



LUMPKIN COUNTY
Board of Commissioners
Regular Meeting Agenda
Commissioners Boardroom

March 16, 2021
6:00 P.M.

- **CALL TO ORDER** Chairman Dockery
- **INVOCATION**
- **CONSIDERATION OF AGENDA**
- **PUBLIC COMMENTS (Agenda Specific)**
- **PROCLAMATIONS**
 1. Joint Child Abuse Prevention Month Proclamation
 2. LifeLink Donate Life Month Proclamation
 3. Lumpkin County High School Girls Basketball Team Joint Proclamation
 4. Joint Proclamation for the Lumpkin County High School One Act Play State Champions
- **CONSIDERATION OF MINUTES**
 5. Board of Commissioners - Work Session - Feb 2, 2021 4:00 PM
 6. Board of Commissioners - Special Called Work Session - Feb 9, 2021 3:30 PM
 7. Board of Commissioners - Work Session II - Feb 16, 2021 5:30 PM
 8. Board of Commissioners - Regular Meeting - Feb 16, 2021 6:00 PM
 9. Board of Commissioners - Public Hearing - Feb 18, 2021 5:00 PM
 10. Board of Commissioners - Special Called Meeting - Feb 18, 2021 5:15 PM
- **RESOLUTIONS**
 11. 2021 - 18 - A Resolution to Adopt a Revised Character Area Map of LC and to Amend Chapter 27 – Land Use (*Planning Director Bruce Georgia*)
 12. 2021 - 19 - Consideration of Use of Sound Amplifying Equipment Ordinance (*Planning Director Bruce Georgia*)
 13. 2021 - 20 - March Surplus Property (*Finance Director Abby Branan*)
- **REPORTS**

Department reports can be viewed on the Commissioners web page at www.lumpkincounty.gov
Elected Officials
- **CONTRACTS/AGREEMENTS**

14. 2021-010 - Disaster Debris Removal & Disposal - Custom Tree Care, Inc. *(Public Works Director Larry Reiter)*
15. 2021-011 - Disaster Debris Removal & Disposal - Graham County Land Company *(Public Works Director Larry Reiter)*
16. 2021-012 - IT Services Agreement *(Special Projects Director Allison Martin)*
17. 2021-013 - GDOT Lighting Agreement at Oak Grove Roundabout *(Public Works Director Larry Reiter)*
18. 2021-014 - GDOT Right of Way Maintenance Agreement at Oak Grove Roundabout *(Public Works Director Larry Reiter)*

- **OTHER ITEMS**

19. Detention Center Generator Replacement *(Special Projects Director Allison Martin)*
20. 2020 SPLOST 21 Work Plan *(Special Projects Director Allison Martin)*
21. 2019 TSPLOST 21 Work Plan *(Special Projects Director Allison Martin)*
22. Naming of Road Off Pine Tree Way *(Special Projects Director Allison Martin)*
23. Consideration of Pool Type *(Special Projects Director Allison Martin)*

- **COUNTY MANAGER**

- **COUNTY ATTORNEY**

- **COMMISSIONERS**

- **PUBLIC COMMENTS**

- **ADJOURNMENT**

LUMPKIN COUNTY
Board of Commissioners
Regular Meeting Minutes
Commissioners Boardroom



March 16, 2021
6:00 P.M.

CALL TO ORDER

The meeting was called to order at 6:09 PM by Chairman Chris Dockery

Attendee Name	Title	Status	Arrived
Chris Dockery	Chairman	Present	
David Miller	District 1 Commissioner	Present	
Bobby Mayfield	District 2 Commissioner	Present	
Rhett Stringer	District 3 Commissioner	Present	
Jeffrey Moran	District 4 Commissioner	Present	

INVOCATION

CONSIDERATION OF AGENDA

Motion: A motion was made by District 3 Commissioner Stringer to approve the agenda and move "proclamations" to underneath "consideration of agenda" and above "public comments". The motion was seconded by District 1 Commissioner Miller. The motion was approved and carried.

PROCLAMATIONS

1. Joint Child Abuse Prevention Month Proclamation

Joint Child Abuse Prevention Month Proclamation

Motion: A motion was made by District 3 Commissioner Stringer to approve the proclamation. The motion was seconded by District 2 Commissioner Mayfield. The motion was approved and carried.

2. LifeLink Donate Life Month Proclamation

This is a proclamation for LifeLink of Georgia proclaiming April as Donate Life Month.

