

LAMAR COUNTY BOARD OF COMMISSIONERS
Public Hearing
Lamar County Courthouse
AGENDA
January 18th, 2022
6:30 p.m.

Clarification and Change in Conditions Old Rudy's Equine and Event Center, owner Randolph Vaughn.

Planning and Community Development Director Buice addressed the board explaining that on August 17th, 2021, Rudolph Vaughn was granted approval for a Special Exception for an Event Facility at 276 Old Alabama Road and along with that approval came a set of 15 Conditions (Resolution 2021-14 with Conditions are attached to the minutes). Mr. Vaughn and his attorney have requested a change and a clarification in some of those Conditions.

Public Comments

Attorney Newton Galloway, of 406 N. Hill Street, Griffin, Georgia addressed the board. Mr. Galloway noted that Condition 12 and Condition 15 were added to the original Special Exception request and requested to get clarification directly from the Board of Commissioners.

Condition # 12: A privacy fence and a 10 planted buffer that provides a true visual screening is required along every residential property line. Mr. Vaughn was seeking clarification on if the boards intent was to mean residential zoned property or residential property. A buffer map was presented to the board that shows a privacy fence and buffer including where the event facility stops and also an undisturbed buffer that is more than 200 ft. that will not be disturbed. On the other side of the property, the lots go all the way back to the other road and it is very deep. The Board of Appeals made a proposal that agreed to the site plan with the addition of fence and buffer to include map/parcel 032031 if and when a residential dwelling is built.

Condition # 15: If 3 citations are received in a year a cease-and-desist order will be given and the applicant must appear before the Magistrate Court. Mr. Galloway stated that a citation is a complaint and it is not a violation of anything. The requested change would read: Citations issued for code or criminal violations for conduct on the Subject Property during an event will result in three or more convictions in any calendar year. The Board of Appeals agreed with the proposed wording.

Condition # 10: The number of persons attending any event on the Subject Property shall not exceed 500. The requested change would read: Upon advance notice to Lamar County, one (1) event per calendar quarter may be conducted on the Subject Property at which attendance may exceed 500 persons. Otherwise, the number of persons attending any event shall not exceed 500. The Board of Appeals discussed this change but not change the proposed language.

Commissioner Thrash stated that she had heard that there was a flyer being passed around regarding an event on January 30th, 2022, that promotes a Bring Your Own Beer (BYOB). Condition # 8 states that the service of alcoholic beverages at any event conducted on the Subject Property must comply with Lamar County Code, Section 2-3-21(1) and (2) (Authorized Catered Functions). Attorney Galloway said that he knew that there was a flyer but said that he had not seen it. It was explained to Mr. Vaughn and the event promoter what the rules mean and that he cannot sell alcohol unless a licensed person comes in and serves it. BYOB means that an adult brings their own alcohol and there are no cash transactions or a sale. Condition # 8 would not prevent someone from showing up with alcohol for their own consumption.

Commissioner Thrash referenced Condition # 15 and having the 3 citations. Mr. Galloway stated that it does not have to be Mr. Vaughn's conduct or the event promoter's conduct that leads to a citation if a code violation occurs. It could be that it is someone that is there at the event that is causing the problem. Commissioner Thrash wanted to know why he would put out a flyer that says BYOB when he should be doing everything to protect his property. Mr. Galloway stated that this first event is viewed as a learning curve. Vice-Chairman Heiney stated that they have a lot of knowledge on this type of facility because of the Horse Track on High Falls Road that has had a lot of complaints about noise and traffic. Mr. Galloway stated that Mr. Vaughn's proposed event is expected to have between 200 to 300 people and they have conditions in place that the Board of Commissioners approved. Mr. Galloway said that the contract for the event is consistent with the conditions and if alcohol is sold it will have to be catered. Commissioner Thrash noted that they do not want an event facility like the one on High Falls Road. In Condition # 15 the words: "an event will result in three or more convictions" that was not the intent of this condition plus in Condition # 12 she did not understand the privacy fence and the planted buffer because she clearly said that there should be a visual screening so that any of the property owners or any of the residents do not have to look out their window and see this event. Mr. Galloway said that the Board of Commissioners added and approved the text of Condition # 12 and the question that he raised was residence or residential zoning. Mr. Vaughn has a visual screen for every place and every adjoining property either by fence or planted buffer. There was no intent to say that the visual screening was not there.

