



Jackson County Board of Commissioners
Meeting Minutes

Monday, June 21, 2021 • 6:00 P.M.

The Jackson County Board of Commissioners met on Monday, June 21, 2021 at 6:00 p.m. in the Jury Assembly Room at the Jackson County Courthouse, 5000 Jackson Parkway, Jefferson, Georgia.

Commissioners Present: Tom Crow, Chairman
Jim Hix, Commissioner District 1
Chas Hardy, Commissioner District 2
Ralph Richardson, Jr., Commissioner District 3
Marty Seagraves, Commissioner District 4

Staff Present: Kevin Poe, County Manager
Gina Roy, Assistant County Manager
Ericka Johnson, Deputy Clerk

Press: Alex Buffington, Mainstreet News/Jackson Herald

A. CALL TO ORDER:

Chairman Tom Crow called the meeting to order at 6:00 p.m.

B. INVOCATION:

County Manager Kevin Poe gave the invocation.

C. PLEDGE OF ALLEGIANCE:

Commissioner Ralph Richardson led the Pledge of Allegiance.

D. APPROVAL OF MINUTES:

A motion was made by Commissioner Seagraves, seconded by Commissioner Richardson, to approve the minutes for May 17, 2021. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

A motion was made by Commissioner Seagraves, seconded by Commissioner Hardy, to approve the minutes for June 7, 2021. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

E. **CITIZEN INPUT:**

- **Linda Youngblood, 502 Lillian Way, Jefferson, GA** asked for the status of the setting of the millage rate and asked for an update on tax break for seniors within the community. Chairman Crow advised there was literature available on the back table explaining the roles of all involved regarding taxes and the setting of the millage rate. He added the County only revives 28 cents out of each dollar paid for taxes.
- **Helena Bowens, 145 Durham Drive, Hoschton, GA** addressed the board. She did not understand why she was required to pay school taxes when she did not have any kids in school. Chairman Crow suggested that she speak with the Board of Education.

F. **REPORTS:**

From County Manager Kevin Poe:

Reminded the board of a one day, planning retreat scheduled for June 29, 2021 from 9:00 a.m. to 3:00 p.m. in the auditorium at the Jackson County Administrative Building.

G. **RECOGNITIONS, APPOINTMENTS AND SPECIAL ITEMS:**

1) **Advantage Behavioral Health Community Service Board – 3 Year Term:**

- **Patti Knick – (Term Ends June 30, 2021)**

A motion was made by Chairman Crow, seconded by Commissioner Hardy, to reappoint Patti Knick. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

2) **Jackson County Board of Assessors – 3 Year Term:**

- **Dennis Marlow – (District 2 – Term Ends June 30, 2021)**
- **Kenneth Bridges – (District 4 – Term Ends June 30, 2021)**

District 2:

A motion was made by Commissioner Hardy, seconded by Commissioner Hix, to reappoint Dennis Marlow. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

District 4:

A motion was made by Commissioner Seagraves, seconded by Commissioner Richardson, to reappoint Kenneth Bridges. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

3) **Jackson County Department of Family & Children Services – 5 Year Term:**

- **Carolyn Thurmond – (District 1 – Term Ends June 30, 2021)**

A motion was made by Commissioner Hix, seconded by Commissioner Seagraves, to appoint Demaris Gurley as the District 1 representative. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

- 4) **Northeast Georgia Regional Commission, Private Sector Representative – 1 Year Term:**
• **Jim Shaw – (Term Ends June 30, 2021)**

A motion was made by Chairman Crow, seconded by Commissioner Seagraves, to reappoint Jim Shaw. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

- 5) **Jackson County Water & Sewerage Authority – 3 Year Term:**
• **Pat Bell – (District 1 – Term Ends June 30, 2021)**
• **Dylan Wilbanks – (District 2 – Term Ends June 30, 2021)**

District 1:

A motion was made by Commissioner Hix, seconded by Chairman Crow, to appoint Kevin Poe. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

District 2:

A motion was made by Commissioner Hardy, seconded by Commissioner Hix, to reappoint Dylan Wilbanks. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

