

Lamar County Board of Commissioners
Public Hearing
September 15, 2020
6:00 p.m.

Vice-Chair Thrash called the Public Hearing meeting to order at approximately 6:00 p.m. Present for the meeting was Commissioner Horton, Commissioner Heiney, County Clerk Davidson. Chairman Glass and Commissioner Traylor joined the meeting later. County Administrator Townsend was present for the meeting via Zoom. The meeting was available to the Public via Zoom.

Subdivision App. # 2020-06 by Xcell Properties, LLC

Rezoning App # 2020-06 by Xcell Properties, LLC

Planning and Community Development Director Buice addressed the board about subdivision App. # 2020-06 by Xcell Properties, LLC where an application has been received to request a minor subdivision for 13.34 tract of parcels. She said that this would be a six-lot subdivision with lots ranging from 1 to 4 acres. She said that the rezoning app # 2020-06 by Xcell properties is a proposal to rezone the property from Agricultural-Residential (A-R) to Residential-3 (R-3) for the minor subdivision location on Grove Street, Lamar Tax Map 034, Parcel 001. The R-3 zoning has a 1200 square foot minimum on house size. Permitted uses on R-3 are for single family homes. Planning and Community Development Director Buice said that the Planning and Zoning board approved the re-zoning and the minor subdivision with the condition that the home size be a minimum of 1600 square foot homes because they thought that this would help with the neighborhood concerns.

Public Comments

Mr. John Briley of 546 Grove Street addressed the board. He stated that he and his wife have lived on Grove Street for more than forty years. Mr. Briley read a letter regarding his concerns regarding the minor subdivision and the rezoning from A-R to R-3. The letter is attached to the minutes.

Tyrone Ward of 548 Grove Street addressed the board. He said that he came to the meeting to ask the board to not change the zoning of the area because they pay good taxes on the property and he feels that the property value will go down as they continue to remodel their homes. He said that there is not a market for 1200 square foot homes in this area because they are not going to sale. He said that they will turn into a slumlord. He said they are also looking a pollution in their pond from the septic tanks. He said that this flows into the Towaliga creek into the drinking water of the City of Barnesville. Mr. Ward asked the board to not change the zoning in that area because to him it is a hazard. He said there is a bad curve in this area and also driveways. He asked that the board take all of this into consideration. Mr. Ward said that there are kids walking in the streets, there is an increase in traffic, theft, and drugs. He said that the owner of the duplexes on Grove Street was

going to fix them up, but the owner of the duplexes changes hands every other month. Mr. Ward said that there had even been a murder in one of the duplexes. He said that this subdivision will be in the exact same place once it become rental property.

Bruce Butler of 696 Grove Street addressed the board. He said that he lives behind the area where the subdivision will be built. Mr. Butler said that he bought the property because it is in the country and is normally quite other than hearing the firing range. He said that he built his house there, so he did not have to put up with all the noise. Mr. Butler said that there had been 11 wrecks at his driveway because of the sharp curve. He said that he pulled out of his driveway one morning and there was not anything coming and before he got to the end of the driveway and into the road, his car was hit and it tore the entire side of his car up. Mr. Butler said that this is not what they want out there. He said that there is enough traffic on that road. He said that you cannot walk down the road because you never know when someone is going to come around the curve. He said everyday someone has slid off into the ditch behind his driveway. Mr. Butler said that there is no reason to have those houses there. He said that the water goes down through this property which is about 25 ft. wide. He said that he asked if he could dam up a little of it so the water will back up, but he was told he could not touch anything. He said that he bought 12 acres and he is only using 6 acres. He said that the rest of it is under water all year long. He said that on the other side of the road, the water comes down into the streets and goes into the culvert and into his property along with all of the trash. Mr. Butler said that he cleans it up once a year. Mr. Butler said that where the houses will be built it is surrounded by water. He said that the water comes down the street and goes across that area because it is higher than the rest of the property. He said that it goes around it and goes down into the gutter. He said that the water is year-round, and the power line goes through there. He said that when the people are working on the power lines the trucks get stuck. Mr. Butler said that he had pulled three or four trucks out when they got stuck. Mr. Butler said that they cannot say this is a dry area when it is not, and he cannot see where they are going to put six houses with six driveways. Mr. Butler said that will be six more people that will get hurt when they back out of their driveway because you cannot see around the curve.