Commissioner Traylor asked how they would monitor the ticket sales and the crowd total and why they were asking for a larger number of persons before they even know if they can manage 300 persons. The first event was supposed to be a learning curve so why would they ask to increase the number of persons, who could attend the event, to more than 500. Mr. Galloway said that it was in Mr. Vaughn's rights to ask for this request. There will be tickets sold and monitored which will determine the attendance. This will be done at the front and there will also be security. Mr. Galloway said that if this was a musical event, they would still have to have a crew of people there to setup and are they counted among the 500 people limit. Mr. Galloway asked if someone wanted to have a wedding or a birthday party, or a performance on the stage, could they not bring their own lawn chairs and a bottle of wine. Mr. Galloway noted that sales were plainly covered.

Chairman Glass said that in Condition #12 the objective was to provide a visual screening, and that was the reason for both the privacy fence and 10 planted buffer and just because there is a natural buffer it may not provide a visual screening. Mr. Galloway said that he has walked every line of the property and the property line where the event stops is protected by a 200 ft. of undisturbed buffer. Chairman Glass said that their intent is to provide visual screening year-round.

Vice-Chairman Heiney requested that they stand firm on Condition # 15 regarding citations in order to protect the people and if Condition # 10 is increased to more than 500 people you will trigger the citations. Mr. Galloway pointed out that a citation is a complaint and is not a proof of guilt and it is not appropriate to complain without basis.

Commissioner Horton said that he has been out to Mr. Vaughn's property and the property runs deep. There is a tree buffer and there are more trees that he has planted. It will be determined by Mr. Vaughn and his Administration to make this event run correctly and if he stays on top of it most of this could work.

Chairman Glass said that if they issue citations and wait for the convictions then there is no relief for the citizens. Mr. Galloway said that they are asking the board to strike a balance regarding fairness because a citation can be issued by anyone for anything. Chairman Glass disagreed and said that there is some level of process before a citation can be issued. Mr. Galloway said that in his experience a complaint will lead to some type of code citation. There has to be a balance between prohibiting someone from just asserting anything and being able to get a citation issued. If a criminal citation goes into a State Court and not a Magistrate Court, that could happen.

Mr. Rudolph Vaughn of 370 Old Alabama Road, Milner, Georgia addressed the board. Mr. Vaughn stated that he had been working on this property for over 4 years and said that he understood the rules and regulations. He said that he was looking for an opportunity to make it work. Mr. Vaughn said that he was not looking for failure but success therefore he puts one hundred percent effort into whatever he does whether it requires crowds, security, music or whatever and the only thing he is asking for is an opportunity. He said that an empty wagon makes a lot of noise and he does what he has to do and tries to get along. Mr. Vaughn said that he has been through a lot in his 56 years and he puts faith in God and not man. He said that he is asking for an opportunity and if he gets 3 citations he is completely shut down. Mr. Vaughn said that he has over 200 acres and he is putting his whole life savings into this event facility and he plans on making it work.

Planning and Community Development Director Buice requested to clarify two points. Condition # 8 and the service of alcohol. The BYOB would not prohibit that. If the intent of the board is to not allow alcohol unless it is through a catered function then BYOB would need to be added. Condition # 12 is confusing because in the zoning world when you say residential you think residentially zoned and the definition of that term is that it does not

have a house on it. Therefore, the new buffer plan clarifies those issues and especially with the Board of Appeals recommendations.

Adjournment

Vice-Chairman Heiney made a motion to adjourn the Public Hearing at approximately 7:14 p.m. Commissioner Traylor seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Charles Glass, Chairman

Robert Heiney, Vice-Chairman

Bennie Horton, Commissioner

Ryran Traylor, Commissioner

Nancy Thrash, Commissioner

Attest: _____ Carlette Davidson, County Clerk