

**LAMAR COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARING**  
**August 16<sup>th</sup>, 2022**  
**6:00 p.m.**

**I. Call to Order**

Chairman Charles Glass called the meeting to order at approximately 6:18 p.m. Present for the meeting were Chairman Glass, Vice-Chairman Heiney, Commissioner Horton, Commissioner Thrash, and County Administrator Townsend. County Clerk Davidson was absent from the meeting. The meeting was available via Zoom.

**II. Rezoning from Agricultural to Residential 2: Tax Map 044, Parcel 077 1089 Hwy36 East**

Planning and Community Development Director Buice addressed the board. Danny Vaughn has applied to rezone his property from Agriculture-Residential (A-R) to Residential-2 located on 1089 Hwy 36 East ( a portion of tax map 044, parcel 007). He wishes to create a 1 acre tract to include the existing home on the property. The planning and zoning board recommended 2 acre tracts with the existing home.

**Public Comments**

Elaine Hallada of 131 Steeplechase addressed the board. Ms. Hallada said that she was in favor of the re-zoning request.

Rick Stephenson of 184 Jones Road addressed the board. Mr. Stephenson said that he was in favor of the request for the re-zoning request of 2 acre tracts.

Danny Vaughn of 209 Maple Drive Barnesville, Georgia addressed the board. He stated that he is trying to break up the properties for family members to own in the future. He said that he was born and raised in Lamar County and the land was given to him from his grandfather goes all the way back to Midway Baptist Church. He said that he is not planning to build a subdivision, he just wants to continue the tradition and give the land to his children.

**III. Special Exception in Agriculture: Agritourism and Event Center, Tax Map**

Planning and Community Development Director Buice addressed the board. This is for a Special Exception in Agriculture to allow for an event center for Micah and Buddy Patrick on 383 Van Buren Road, which is found on tax map 044, parcel 008A and is on 130 acres. This application is for Agritourism which allows for hayrides, farm stands, school events and anything of this nature. The Board of Appeals recommended approval.

**Public Comments**

Vince Brown of 220 Chappel Mill Road addressed the board. Mr. Brown has no problem with this rezoning request and has known the family a long time.

Robert Seifert of 870 City Pond Road addressed the board. Mr. Seifert has lived there for 18 years and never knew an event center was there. He has known family for 15 years and they are honest people. He is in favor of this request.

Bailey Garland of 161 Fox Crossing Road addressed the board. Ms. Garland is a general contractor and has lived there for 2 years. He does a lot of work with Micha and Buddy Patrick and they are honest, hard workers and the family has a favorable character. Mr. Garland moved to Lamar County because of the people and this event center would be good for the taxpayers and the community.

Lisa Worley of 321 Van Buren Road addressed the board. Ms. Worley's home is closest to the venue and she is in favor of this request because it will help the community. She was there on the Patrick's property when they performed the noise test and said that there should be no issues compared to the horse track. She can hear it on her back porch but not inside her home therefore there will not be a noise issue to contend with.

Rick Stephenson of 184 Jones Road addressed the board. Mr. Stephenson is in favor of this request.

Joan Hazelrig of 464 Van Buren Road addressed the board. Ms. Hazelrig is new to the area and moved here in November of 2021. She is in favor of this request.

Ben Key of 158 Old Scout Road addressed the board. Mr. Key owns 60 acres that are adjacent to the Patrick's land. He has known the family for 15 years and spoke highly of their character. Mr. Key is in favor of this request.

Keith Smith of 552 Van Buren Road addressed the board. Mr. Smith said that the Board of Commissioners job is to protect and lead the County. The Patrick's will be an asset to the community and is in favor of this request .

Mark Rivard of 471 Van Buren Road addressed the board. Mr. Rivard is against this request because it is .3 miles away from the proposed venue. He presented a petition to the Board of Commissioners with all of those that were not in favor of the proposed event center venue. The character of the Patrick's is not in question. It is the Agritourism in his neighborhood that is in question. There is already a horse track and a wedding venue. He said that there will be a 2.5 mile radius of all 3 venues and he will hear all of the noise. Mr. Rivard read a statement regarding people and local government in relationship to agritourism and event centers. The petition and the statement is attached to the minutes. Mr. Rivard said that he learned from the Bible to love and take care of your neighborhood. He also learned from the Constitution of the United States and refers to it as a divine

covenant between God and Americans. Mr. Rivard said that from God's lips to Jefferson's fingertips, we are endowed with certain rights which is life, liberty and our happiness and asked the board if they would be their neighbor and help them pursue their happiness or will they keep destroying their neighbors because they have enough venues that they can handle.