Mr. Chad Taylor of 590 Grove Street addressed the board. He said that he has lived on Grove Street for about 16 years and moved there when he was very young. He has a six-year-old little girl and she loves to play in the yard. Mr. Taylor said that the traffic on Grove Street is rough and people that speed go off into the ditch. He said that some of his concerns is the trash on the roadway and the stream that backs up to his property next to Mr. Ward. He said that when it rains really hard there is a good amount of water that comes through there and then you have septic pollution. Mr. Taylor said that the children running through that property is also an area of concern. He said that he has had people come across his property to go fishing or play in the lake. He said that the traffic increase, the septic system, and the overall population of the street is his concern. Mr. Ward said that people that want to live out there want to be quiet. He said that it is except for the noise that comes from the Industrial Park. Mr. Ward said that he does not know what will come with the caliber of people in those six houses. He said that everything in that area is wet over a half of the year.

Mr. Willie Brantley of 620 Grove Street addressed the board. He said that he had his property surveyed about two or three months ago and was told where his line was. He said that it comes straight through the utility shed and curves to the left. He said that on the deed it says it is 210 ft. across in the front and 415 ft. deep. He said that there are not any curves just straight lines. Mr. Brantley said that 5 ft. of his land is being taken from him. He said that the proposed subdivision is next to his property and he is the last house on Grove Street.

Vice-Chair Thrash explained that they cannot encroach on his property. Vice-Chair Thrash reiterated that they cannot take his property. Mr. Brantley asked who he could make a mistake like this and not know where the real property lines are. Vice-Chair Thrash stated that they would address this with the property owner.

Mr. Brantley said that transit is a big problem when you start building unit houses. He said that they do not give a hoot about anybody's property. He said that a lady that lives down the street, in the curve, is going to have a problem backing out. Mr. Brantley said that the street is narrow in this area. Mr. Brantley said that they did not do well in planning this.

Cynthia Ward of 548 Grove Street addressed the board. She said that she has some real concerns about changing the zoning. Mrs. Ward said that when she and her husband decided to buy property in Barnesville, they looked on the internet at the demographics and found that 75 percent of the properties in Lamar County were zoned A-R. She said that with the planning that was done, they could see that they were trying to preserve the integrity of the farmland and the country atmosphere and that is why they bought the property. Mrs. Ward said that they have three adopted children and their plan is to raise them in the country. Mrs. Ward said that this is also where they want to retire. Mrs. Ward said at the Planning and Zoning meeting the developer said that the county has already set a precedent that they want to zone the property R-4, which is asked for in the beginning when he wanted to build the duplexes, and would have really been a problem. Mrs. Ward said that with the R-3 zoning for single family homes and building the smallest homes would not sale and would eventually become rental property. Mrs. Ward said that there are creek beds on the property. Mrs. Ward requested that the board leave the property in A-R zoning because you can still build a 1400 square foot home with A-R zoning. Mrs. Ward said that she is not sure why the Planning and Zoning board decided to increase the size of the houses because in A-R zoning you can build a 1400 square foot home. Mrs. Ward said that she believes that if they change the zoning, they would be setting their selves up. She said that there is no way as a developer, if he builds the houses bigger, that he would be able to make the kind of profit that he is trying to get. Mrs. Ward said that she does not have a problem with the developer, and she knows that there is probably a need for housing but 1200 square feet on that parcel of property would do nothing for the tax digest. Mrs. Ward said that land there is bad. Mrs. Ward said that as property owners they are paying good property taxes. She said that she feels like that they should have some input as to how they change the zoning because if the zoning is changed it will set a precedent. Mrs. Ward said that there is another piece of property that is about two or three lots down from them that has been for sale for a while. She said that they were told it has ten acres but said that there may only be four or five good acres in the back, but it is a big drop off. Mrs. Ward said that the closer they get to purchasing this land there is an option where they are trying to connect the driveways. Mrs. Ward said that it is a bad idea to change the zoning. Mrs. Ward said that they cannot stop the developer and said that she knows that he does have a right to build. Mrs. Ward said that if they leave it zoned A-R then he will be required to build 1400 square ft. homes on at least one acre. Mrs. Ward said that

they will make sure that whoever the developer is will follow all of the rules without impeding the creek beds because when it is hot and they don't get any rain their lake goes down six feet. Mrs. Ward said that last year her husband had to walk the creek beds and pull-down beaver dams to get a good flow of the water. Mrs. Ward said that if you have that many residents, and with six houses there will probably be children, if it is not governed like it should be, then it will obstruct the lake and cause them a big problem. Mrs. Ward stated that they paid good money for their land and they pay good taxes and she would hate for their property to be destroyed because of this. Mrs. Ward said that her suggestion is to leave it zoned A-R. She said that she knows that they cannot tell him not to use his property, but they can make sure that he does not impede the creek beds and honor the setbacks. Mrs. Ward said that she does not have any control over what happens in the curve or with the powerlines but said that she is asking the board not to change the zoning because eventually all of the zoning will change.