Motion: A motion was made by District 3 Commissioner Stringer to approve the proclamation. The motion was seconded by District 2 Commissioner Mayfield. The motion was approved and carried.

3. Lumpkin County High School Girls Basketball Team Joint Proclamation

Lumpkin County High School Girls Basketball Team Joint Proclamation

Motion: A motion was made by District 4 Commissioner Moran to approve the proclamation. The motion was seconded by District 1 Commissioner Miller. The motion was approved and carried.

4. Joint Proclamation for the Lumpkin County High School One Act Play State Champions

Joint Proclamation for the Lumpkin County High School One Act Play State Champions

Motion: *A motion was made by District 2 Commissioner Mayfield to approve the proclamation. The motion was seconded by District 4 Commissioner Moran. The motion was approved and carried.*

PUBLIC COMMENTS (Agenda Specific)

Steven Leibel said he was impressed with the BOC's consideration of individual landowners and that every considered ordinance should take that into regard. He urged the BOC to table the proposed noise ordinance in consideration of the multimillion wine and event industry in this community. Mr. Leibel went on at length about how much the wine & events industry has done for Lumpkin County, including bringing in tax revenue, tourism dollars, and jobs. He said the wine industry needs to be included as stakeholders in this noise ordinance discussion. He requested that the Board of Commissioners create a study committee for a constitutional ordinance that includes representatives from the wine industry. Mr. Leibel stated he believes this ordinance as proposed would be unconstitutional and will enable people to sue the County. He also claimed the proposed ordinance would unfairly target the wine & events industry. Mr. Leibel said he is in favor of a noise ordinance, but it needs to be created with stakeholder input. He said the County needs all of the revenue and jobs generated by the wine & events industry. He ended his statements by saying this ordinance would be too vague for the Sheriff to enforce.

Sheriff Jarrard addressed the Commissioners and said he disagreed with Mr. Leibel about the ordinance. He stated he has had many conversations with the BOC over the years about a noise ordinance. He has asked certain industry individuals if they would honor a time cutoff, and they do not honor the agreements. Citizens call the Sheriff's Office with noise complaints at midnight or later, and the deputies cannot do anything. Sheriff Jarrard said businesses are not honoring the requested timeframes. There is a State law that helps control noisy residences, but it does not cover businesses. He said this ordinance would cover the venues which aren't covered by that State law. The Sheriff said residents that live near these loud locations want law enforcement to help them, but they currently can't. He said if the ordinance is passed, the deputies will simply ask venues to turn the noise down at first. If that does not help, then they will be able to issue a citation. He stated he has tried just asking and it does not work. He has spoken to individuals and asked them to honor a cutoff time, and it hasn't succeeded. The Sheriff said he will honor whatever decision the BOC makes tonight.

Citizen Lyman Caldwell said he doesn't want to put anyone out of business but we are in a mess. He said if Mr. Leibel had been at his house this weekend, he would be in favor of the ordinance due to the shaking from the loud music at 9:00 PM.

Mr. Leibel stood up to speak again and said this ordinance, if passed, would cost the County millions of dollars, which would be passed along to the taxpayers. He reiterated that there should be a study committee established to rationally discuss this. Concerns have to be objective and not based on hearsay. He requested the Commissioners to table this ordinance for now so the wine & event venue industry would not be destroyed.

Chairman Dockery said the industry has had ample opportunity to police themselves, and he has asked them repeatedly to do so. He said Mr. Garner himself has asked for an ordinance to go by. The government is only getting involved because it appears there is an issue with the industry policing itself, and the Chairman said he would rather not have to enact an ordinance. When a business plops down in a residential area, this is one of the unintended consequences. He said that the night Sheriff Jarrard called him at midnight about noise from a certain venue, he could hear the music loud and clear even though the Sheriff was standing in the street. The Chairman said he would hope everyone would self-police, but as the Sheriff stated, this issue has been going on for years. This has put the BOC in a situation where we need to address it.

