1870-1 HST from low bidder, Perrin Tractor**
- E. Motion to approve a Retail Wine License for Thach Vu, dba: Oasis Nail & Spa, 1430 US Hwy 82W**

A Motion to approve the Consent Agenda consisting of items A, B, C, D, E as read by the County Manager was offered by Commissioner Rigdon and Seconded by Vice Chairman Setters. The Motion carried unanimously.

F. Regional TSPLOST Resolution: The County Manager presented the Board with 3 options as it pertained to the Regional TSPLOST that had been discussed over the course of the prior few Board Meetings. The options were: A Resolution to initiate the process, A Resolution to decline to initiate the process, or they could opt to remain silent on the issue. The County Attorney advised that the law allows for the issue to move forward once 10 counties in the region have adopted Resolutions in support. Commissioner Hughes reminded the Board that the issue of moving forward was moot as 10 counties have adopted Resolutions in favor. However, she echoed Vice Chairman Setters sentiments from a prior meeting that adopting a Resolution in favor would solidify the County's relationship with GDOT. Vice Chairman Setters reiterated that he did not want to see SPLOST harmed in any way, but that TSPLOST was going to appear on the ballot no matter what action the Board takes. Therefore, he asserted that he could not identify a downside to offering a Resolution in support. Commissioner Rigdon concurred. A Motion to adopt a Resolution in support of TSPLOST, initiate the process, and authorize the Chair to sign was offered by Commissioner Hughes and Seconded by Vice Chairman Setters. The Motion carried unanimously.

COUNTY MANAGER COMMENTS: None

COMMISSIONER COMMENTS: None

EXECUTIVE SESSION: A Motion to enter into an Executive Session for personnel was offered by Commissioner Wood and Seconded by Commissioner Stalnaker. It carried unanimously.

A Motion to close the Executive Session and adjourn the Regular Meeting was made by Commissioner Hughes and Seconded by Vice Chairman Setters. The Motion carried unanimously.

Chairman Grady Thompson, District 7

Vice Chairman Robert Setters, District 3

Commissioner Donnie Hester, District 1

Commissioner Melissa Hughes, District 2

Commissioner Stan Stalnaker, District 4

Commissioner F.W. "Buck" Rigdon, District 5

Commissioner Greg Wood, District 6

attest: _____