Irwin Bryan of 719 High Falls Park Road addressed the board. He said that people that have under 25 acres of land they are trying to keep down the amount of heavy equipment on their property as well as gas tanks that they use for fuel. Chairman Glass stated that this is a different topic than what is being discussed at the Public Hearing. Vice-Chair Thrash said that this is a topic for the Regular Business meeting at 7:00 p.m.

Winfred Dixon of Grove Street addressed the board and said he has several pieces of property on Grove Street. He said that if he had to give a house number it would be 657 Grove Street which is diagonally across from where they are trying to put the subdivision. He said that at 657 Grove Street his sister lives there. He said she is a senior and for people who are a certain age you can get trash pickup where they come to your door and take it to the curve. However, she could not get this service because of the curve because they said it was too dangerous for the trash trucks. Mr. Dixon said that this is a dangerous curve. Mr. Dixon said that he grew up on Grove Street and that he has lived on Grove Street all of his life. Mr. Dixon said that a couple of weeks ago there was an accident out there where someone ran off the road. Mr. Dixon said that if it is too dangerous for a trash truck to stop in the curve to pick up the trash then why are they going to build these houses and make a congestion. He said that if these houses can be built with the current zoning, then why are they changing the zoning. Mr. Dixon said that he has heard a lot of people speak about the country atmosphere and asked if changing the zoning will get rid of this. Mr. Dixon said that changing the zoning will allow people to come back in and build houses in between houses. He said that there is a problem on Grove Street where they built the duplexes a couple of years ago. He said that the duplexes are an eye sore. Mr. Dixon said that when you build 1200 square foot homes, people that usually buy them for starter homes are young couples and they do not stay there. He said that they live in them for a few years and because the resale on them is terrible, they end up as rental property. He said that when they end up as rental property he said most of the time you get a slum because people do not take care of what they do not own and especially when it is in the country. Mr. Dixon said that if you do not have some type of Homeowners Association (HOA) with requirements it is not being helped. He said that everyone in this area of Grove Street are homeowners and they take care of their own property. Mr. Dixon said that he was not at the Planning and Zoning board meeting but said that he was told that there was discussion about power line relocation from one side of the street to the other. Mr. Dixon said that that he owns houses on that other side of the street. Mr. Dixon asked why they were going to put power lines where there is nothing and put them somewhere where something already exist. He asked why you would take it out of a yard that is not a yard and put in his yard. Mr. Dixon asked who was going to pay for

the relocation of the power line and asked if the County was going to pay that bill. Mr. Dixon said that if this was the case, then that is their tax dollars. Mr. Dixon asked why they would relocate a power line that is already working perfectly and why would they spend that money and for what purpose. Mr. Dixon said that if these houses meet the requirement under the current zoning what is the purpose of the zoning change. Mr. Dixon said that when the lady who lives at 665 Grove Street built her house, they had a requirement, 18 years ago, that you had to have two acres of land to build a house. He said that the land had to perk and because hers did not, they had to put in a special septic system. Mr. Dixon said that this is Lamar County; a bedroom community. He said that people move here because they are looking for that type of atmosphere and asked why you would get rid of that. Mr. Dixon asked what they would benefit by giving this up. Mr. Dixon said that he did not have a problem. With people building houses and he would love to see people build houses in this area, but he wants to see houses built where people want to stay. Mr. Dixon said he wants to see homeowners building houses, moving in, living, and raising their families. Mr. Dixon said that he does not want to see someone come in with a way to make a fast dollar and throw something up and then their gone. Mr. Dixon said that the traffic on the street is going to increase and it is a dangerous street because of the curves. He said that numerous activities take place on this street. Mr. Dixon said that they have to look at all of the other things that come into play. He said that when you add the number of houses into this equation, how will it affect the whole equation. Mr. Dixon said that he was baffled at why they would change the zoning to accommodate houses that can already be built with the current A-R. zoning. Mr. Dixon said that there had to be some other reason to want to change the zoning. He said that someone is looking at something further down the road that they are not being told or that they cannot see at this point that the new zoning will allow that the old zoning will not. Mr. Dixon asked again what they are in for down the road if they are asking to change the zoning today.