Matthew Garner, Operations Director of Montaluce Winery, said his concern is that Montaluce has made \$2 million of contracts for 2021 and 2022. He fears the proposed ordinance could jeopardize his business, and asked the BOC if they could find a solution that won't prevent Montaluce from honoring its commitments. Shelby Everts, Director of Sales at Montaluce, said her main concern is the timing of it. She has 36 events this year that would be affected by a 10:00 pm cutoff time. She claimed most of their events never go past 11:30, and she has never had a wedding go past midnight. She said when cops show up at Montaluce during weddings,

it isn't a good experience for her guests. Ms. Everts said she wants her guests, her staff, and the neighbors to all be happy. She said a 12:00 pm cutoff time would be acceptable to her, but 10:00 pm is too early.

The Chairman addressed Ms. Everts and said he doesn't like getting called at 12:00 pm by angry citizens. He asked Ms. Everts if the volume of the music could be turned down. She said the guests are responsible for picking their DJs, but she does frequently ask DJs to turn their bass level down. Additionally, Ms. Everts said she receives calls from upset neighbors even if it is as early as 8:00 pm. Chairman Dockery suggested to Ms. Everts that she go down to the intersection outside of Montaluce during events to monitor the noise. People call him and say they can hear the music up to half a mile away. These venues sit down in the middle of traditionally residential areas and we have to respect the rights of people that live near them, he said. When venues are inconsiderate, we have to address it, but our requests so far have fallen on deaf ears, he said. No results have happened even from the Board requesting venues to turn down their volume.

Commissioner Mayfield said many of the ordinances from surrounding counties incorporate a decibel and distance requirement. They state a sound cannot be louder than a certain decibel level when measured at a specific distance. He does not think the passing of this ordinance would suddenly cause all of the wineries and event venues to get up and leave Lumpkin County. He agreed with the idea of having a committee to study the issue.

There was more discussion between Chairman Dockery and Shelby Everts regarding the noise levels at Montaluce. Ms. Everts said this proposed ordinance would be too vague and would disproportionately affect one side of the debate. She said she needs a specific level to turn the volume down to. Commissioner Stringer said to him, the time seems irrelevant. People are going to complain if they hear the sounds no matter what time of day it is. The Chairman said noise complaints have not only been limited to the winery & event venue businesses.

CONSIDERATION OF MINUTES

Motion: A motion was made by District 4 Commissioner Moran to approve the minutes via acclamation. The motion was seconded by District 3 Commissioner Stringer. The motion was approved and carried.

5. Board of Commissioners - Work Session - Feb 2, 2021 4:00 PM
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RESOLUTIONS

11. 2021 - 18 - A Resolution to Adopt a Revised Character Area Map of LC and to Amend Chapter 27 – Land Use (Planning Director Bruce Georgia)

A Resolution to Adopt a Revised Character Area Map of Lumpkin County, Georgia, and to Amend Chapter 27 – Land Use of the Code of Ordinances of Lumpkin County, Georgia

Motion: A motion was made by District 2 Commissioner Mayfield to approve A Resolution to Adopt a Revised Character Area Map of LC and to Amend Chapter 27 – Land Use. The motion was seconded by District 1 Commissioner Miller. The motion was approved and carried.

12. 2021 - 19 - Consideration of Use of Sound Amplifying Equipment Ordinance (Planning Director Bruce Georgia)

Adopt an ordinance that addresses the use of sound amplifying equipment throughout the county.

Motion: A motion was made by District 1 Commissioner Miller to approve the resolution. Rhett Stringer seconded the motion for discussion.

Motion: Commissioner Miller amended his motion to extend the hours allowing amplified sound on Fridays and Saturdays to 12 midnight. Commissioner Stringer withdrew his motion. Commissioner Moran seconded Commissioner Miller's amended motion.

Chairman Dockery said moving the cutoff time to midnight would be meaningless, but Commissioner Miller disagreed as it would match the ordinance for Dahlonega. The Chairman said he would be in favor of putting together a committee to come up with a solution. Commissioner Miller said if we can agree upon a committee, he will withdraw his motion.

Commissioner Moran said he visited many wineries and event venues over the last few weekends and he asked each one about their closing hours. All but one claimed they curtail their sound by 10:00 pm or earlier, so they do self-police some of their noise. He was in agreement that midnight would be a reasonable cutoff time, though that would not please all members of the community, as many of them want the noise to end even earlier. Commissioner Moran said event venue noise was not the only source of noise disturbance. He stated he would be in favor of establishing a noise committee.

Commissioner Mayfield said making the cutoff time at midnight won't have much of an impact since most of the complaining is occurring earlier. He said if people can't hear the noise at all, they won't care how late it is. We need to start considering the decibel and distance measurements. We can rescind this ordinance if it is unsuccessful, he added.