H. CONSENT AGENDA:

- 6) **Funding for Purchase of New Ambulance:** (Kevin Poe)
To approve funding option for new ambulance
- 7) **Intergovernmental Agreement Between Jackson County and the Georgia Department of Transportation:** (Kevin Poe)
To approve contract to provide an inmate detail for Georgia Department of Transportation
- 8) **FY2022 Capacity Agreement Between the Georgia Department of Corrections and Jackson County Government:** (Kevin Poe)
To approve County capacity agreement with Georgia Department of Corrections relative to State inmates housed at Jackson County Correctional Institute
- 9) **Mid-Year Salary Adjustments Recommendation:** (Kevin Poe)
Consider amending FY2021 budget to provide for mid-year salary adjustments retroactive to April 1, 2021.
- 10) **Jackson County Habitat for Humanity Lease Agreement:** (Kevin Poe)
To authorize the Chairman to execute the lease agreement with Jackson County Habitat for Humanity for the lease of retail space at the Commerce Service Center
- 11) **Approve Change Order with Magnum Contracting, LLC for Electrical Work:** (Kevin Poe)
Approve a change order with Magnum Contracting, LLC for electrical work at Gum Springs Park. Budget Impact: \$220,000

Consent Agenda Action:

A motion was made by Commissioner Hix, seconded by Commissioner Hardy, to approve the Consent Agenda as presented. The vote was taken and the motion passed unanimously. (Vote 5 – 0)

I. UNFINISHED BUSINESS:

12) Approve Various Tower and Ground Lease Agreements: (Kevin Poe)

Kevin Poe, County Manager, presented four tower and ground lease agreements for the construction and installation of the new public safety radio communications systems. Three of the agreements were very similar and were with the Town of Braselton, City of Jefferson, and the Board of Education. The Braselton tower will be located off of New Liberty Church Road. The tower for the school system will be located on the old high school property. And, the Jefferson tower will be located next door to Fire Station #12 on old US Hwy. 129.

The terms of the agreements confirm the lease of an 80' x 80' parcel of land with the non-exclusive right for access to bring in equipment, install, repair, and operate all of the equipment. This will be a 20-year term with the opportunity to extend them for three additional 10-year periods. The base rent was \$1/year. Mr. Poe explained if the County installed any equipment on the towers that generated revenue, the funds will be shared with the entity the property was leased from. The County will be responsible for all utilities and costs to operate the towers and obtain permits to construct the towers. Motorola will pay the cost for erecting the towers. It was reported the heights of the towers varied from 150' to 300'.

The fourth, tower and lease agreement was with the Plainview Recreation Center. The terms of this agreement included a 10-year term with the ability to extend it for a five-year period. The County will pay the Plainview Recreation Board \$6,000/year for the use of their property for the tower. The County will also be responsible for all utilities and must agree that this tower will be used solely for public safety purposes. Mr. Poe further explained the agreement outlined if the property taxes on the property were increased then the County will be responsible for any increase due to the improvements. Additionally, the County will be responsible for any damage to the Plainview Fire Department facility or grounds and will be required to install 6-foot Leyland Cypress trees outside the fencing on the north side of the tower.

Mr. Poe asked for approval and proceed to obtain any required special use permits. There was a brief discussion regarding if there were other potential sites in the Plainview area. Attorney Christopher Hamilton recommended the agreements be approved individually. Bryan Bullock explained Motorola conducted a coverage test and advised on the best location of each tower.

Braselton Agreement:

A motion was made by Commissioner Richardson, seconded by Commissioner Seagraves, to approve the tower and lease agreement with the Town of Braselton. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

School System Agreement:

A motion was made by Chairman Crow, seconded by Commissioner Richardson, to approve the tower and lease agreement with the Jackson County Board of Education. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

Jefferson Agreement:

A motion was made by Commissioner Hix, seconded by Commissioner Hardy, to approve the tower and lease agreement with the City of Jefferson. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

Plainview Agreement:

A motion was made by Commissioner Seagraves, seconded by Commissioner Richardson, to postpone this request. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

J.