Greg Stringer of 160 Bittersweet Trail, Sandy Springs, Georgia addressed the board. He stated that thinks he has a good request and said that he wished to zone the property R-3 because there is currently so much property currently zoned R-3. He said that there is no precedence being set to go with R-3 zoning. He said that the current property around the proposed property is already zoned R-3 and they are asking for a like zoning. Mr. Stringer presented a map of the property to the audience. Mr. Stringer said that the question about the rezoning classification and why they would change it. He said that the current zoning, allows for livestock. He said that if has a builder build homes and he sales lot number 1 to Mr. Jones and then he sells lot number 2 to Mr. Smith and Mr. Smith looks in the backyard of Mr. Jones property and sees cows looking over the fence this might be a hard sale for a lot of people because a lot of people don't want that. He said moving from A-R to R-3 zoning prohibits livestock and makes for a more restrictive zoning. Mr. Stringer said that they do not want a lot of things that A-R allows. Mr. Stringer said that they could come up with all kind of deed restrictions on the property where you are basically mirroring that what the County has already done in establishing residential zoning. He said that to force the deed restriction would require an HOA be established if left in A-R zoning and this would be stringent than what the County has imposed. He said that if says he does not want livestock on this property and he sets deed restrictions to enforce this, then the governing body is forcing an HOA. Mr. Stringer said that he does not want an HOA. He said that when setting up an HOA for a 6-lot subdivision or a 600-lot subdivision it is almost exactly the same.

Mr. Stringer said that this is the purpose for going to a residential zoning. Mr. Stringer said that he hopes that alleviates some fears but said he cannot get rid of all of the fears. He said if there are

fears about septic tanks but said that there have been septic tanks backing up to the lake for the last 40 to 50 years. He said that today the water is pristine, and the septic tanks do not have an effect on the lake then why would having more septic tanks on the lake make the lake less pristine. He said that logic does not follow. He said that in the Planning and Zoning meeting it came up about the kids playing in the streams or walking in the street or fishing in the lake. Mr. Stringer quoted what he thought to be some words from a song by Elton John, "When I was a young boy, life was but a dream, living in the country and fishing in the stream." He said that the thought that he meant the song to be in a positive way. Mr. Stringer said that with all of the weird stuff that is going on in this Country right now, can they think of something more horrible than a kid playing in the stream. He said that he does not understand why it is horrible for kids to be fishing in the lake.

Mr. Stringer addressed the issue with curve. He said that there is a curve but said that it is not as sharp as the other curves on Grove Street. He said that the engineers have carefully designed the subdivision in Grove Park. He said that the frontage is consumed by one single lot so there not multiple driveways coming out into the park. Mr. Stringer addressed the power lines. He said that the power company wants to move the power line from the private property to the right of way. Mr. Stringer said that the power company wants to relocate the line because the trucks are being stuck in the mud.

Commissioner Heiney inquired about the land being wet and asked if the houses would be built over dry land so it will not flood and constantly have water intrusion. He said that the water issue is one they will work with then engineers on. Mr. Stringer said that there is water on the property because there are two creeks on the property. Mr. Stringer replied to Commissioner Heiney that as far as he knows there should not be any water intrusion.

Vice-Chair Thrash said that the citizens have a misunderstanding about the A-R zoning versus R-3 zoning. She said that actually under A-R zoning they would have more permissive uses. He would be able to have roadside stands, outbuildings where people could actually reside such as a pool house. Vice-Chair Thrash said that under R-3 zoning they cannot do that. She said that also under A-R zoning there are some rules about agritourism that are permissive that would not be permissive under R-3.

Vice-Chair Thrash asked Mr. Stringer about doing soil studies so that they are not impacting any wetlands. She said on his soil analysis, she wanted to know from the analysis where the runoff is going. Vice-Chair Thrash said that this seems to be one of the major concerns that she has heard from the citizens. She said that there seems to be major concerns about the runoff from the septic, and the construction that will impact the feeds that go into the lake.

Commissioner Heiney asked if they had done a lead soil test. Mr. Stringer replied that the soil scientist had done an analysis and said that there are two lots that requires a level 4 which was based on further analysis. He said that they are State licensed. Commissioner Heiney stated that he was concerned because this is a very wet area. He said people could suffer water intrusions in their houses and septic system back fill. Mr. Stringer said that this is something that they take very seriously.