Commissioner Stringer said he cannot support a county-wide ordinance. He believes any sound restrictions should be tied to land use or to business licensing instead. Chairman Dockery said he is unwilling to wait any longer on this issue. We can create a committee and task them to solve it within 30 days; if they cannot, the BOC will have to step in. He said he has names he would like to consider for a committee, and he asked the BOC to consider a motion to create the ad-hoc committee.

Motion: Commissioner Miller moved to form a committee to solve the issue within 30 days. The motion was seconded by Commissioner Mayfield and the motion carried.

Chairman Dockery named Sheriff Jarrard, Lyman Caldwell, Bruce Georgia, Matthew Garner, Blair Housley, Carl Boegner, Bobby Mayfield, and Jeff Moran to serve on the committee. He tasked the County Manager with finding out if these individuals would be willing to serve. Mr. Kelley suggested including the County Attorney in discussions as an advisory role.

13. 2021 - 20 - March Surplus Property (Finance Director Abby Branan)

Consideration of list of County inventory items to be declared surplus.

Motion: A motion was made by District 3 Commissioner Stringer to approve March Surplus Property. The motion was seconded by District 2 Commissioner Mayfield. The motion was approved and carried.

REPORTS

Department reports can be viewed on the Commissioners web page at www.lumpkincounty.gov

Elected Officials

CONTRACTS/AGREEMENTS

14. 2021-010 - Disaster Debris Removal & Disposal - Custom Tree Care, Inc. (Public Works Director Larry Reiter)

Renewal of contract for an additional 1-year term.

Motion: A motion was made by District 4 Commissioner Moran to approve Disaster Debris Removal & Disposal - Custom Tree Care, Inc.. The motion was seconded by District 2 Commissioner Mayfield. The motion was approved and carried.

15. 2021-011 - Disaster Debris Removal & Disposal - Graham County Land Company (Public Works Director Larry Reiter)

Renewal of contract for an additional 1-year term.

Motion: A motion was made by District 3 Commissioner Stringer to approve Disaster Debris Removal & Disposal - Graham County Land Company. The motion was seconded by District 1 Commissioner Miller. The motion was approved and carried.

16. 2021-012 - IT Services Agreement (Special Projects Director Allison Martin)

IT Services Agreement

Motion: A motion was made by Chairman Dockery to approve option 3, which is to retain ACNS and have them place an employee at the County during the week to handle the daily tasks of providing support to County staff. The motion was seconded by District 4 Commissioner Moran. The motion was approved and carried.

17. 2021-013 - GDOT Lighting Agreement at Oak Grove Roundabout (Public Works Director Larry Reiter)

Revised lighting agreement for Oak Grove Roundabout.

Motion: A motion was made by District 1 Commissioner Miller to approve GDOT Lighting Agreement at Oak Grove Roundabout. The motion was seconded by District 3 Commissioner Stringer. The motion was approved and carried.

18. 2021-014 - GDOT Right of Way Maintenance Agreement at Oak Grove Roundabout (Public Works Director Larry Reiter)

GDOT has asked that the County take responsibility for the landscape maintenance of the roundabout located at the intersection of Oak Grove Road and US 19 BUS.

Motion: A motion was made by District 3 Commissioner Stringer to approve GDOT Right of Way Maintenance Agreement at Oak Grove Roundabout. The motion was seconded by District 2 Commissioner Mayfield. The motion was approved and carried.

OTHER ITEMS

19. Detention Center Generator Replacement (Special Projects Director Allison Martin)

Detention Center Generator Replacement

Motion: A motion was made by Chairman Dockery to approve with SPLOST funds, and that additional vehicles should be requested in the General Fund budget next year. The motion was seconded by District 1 Commissioner Miller. The motion was approved and carried.

20. 2020 SPLOST 21 Work Plan (Special Projects Director Allison Martin)

2020 SPLOST 21 Work Plan

Motion: A motion was made by District 3 Commissioner Stringer to approve 2020 SPLOST 21 Work Plan. The motion was seconded by District 2 Commissioner Mayfield. The motion was approved and carried.

21. 2019 TSPLOST 21 Work Plan (Special Projects Director Allison Martin)

2019 TSPLOST 21 Work Plan

Motion: A motion was made by District 3 Commissioner Stringer to approve 2019 TSPLOST 21 Work Plan. The motion was seconded by District 4 Commissioner Moran. The motion was approved and carried.

