

LAMAR COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING
April 18th, 2023
7:00 p.m.

Call to Order

Chairman Traylor called the meeting to order.

**Rezoning from Agriculture-Residential to Residential (Tax Map 097, Parcel 007)-
Amanda Grace Gamez/Billy Butler Smith**

Planning and Community Development Director Buice (Ms. Buice) addressed the board. The applicants, Amanda Grace Gamez and Billy Butler Smith, wish to split a two-acre tract from their 301.79 property for the use of a family member. Properties that are less than 5 acres require a rezoning to a Residential class. The location of the request is 122 Yellow Holly Road (tax map 097, parcel 007). There is a manufactured home on the property, but if approved, it will be replaced by a stick-built home. The Planning Commission board recommended approval, and there was no opposition.

Subdivision Final: Fox Crossing Phase 3B

Planning and Community Development Director Buice (Ms. Buice) stated that NBC Homes at Fox Crossing, LLC has applied for final approval for phase 3B of Fox Crossing, which is within 300' of the property that tax records show you as the owner. Final approval for 63 lots, four new roads, and storm drains is located in a portion of Fox Crossing Phase III B.

Public Comments

Zeb Turner of 545 South Hill Street, Griffin, Georgia, addressed the board representing Zeke Harvey. Mr. Turner said some runoff impacts affected Mr. Harvey's property last year. Mr. Turner said that he was the Environmental Protection Division (EPD) Director in Georgia for a number of years, and he knows about the clean water act and the stormwater permits. Mr. Turner stated that they worked with the developer last year, and one of the biggest issues was that 140 acres were cleared when the zoning application was only for 40 acres and had yet to be approved by EPD. There were runoff issues and design concerns. There were follow-up approvals from EPD and then remedial design plan approvals. Mr. Turner said that Mr. Harvey received the letter about the final stage of approval for Fox Crossing. On behalf of Mr. Harvey, Mr. Turner requested that the Board of Commissioners table the zoning request from NBC Homes at Fox Crossing, LLC until they can understand what has happened on plan design and the EPD requirements. Mr. Turner said there was a silt issue, and with a subdivision of this size, you are shedding a lot of water, and they do not want to end up with a design issue because of the volume. He concluded by saying that Mr. Harvey should not have to pay him to file Open Records request with his government on publicly available information.

Gary Adams of NBC Holmes Fox Crossing addressed the board. Mr. Adams said they had not heard from Mr. Harvey in over six months. They have had approval from Georgia Soil and Water and have worked with EPD multiple times on-site. They have had numerous significant rain events in the last few months without affecting Mr. Harvey's property. Mr. Adams said that Mr. Harvey needs help understanding his property line, and 90 percent of the erosion was contained on their site. He said that once it was marked, there was some impact on Mr. Harvey's property that had been mitigated. They have put down grass and straw as ground cover to prevent runoff. There are four large retention ponds in this development. There is a direct discharge where the water runs to a creek. One of these is on the corner of their property and Mr. Harvey's, which is where the source of the problem began. When the issue arose, it was at the end of the development, and there was a lot of disturbed ground without any protection. They have approval from Georgia Soil and Water on their revised plans. They have met with EPD, and they have a letter from them. They have a letter from two different engineers stating that the design that is in place is satisfactory. Mr. Adams said that if there were issues, there was time to discuss this with Mr. Turner and Mr. Harvey, and they had yet to hear from them. He requested that they move forward with this request to have houses built with sodded yards to get the project completed.

Commissioner Lovett addressed Mr. Adams and stated that the subdivision is directly across the road from where he lives. He said many water issues appear to have been discussed in the past. Commissioner Lovett requested that Mr. Adams get together with Mr. Harvey, look at the property from his side, and form an agreement to ensure that the runoff is not affecting Mr. Harvey's property. Commissioner Lovett stated that with the attached Georgia Soil and Water Conservation plan, if it exceeds 35 days to issue an approval or denial, then it is automatically approved, which means that no one went back to see that it was approved. Mr. Adams stated he could not speak for Georgia Soil and Water, but the process that he understands is that if they do not submit a denial, then it is automatically approved. He said that he had no problem meeting with Mr. Harvey and asked if this meeting was in lieu of acceptance of the application. Commissioner Lovett said that Mr. Harvey has a grievance and that the water will end up on or near his property, and he does not see a resolution. He said that he understands that NBC Holmes paid fines and apologized for the issues, but no one checked on this from the State level. Mr. Adams said that multiple agencies and two different engineers say it will work, and if Mr. Harvey says that it will not work, he is not sure they have accomplished anything. Mr. Adams said that they wanted to be good neighbors, and they felt like they had resolved the problem months ago, and since they had not heard anything from Mr. Harvey, they assumed everyone was good. Commissioner Lovett said there is a known issue, and he is being asked to decide blindly. He has seen no data from the State saying it is fixed and no pictures for verification. Mr. Adams said that they have two different levels of approval from the State, everything is working as designed, and the initial erosion problem has been resolved. Commissioner Lovett said he is inheriting these problems and requested they get photos to Ms. Buice and bring them back to the table at the next meeting.

Commissioner Thrash asked Mr. Adams if he had a letter from the EPD. Mr. Adams said he did not and thought it went to Ms. Buice. Ms. Buice stated that she had not received a letter from EPD.

Chairman Traylor stated that a Public Hearing is a time of discovery to hear from the public at the meeting. There is no motion made during the Public Hearing.

Commissioner Lovett addressed Mr. Zeke Harvey of 682 McLaurin Street, Griffin, Georgia, addressed the board. Commissioner Lovett said that it was late in the game for him to raise these objections and asked Mr. Harvey if he had been to the site where the water was discharged and if he had seen positive results as to what had been done. Mr. Harvey said that he looked at it after a six-inch rainfall event and said that the silt is better, but it is the discharge and the volume of water he has issues with. He said this is more of a long-term problem, and he is still determining what was fixed by engineers. Mr. Harvey said it is over the property line by a good bit. He said that the ground in the field is pumping, meaning that it never dries out and is still slick. Commissioner Lovett asked if Mr. Harvey would meet with Mr. Adams to walk the property, get all the documents signed by the appropriate agencies, and work with Mr. Adams on the issues. Mr. Harvey agreed to meet with Mr. Adams.

Vice-Chair Thrash said she was thrown into this and is very disappointed in Georgia Soil and Water Conservation. She knows that there is an escape clause that states that after 35 days, it is approved. She said they do not know what they signed off on, and by default, it was approved, which is unsuitable for both parties. Vice-Chair Thrash requested that the board address them on how this was handled.

With no further questions, Chairman Traylor requested they adjourn the meeting and reconvene the Regular Business Meeting.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Ryran Traylor, Chairman

Nancy Thrash, Vice-Chair

Jarrod Fletcher, Commissioner

Jason Lovett, Commissioner

Ashley Gilles, Commissioner

Attest: _____ Carlette Davidson, County Clerk