Commissioner Horton asked if he could operate under A-R zoning. He said that he heard from the citizens that their main priority was to not rezone from A-R. Commissioner Horton asked if they did not do anything could he still operate. Mr. Stringer replied that R-3 requires a minimum square

footage of 1200 square ft. He said that they are wanting to build a 1200 square ft. home. He said that it is frustrating when all they talk about is the square footage. He said that the code in most counties is based on what they do with that square footage. He said there are one plus acre lots where a 1200 square foot house looks nice. He said that a ranch home looks nice, but they can also take that 1200 square ft. and stack it. He said that you then have a house that almost looks like a shoe box. He said that curb appeal is lack. He said that smaller lots should be spread out. Mr. Stringer said that the goal is to have a nice looking home from the street. Mr. Stringer said what is wrong with having 1000 square ft. of heated space and 2000 ft. for a 2-car garage, leaving you with a 1200 square ft. structure. Mr. Stringer said that now you have the cars in the garages along with the lawn mowers, the bikes, and all the kid's toys. He said now you do not have stuff scattered all over the yard and cars parked on the grass. Mr. Stringer asked if they really wanted a 1200 square ft. house with no garage, cars parked out front, and stuff everywhere. He said that this does not provide for a very nice curb appeal. Mr. Stringer said that A-R zoning is 1400 square ft. and the Building and Zoning board recommended 1600 square ft. and this does not allow for what they want to do.

Commissioner Traylor said that curb appeal is very important but so is longevity. He said that when you look at a house that is typically 1200 square ft., a lot of time this is a starter home or for people who are moving in transit. Commissioner Traylor said that a 1600 ft. home is for those that are looking at being there for a substantial time and will be a part of the community. He said that they will be vested in it. Commissioner Traylor said that they are looking at this from all angles such as what value is this property going to bring to this community as well as the County and attracting those residents that will stay and not transition.

Mr. Stringer said that currently there are houses on Grove Street that are 960 square ft, 1056 square ft, 1100 square ft. and 1140 square ft. He said that the ages ran from 20 years to 50 years old. He said that he does not know if these homes have the same problem that Commissioner Traylor referred to earlier, but these are homes smaller than what he is proposing.

Rezoning App. # 2020-06 by Thomas Lamb and Kerri Thompson

Planning and Community Development Director Buice said that the rezoning app.# 2020-06 by Thomas Lamb and Kerri Thompson is for a 1-acre track on the corner of Hwy 18 and Cannafax Road. She said that the applicants would like to change the rezoning from R-2 with a 1600 square ft. minimum to R-3 with a 1200 square ft. minimum. Planning and Community Development Director Buice said that this was heard at the Planning and Zoning board meeting yesterday, but the applicants were not able to attend and the Planning and Zoning board recommended denial. There was also no one there to speak against the applicant. Planning and Community Development Director Buice said that the applicants are present for the meeting.

Planning and Community Development Director Buice said that the application specifies a site-built home and it may not be a site-built home.

Thomas Lamb of 179 Huiet Road Fayetteville, Georgia, 30215 addressed the board and provided pictures of the home to the board. They are attached to the minutes. The home will be moved to the lot on the corner of Hwy 18 and Cannafax Road. Mr. Lamb said that they bought this lot to put this home on and found out the current zoning required 1600 square ft. and rather than to add to the home to accommodate for the square footage they decided to request that the lot be rezoned.

Planning and Community Development Director Buice said that the property next to the proposed lot is zoned R-3 but stated that there is a mix of zoning districts in this area. She said that there is A-R zoning across the road from Honeywood Farms, and on the other side is another large acreage with a home, farm, and fields. She said that across the highway is a small one to two-acre lot subdivision, so it is a mixture of zoning in this area.

Mr. Lamb said that the home that was there before was a small home and as small as the one he wants to put there now. Mr. Lamb said that the home is 1296 square ft.