Angela Snead of 288 Van Buren Road addressed the board. Ms. Snead is against this request. She has lived there for 10 years and her property backs up to the Farley Plantation and she can hear the noise from the horse track. Ms. Snead moved from Griffin, Georgia for the peace and quiet and now there is a Rock Quarry and they need nothing else in their area. People walk their dogs and ride their bicycles. They like the darkness and this event center will create more light because of the streetlights and the security. She wants to hear the animals and see the stars where she lives and if you put in another venue then you will not be able to do this. Ms. Snead said that everything used to close on Wednesdays at 12:00 p.m. and there are now Sunday events. There is no respect for the neighbors. This event center will add more people, parties, and more alcohol. There are no tree buffers and there will be speaker systems that can be heard. The event center has living quarters with bedrooms and bathrooms and there will be a lot of people spending the night and then there will be a lot of traffic. They already have more traffic with the dump trucks. Ms. Snead said that she expects the board to do what is best for them instead of listening to the applicants promise them that they will do this and that after they have already given them a permit. Ms. Snead said that the traffic will continue to increase if they approve this request and they need to take care of what they have.

Buddy Patrick of 383 Van Buren Road addressed the board. Mr. Patrick said that the primary goal of him and his brother Micha was to move their family here. When they bought the 140 acre property the building for the venue was already there. They will be bringing parents, and grandparents with them to Lamar County. The initial goal was to be family centered but the venue will be used for small events; weddings, businesses, church functions and charitable organizations. Mr. Patrick pointed out that the venue had already been used for small weddings and outside events over the last year and a half. Mr. Patrick said that he, his wife and his brother and his wife have full time jobs. He works as an ICU nurse and a realtor, his brother owns Patrick's Roll Off, his wife is an engineer and his sister in law is a professional photographer. This venue is a passive opportunity that will allow them to pay the mortgage on the property. They will adhere to any stipulations defined under Section 506 of the agritourism ordinance. Mr. Patrick said that pending approval of this Special Exception, they are responsible for meeting all local and state requirements regarding the operations of the venue. Mr. Patrick stated that since the noise and traffic is the biggest issue, they will adhere to the current noise ordinance of Lamar County; any plain audible sound of the noise at 100 ft. of the property line between the hours of 8:00 a.m. and 10:00 p.m. Monday-Thursday and Sunday and 12:00 midnight on Friday and Saturday. The proposed venue is 1623 ft. from the main road. It is 1475 feet from the nearest homeowner. There is

approximately 477 ft. thickness of woods serving as a buffer to the eastern neighbor, 609 thickness of woods serving as a buffer to the western neighbor, 867 ft. thickness of woods serving as a buffer to the northern neighbor and 1710 thickness of woods serving as a buffer to the Southern neighbor. The plan is for 4 weddings and 3 social events per month. Mr. Patrick said that one thing he wants people to remember is that his family will be living on this property. Once they are more established their plan is to scale it back to 2 or 3 a month and enjoy the farm with cows and donkeys and living in Lamar County. Mr. Patrick said that they are already reaching out to charitable organizations and several churches to offer the use of their facilities. If traffic is an issue, they will hire an off duty officer to direct traffic. Mr. Patrick stated that the venue is 1449 ft. from 158 Old Scout Road, 1470 ft. from 321 Van Buren Road and .64 miles away from the center of the venue to 471 Van Buren Road which is 3355 ft. and the noise cannot be heard from the venue based on a boom box noise test that he conducted. Mr. Patrick pointed out that this venue was already established when they bought the property and people did not even know that weddings were happening on the property therefore traffic was a non-issue. County Administrator Townsend presented pictures and maps of the venue that are attached to the minutes.

Chairman Glass pointed out that the 100 ft. requirement in the noise Ordinance is from the property line and not just the houses.

Vice-Chairman Heiney inquired about the number of houses that will be located on the 140 acres. Mr. Patrick said that there is 1 home there and they plan on building 2 more houses.

Commissioner Horton pointed out that as the owner he has the decision to make this work and asked Mr. Patrick to remember the neighbors when it comes to the noise ordinance.

Commissioner Thrash said that it aggravates her that they will potentially be making \$400,000.00 a year off of the events and under CUVA they will be receiving a tax benefit. She said she will lobby for anything that is Agritourism be pulled out of CUVA.

Mark Rivard of 471 Van Buren Road addressed the board again about the traffic, the noise, profits made from the venue and usage of the property for farm life and agritourism. Mr. Rivard also addressed the issue with boom box noise test and pointed out that they will have a band or a DJ and not a boom box.

#### **IV. Rezoning from Agriculture-Residential to Commercial 1 for a utility substation (data center) Tax Map 031, Parcel 031 (Daniel and Paula Reeves)**

Planning and Community Development Director Buice addressed the board. The applicant Daniel and Paula Reeves have applied to rezone property from

Agriculture-Residential ( A-R) to Commercial 1 for a utility substation (data center) on 2 acres located on the corner of Liberty Hill Road and Silver Dollar Road (Tax Map 031, Parcel 031). The Planning and Zoning board recommended approval with the Board of Commissioners place any type of guidelines. The recommendation of Public Works was that the entrance be on Silver Dollar Road.