22. Naming of Road Off Pine Tree Way (Special Projects Director Allison Martin)

Naming of Road Off Pine Tree Way

Motion: A motion was made by District 2 Commissioner Mayfield to name it Aquatic Center Road. The motion was seconded by District 4 Commissioner Moran. The motion was approved and carried.

23. Consideration of Pool Type (Special Projects Director Allison Martin)

Consider Changing Pool Type

Mr. Kelley, the County Manager, told the BOC that we have recently come upon an opportunity to obtain a superior type of pool. He informed the Commissioners that he was approached by two companies that make these steel wall pools. They want to install this type of pool in our facility to gain a foothold in the southeastern market and will use our facility as a showcase. Mr. Kelley said he and staff have been discussing the differences between a regular concrete pool and this steel pool with a PVC overlay liner. There will be an additional cost up front but we will recoup it over time with operational savings and increased revenue. Mr. Kelley said it will be greatly desired by swim teams and other organizations. He has spoken to people active in the competition swimming community and they said this pool will attract people from all over the southeast. Mr. Kelley said we are 95% on the construction documents and we need a decision from the BOC tonight to move forward one way or the other. The steel pool will have a quicker installation than the traditional concrete pool. All of the staff involved with the aquatic center project are present to answer any questions, he added. All of the staff are in favor of this type of pool.

Special Projects Director Allison Martin said the steel pool was previously so far beyond our budget that we had not considered it. They are usually 40% more costly than regular pools, but these manufacturers want to enter our market and use this as a showcase. We have asked them to give us proposals and wanted to let the BOC make this decision. She explained this superior pool will enable us to host larger caliber meets as it will be on par with an Olympic level venue. The special construction enables faster swim times. Additionally, this will save on operational and chemical costs. The quicker installation time of this pool will enable us to open in April or May instead of July, so we will be able to generate revenue more quickly. The steel PVC lined pools are also safer than traditional pools and will save an estimated \$25,000 to \$30,000 per year on chemicals and maintenance. Steel-walled pools are highly desirable in the swimming community, which will enable us to potentially attract sponsors, Ms. Martin added.

Mr. Kelley said it is a big decision but he did not want to pass up this opportunity. Ms. Martin explained it will be an estimated \$900,000 difference, but the pricing is not final yet. Additional discussions will be needed to figure out the pricing and how bonds will be carried. There will be a few methods to reduce the pricing even further, and Ms. Martin said if we go to bid we will have numbers by which to verify the price. She thinks the revenue possibilities will be excellent and this will be beneficial for our community.

Commissioner Mayfield commented it will be good to generate economic development and to draw in visitors. Chairman Dockery made some comments regarding the maintenance, operation, and revenue. He said if it is true that the steel frame pool will increase revenues and decrease monthly costs, he doesn't see how we could go wrong by upgrading the pool.

Pool Consultant Bob McCallister said he and staff are in agreement about how beneficial this pool will be. This high caliber pool will attract regional, college, and national meets. This will give athletes a competitive edge over swim times from a regular pool. Mr. Kelley said this proposal includes the final diving board that had originally been omitted, which will attract even more NCAA swim teams. Tracy Sanford said he spent several days at Georgia Tech watching swim meets and he spoke to the officials regarding steel pools. They were extremely excited because this is the type of pool the Olympics has used since 1995, and it will lead to slightly faster swim times.

Motion: A motion was made by Chairman Dockery to move forward with the steel frame liner pool. The motion was seconded by District 1 Commissioner Miller. The motion was approved and carried.

COUNTY MANAGER

COUNTY ATTORNEY

COMMISSIONERS

Commissioner Miller said the Health Department has increased vaccination appointments by double, and they began using the Johnson & Johnson vaccines last Friday.

Commissioner Mayfield said he appreciates working with everyone on the Board because even when we disagree, we still work together well. Chairman Dockery agreed with him.

PUBLIC COMMENTS

ADJOURNMENT

Motion: A motion was made by Commissioner Mayfield to adjourn the meeting. The motion was seconded by Commissioner Stringer. The motion was approved and carried.

The meeting was adjourned at 7:52 pm.

April 21, 2021

Date



Melissa Witcher
County Clerk, Lumpkin County



Chris Dockery, Chairman
Lumpkin County Board of Commissioners