Lamar County Zoning Ordinance and Development Regulations

Planning and Community Development Director Buice explained that this is the part where they are ready for first readers. She said that there are several proposed changes in the Zoning Ordinance and the Development Regulations. She said that it started with setback requirements for subdivisions on existing County roads. Planning and Community Development Director Buice said that last year the board felt like the homes were too close to the road so that is what started the updates. She said that the setback is changing from the 85 ft. setback from the center line to a sliding scale where in A-R zoning you are further back from the road. She said that in R-4 zoning with a new road, with sidewalks, it goes down to a 40 or 50 ft. setback depending on some different things within the neighborhood. Planning and Community Development Director Buice said that in the Zoning Ordinance they focused on all of the residential districts. They have not touched commercial or industrial zoning at this time. She said that residential districts include A-R, R-1, R-2, R-3, and R-4. She said that in A-R zoning it could be 1 acre to 1000 acres. She said that the biggest change in A-R is to have a 5-acre minimum, but it does not affect anything that is currently zoned A-R. She said that it will only come into play if someone is breaking up a piece of property so if they want to leave it zoned A-R then it would be 5 acres or less. Planning and Community Development Director Buice said that as they did this in A-R zoning to make it a higher acreage requirement they loosened the restrictions on home businesses. She said that if you put so much money in your land and your home, there are so many things that can be done from your home and your land that they shouldn't be into everything that you are doing so they opened up those restrictions. Planning and Community Development Director Buice said that they tried to follow what has the most impact on others. She said that if you are in A-R zoning with 20 acres it makes more sense to have more permitted uses than if you are in a neighborhood. Planning and Community Development Director Buice said that they also increased things such as guest homes. She said that currently you are not allowed to let anyone stay in your guest home for more than a few weeks a year. Planning and Community Development Director Buice said that agritourism was looked at. She said that the farmers in Lamar County can have a side business and they need to be supported. Planning and Community Development Director Buice said that R-1 zoning is set aside for larger subdivision with lots up to five acres but without the requirements of your denser subdivisions such as curb and gutter, sidewalks, and streetlights. Planning and Community Development Director Buice said that with R-2, and R-3 zoning as the density goes up, and the lots get smaller, the uses get less. She said that this is where you live, and this is what it is set aside for. Planning and Community Development Director Buice said that with R-4 zoning it brings in multi families and duplexes and also neighborhood commercial businesses. She said that with R-4 zoning, it would be regulated within only areas that have sewer available even though there are places outside the city limits that have sewer. Planning and Community Development Director Buice said that they need to do some future planning so that if someone wants to come into a very high dense neighborhood that there is a place for that to go.

Development Regulations

Planning and Community Development Director Buice said that the development regulations had been updated to expressly bring in and include development other than subdivisions. She said that it addresses any type of commercial and industrial growth too. She said that minor subdivisions are limited in the number of new lots along an existing public road to no more than five. She said that larger acreage or mini farms are encouraged through the allowance of a private drive to service three lots that are ten acres or more. Planning and Community Development Director Buice said that major subdivisions will be treated exactly like any other re-zoning with signs and letters to the adjoining property owners. She said that a major subdivision coming in next to a property owner is just as impactful as a business that could come in beside you. Planning and Community Development Director Buice said that there have been two Workshop meetings with the board and one townhall meeting with Commissioner Horton at the E.P. Roberts Center on August 27th, 2020. She said that Planning and Zoning board had spent time looking at the changes. She said that tonight is the first reader and in October it will be presented as a final draft for approval.

Commissioner Heiney inquired about eliminating the fuel stations. Planning and Community Development Director Buice said that this was discussed in the Workshop meeting with the board last week. She said that this is in the Home Occupation section, and it specifically addresses home occupations with people that have heavy equipment on their property. She said that there is currently a code enforcement issue that is on a piece of property that is not zoned A-R and said that what is happening on that property is happening on other properties that are zoned A-R. Planning and Community Development Director Buice said they had a complaint about a fuel station and it seemed to be an issue with the people in the neighborhood. She said that if this is deemed to not be an issue, as it was made out to be, she has no issue in allowing that. Planning and Community Development Director Buice said that if it is regulated safe then she is okay with fuel stations. Commissioner Heiney asked if it was going to be regulated or not. Planning and Community Development Director Buice said that a fueling station is like a portable gas tank and they are not regulated by the Environmental Protection Division (EPD). She said that an inground fueling station would be regulated by the EPD. Vice-Chair Thrash said that this is like when a farmer puts a fueling tank on his farm to run his farm equipment and it is not regulated by EPD. Commissioner Heiney wanted to know how you would tell the difference. Planning and Community Development Director Buice said that the difference is whether or not it is underground or above ground. Planning and Community Development Director Buice said that farmers with large acreage and heavy equipment all have some type of fueling stations.