### **Public Comments**

Rick Stephenson of 184 Jones Road addressed the board. Mr. Stephenson was in favor of this request with a recommendation for a fencing or brick wall buffer. He stated that he did not understand the recommendation for the entrance being on Silver Dollar Road because there is plenty of room to turn in off of Liberty Hill Road.

Michael Zelickson addressed the board. He does not live in Lamar County but is the co-owner of the operation. He does not understand the issue with traffic as there is only 2 to 3 people maximum. It is a data center with no customers or people coming onto the property. They found the property via Southern Rivers and they do use a lot of energy which benefits everyone. It is 10 megawatts per substation. This substation was over built for this area and will never run out of energy. It is upgradable. The monthly bill is around \$450,000.00 and is a big tax base to the County. Southern Rivers has 60 megawatts in all of their territory and encompasses all of the bills that everyone pays and now they are going to 90 megawatts without having to build more substations and now they can negotiate a better rate with their supplier. Mr. Zelickson said that fiber internet will be available to everyone in January of 2023. The noise level is minimal in their data center and all of their computer equipment is biodegradable. Their computers will be submergible into a liquid fluid that is safe to drink. You can put electricity into it and it is safe to drink. The only thing that Southern Rivers will pay is for is the wire on the outside of the substation. Mr. Zelickson said that the sales tax to Southern Rivers will be around \$260,000.00 a year. The contract to the Reeves will be around \$5,000.00 for landscaping and they will be building their house across the street. They are going to have natural regrowth be the buffer so that it is quiet for the neighbors. The cooling process for the liquid will be on the outside of the building. The level of noise will be 78 decibels. He said that one computer is around 90 decibels and a motorcycle is 95 decibels and most of the public will not notice. Mr. Zelickson said that he believes that the family will turn the rest of the property into conservation.

Commissioner Thrash asked if the emersion liquid was in compliance with the EPD. Mr. Zelickson said that he did not know but he knew that they were in compliance.

Amy Wallace of 298 Matthews Road addressed the road. Mrs. Wallace has lived most of her life in Lamar County and owns her home based on the money that both she and her husband earned from working two jobs in the medical profession.

They purchased their home in 2018 and is opposing this rezoning request because they desire to have a quiet place to live. Their home is zoned residential with satellite internet and because the plan is to have reliant internet the first quarter of 2023, she does not understand the need for this data center. Mrs. Wallace inquired about research, cost, regulations and consequences of zoning commercial areas. Which department will oversee the data center and will specific training be given for this type of facility and what will be the consequences if they are not followed. What is the 5 to 10 year plan for this property. Mrs. Wallace concluded by saying that she understands that the players of this facility have a great deal to gain. The Reeves who inherited this property will profit from the sale of the property. Mr. Zelickson will profit financially by placing this type of business in a rural area where historically codes are not being enforced. She believes that Mr. Zelickson is making a lot of empty promises to the Board of Commissioners. The County will profit from the taxes from an undeveloped piece of property. Mrs. Wallace said that her power bill will not show any meaningful decrease nor will the workers get any type of meaningful pay and wondered if Mr. Zelickson could live on \$16.00 an hour. Lamar County Tax Assessors will not reduce her property taxes even though they have given a Residential Agricultural acreage to business and industrial and the losers are the property owners.

Robert Brandon McCullough of Spring Hill, Tennessee addressed the board. Mr. McCullough owns property at 400 and 470 Liberty Hill Road and two of his aunts live there. His family has owned this property since the 1800's. Mr. McCullough said that he plans to retire here one day. He did not receive notice of this rezoning yet his tax bill always finds him in Tennessee. Mr. McCullough stated that the sign says Agricultural but Planning and Community Development Director Buice said that if the sign says Agriculture, then it means it means Agriculture-Residential (A-R) and there is no contagious Commercial Zoning to add to that and to him that means spot zoning to say the least. If this business falls through then anything can go on this property that is commercial. Mr. McCullough who has served in many capacities of government said he does not envy the Board of Commissioners decisions about zoning. Mr. McCullough requested that they look at this as spot zoning and deny the request.

#### **IV. Adjournment**

Commissioner Heiney made a motion to adjourn the Public Hearing at approximately 7:45 p.m. Commissioner Thrash seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

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Charles Glass, Chairman

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Robert Heiney, Vice-Chairman

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Bennie Horton, Commissioner

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Nancy Thrash, Commissioner

Attest: \_\_\_\_\_ Carlette Davidson