Commissioner Heiney said that he had a question about parking equipment on property. Planning and Community Development Director Buice said that what is proposed is for A-R zoning is single axle company vehicles, either singular or a combination of vehicle and trailer, and equipment is under 10,000 gross weight are allowed in all zoning designations. For home occupations that serve as base of operations for labor and service type businesses such as landscapers, land grading and dump trucks, the following rules apply:

- a) For properties less than 5 acres, only 1 piece of heavy equipment and the vehicle to transport it is allowed.
- b) For properties 5 acres to 15 acres, up to 3 pieces of heavy equipment and the vehicles required to transport it is allowed.

- c) For properties 15 acres to 25 acres, no more than 6 pieces of heavy equipment and the vehicles required to transport it is allowed.
- d) For properties over 25 acres, no more than 12 pieces of heavy equipment and the vehicles required to transport it is allowed.
- e) All vehicles and equipment must be set back at least 150' from all property lines and screened with a landscaped buffer.
- f) No fueling stations allowed.

The County may require a yearly bond not to exceed \$5,000 to use in case of any damage to County roads caused by heavy equipment.

Vice-Chair Thrash asked why a bond was required for this particular use when we do not require bonds from anyone else. Planning and Community Development Director Buice said that she spoke to someone who has heavy equipment on their property. She said that the only issue that they ever noticed that their vehicles were doing to the roads, was that as they turned out of their driveway, onto the County road, it rippled the pavement. Planning and Community Development Director Buice said that this was in another County and not in Lamar County. She said that they asked them to repair the road and that person had no issue doing that because it was his heavy equipment that had made the ripple in the road. Planning and Community Development Director Buice clarified that it was not a Lamar County citizen that made that suggestion. She said that this particular person has more than 25 pieces of equipment and she would not have noticed that if they had not counted them. Vice-Chair Thrash said that the concern she has is with the government coming in and impeding on what people are doing on their property. She said that Planning and Community Development Director Buice brought up this issue in one of the Workshop meetings about looking at the impact that this is having on the neighbors. Vice-Chair Thrash said that one example is with a fuel station that is in a neighborhood and the neighbors are concerned that if there was an explosion it would take the whole block down. She said that they need to be focused on the impact rather than impeding on what citizens are doing on their private property.

Irwin Bryan asked about the amount of acreage according to the amount of equipment that you can have. He asked if it mattered if you have 25 acres or 5 acres. Planning and Community Development Director Buice responded that the whole process behind separating it out was the impact on the neighbors. She said that with 10 acres you are closer to neighbors so they may be able to hear the trucks cranking up in the morning or the equipment being moved around. Planning and Community Development Director Buice said that on 50 acres, not so much. Mrs. Bryan, who was in the audience, asked if there had been any complaints. Planning and Community Development Director Buice said that there had been complaints from several different people and not with just the same property. Vice-Chair Thrash said that she had heard complaints are all over the County. Planning and Community Development Director Buice said that there had been complaints about the noise and the view. Vice-Chair Thrash said that the complaints had been about destroying the roads. Planning and Community Development Director Buice said that you may end up having an equipment graveyard if you are buying a new piece of equipment to replace an old piece of equipment. She said that it is not the same as having a salvage yard and you do not want to say no you cannot do this because it makes good financial sense to do that.

Commissioner Horton said that he sympathized with Mr. Bryan and said that he had asked these questions in the Workshop meeting. He said that he knows that they have to have guidelines, but he also is very concerned about the government getting to overbearing. He said that you work hard

for your personal properties and no matter what you do somebody is going to complain. Commissioner Horton said he still feels that if they could lower the acreage and how many tractors trailers you have on your property. Commissioner Horton said that everybody has a mixture of things. He said that these people have to make a living too. He said that they cannot make a living if they cannot crank their trucks up. Commissioner Horton again said that he sympathized with Mr. Bryan.

Commissioner Heiney asked if they should regulate dove shoots and the noise level. Planning and Community Development Director Buice said that she had some complaints about those too, but this falls under A-R zoning and they do allow hunting camps. Commissioner Heiney asked about the noise level and if they should change the zoning regulations to accommodate those people?

Planning and Community Development Director Buice clarified that this is not about farm equipment. She said that this is about trucking companies. Vice-Chair Thrash said it is about commercial equipment. Planning and Community Development Director Buice said that this is paving companies. She said that these are dump trucks and trucking companies ran out of a non-commercial area. She said that it makes sense that a lot of these would not be in the middle of a commercial area because it makes land use sense to have these on larger places. She said that it is a balance and it is hard to justify restricting everything that a person does and said they could just not have zoning at all. Planning and Community Development Director Buice said that what they are doing now is trying to find that middle ground. Planning and Community Development Director Buice said that she does not think that they should restrict dove shoots but yes, she thinks that they should have restrictions. Commissioner Heiney said that he does not think that they should restrict dove shoots either and said that he was just asking the question. He said that if they continue to infringe on the rights of homeowners and they could continue on this path and it could become really restrictive to the points that you do not have any rights on your property.

Commissioner Traylor said that he would like to say that he appreciates the work that Planning and Community Development Director Buice has put into this and they don't want to be more government control but on the other side of this from having a lot of friends that are Commissioners in surrounding counties he does know the importance of creating this holy grail to have something to base this on. He said that they have seen Henry, Butts, and Upson County and they are seeing things that everybody else is saying that they wish they would have had the planning and the zoning and the preparation to do this beforehand. Commissioner Traylor said that they have had the opportunity to experience this from other people. He said that he understands that this is not like they jumped in the mud and are trying to find their way out of it. He said that it is a carefully thought out process. Commissioner Traylor said that ultimately the goal is to keep the zoning in the County in a position where people are happy to be here, want to live here and are proud to be here. He said that they are proud of their property and the neighbor's property that is going up beside them. He said that they have to protect those residents where somebody buys 8 acres and decides to put 25 trucks beside them and then they have a full-blown trucking company.

Planning and Community Development Director Buice said that she would like to clarify that anything over a one-ton truck, at your home, is not allowed in Lamar County zoning. She said that if what is being proposed sounds restrictive it is actually more permissive than what is technically and currently allowed. Planning and Community Development Director Buice said that it is not a question of do we want this, but rather, do you want it more permissive.

Chairman Glass said that this is a first readings and they are not approving this tonight. He said that they still have to wait until it is a second reading before they can approve the Zoning Ordinance and Development Regulations. He said that there will be changes between the first and second readings. Vice-Chair Thrash said that one thing that is clear is that they need more public input.

Mr. Bryan addressed the board and said that they have more and more government encroaching on our lives daily. He said that with the Coronavirus it is amazing what kind of words scare a person's life. He said that he understands that it may be noisy with the heavy equipment going across the road. He said he understands ripping the highways because of the weight. He said that it is going to happen wherever they are. Mr. Bryan said that people have different occupations. He said that some people work in an office, some might work in law enforcement. He said that if people move in an area where they have a trucking company then the people need to learn to live with it.

Vice-Chair Thrash said that as leaders and Commissioners, in the community, they plan for things and this is what they do. She said that they just spent millions of dollars on Fellowship Road that goes into the Industrial Park. She said that they paved that road differently because they knew heavy trucks would be coming in and out of this area. She said that in some of the subdivisions, they do not plan for that and they do not do the roads because in the land use plan they plan for homes and cars to come in and out of there. She said that they do not plan for 25-ton dump trucks.

Mr. Bryan said that he understood the point and they have to plan for heavy trucks. He said that he is from a rural area and when is it going to move into his area. He said that he is in an agricultural area and he wanted to do cattle and build chicken houses. He said that he got shot down several years ago and they stopped him because of the smell. He said that on Morgan Dairy Farms they were allowed to have a dairy farm and they put chicken houses on it, and no one stopped them. He said his theory is that it is those who rules that are in charge and they spoke against him on the chicken houses and they did not get to move on with their plans. Mr. Bryan said that it is a lot of government encroachment. He said that he understands about it being a subdivision, if it was not there to begin with, and someone moved in with noise. Mr. Bryan said that these kinds of things can be annoying.

Ashley Giles of 425 Grove Street asked how long a person could stay in a guest house. Planning and Community Development Director Buice responded that current zoning is regulating how long people can stay in a guest home. She said that proposed changes take this away where they do not care how long someone stays in a guest homes; in A-R zoning. Chairman Glass reiterated that this is only for A-R zoning.

Adjournment

Commissioner Horton made a motion to adjourn the Public Hearing at 7:32 p.m. Commissioner Traylor seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Charles Glass, Chairman

Nancy Thrash, Vice-Chair

Bennie Horton, Commissioner

Robert Heiney, Commissioner

Ryran Traylor, Commissioner

Attest: _____ Carlette Davidson, County Clerk