NEW BUSINESS:

Amendment of Agenda:

Chairman Crow advised there was a request to amend the agenda and add Item 16a. regarding the purchase and installation of playground equipment for Gum Springs Park. He then moved to approve the amendment. There was a second by Commissioner Seagraves. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

- 13) **(Public Hearing) - Creation of a Street Light Special Tax District for Tanglewood Subdivision:** (Jamie Dove)
To authorize the establishment of a special tax district for street lights for Tanglewood Subdivision. The application was submitted with 85% of signatures.

Jamie Dove, Public Development Manager, presented the staff report for the application for the creation of a special tax district for street lighting for Tanglewood Subdivision. The application was submitted with 85% of the signatures and there was a total of 55 lots. Staff recommended approval of the request.

Attorney Christopher Hamilton opened the public hearing for the request. No one spoke in support of the application and there was no opposition. The public was closed and the request submitted to the board for consideration. A motion was made by Commissioner Hix, seconded by Commissioner Hardy, to approve the request. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

- 14) **Approve Change Order with Magnum Contracting, LLC:** (Kevin Poe)
To approve a change order with Magnum Contracting, LLC to complete the field fencing at Gum Springs Park. Budget Impact: \$283,000

Kevin Poe, County Manager, reported Phase 1 was almost completed which included grading, grassing, and installation of underground utilities. The work was contracted with Magnum Contracting, LLC. He added the second phase of work will include the basketball courts, fencing, and concession stand. Bids were let for field fencing on two occasions; however, no bids were received.

Mr. Poe reported the general contractor had a fencing sub-contractor that had already completed the fencing around the detention pond, private property, and park. Staff negotiated a price of \$283,000 to complete the fencing work. Mr. Poe recommended approval of a change order to use Magnum Contracting, LLC's sub-contractor to install the field fencing. Most of the fencing will be 6' black vinyl and will include the dugouts and a 30' backstop. A motion was made by Commissioner Richardson, seconded by Commissioner Hardy, to approve the change order with Magnum Contracting, LLC for fencing work at Gum Springs Park in the amount of \$283,000. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

15) Purchase of Pocket Road Property:

(Kevin Poe)

Kevin Poe, County Manager, reported the County was moving forward with the purchase of the Pocket Road property for Tanner Park at Mulberry Creek. A property boundary, survey, an Environmental Phase 1 Assessment, and title search was conducted. He added the County Attorney notified him since the County was paying for the property over a 3-year period of time, the County was required by Georgia Code to hold a public hearing. He recommended the board make a motion authoring staff to hold a public hearing at the July 19, 2021 meeting and have notify the County's legal organ of the public hearing. He added the board would officially approve the final action to close the transaction after the July 19, 2021 meeting.

Chairman Crow made the motion to hold a public hearing on the acquisition of the Tanner Property consisting of 65.45 acres on July 19, 2021 and to direct staff to properly advertise as required by law. Commissioner Richardson seconded the motion. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

16) Consideration of 2021 SK Battery America, Inc. Project Agreement for Expansion of Facilities

(County Attorney)

Christopher Hamilton, County Attorney, advised he was approached by bond counsel with the Jackson County Industrial Development Authority regarding the expansion of the SK Battery facility from the original 2019 project agreement. An amendment to that agreement was necessary. He read a portion of bond counsels correspondence confirming there were no bonds by this transaction that were secured by the County. Additionally, the County would not sign any other document for the project agreement. The only reason the County was a party to the project agreement was to approve one amendment to the 2019 project agreement to the first transaction that closed in 2019.

The one amendment was regarding a clawback provision. Mr. Hamilton highlighted in the original agreement SK Battery guaranteed 2000 jobs; however, the jobs were now increased to 2,600 and the capital investment had increased from \$1 billion 600 million to \$2 billion five hundred forty million dollars. Mr. Hamilton informed the board that most of the agreement appeared to be incomplete. There were matters that needed to be addressed with the City of Commerce for utilities and fire protection.

Mr. Hamilton asked for a motion to allow the Chairman to sign the agreement once it was completed or the board could postpone the request. The board held a brief discussion on why the agreement was not completed. Mr. Hamilton then stated a proposed motion that included to approve the 2021 project agreement by and among Jackson County Industrial Development Authority, City of Commerce, Georgia, and SK Battery American, Inc. and the

First Amendment to the Project Agreement by and among Jackson County Industrial Development Authority, City of Commerce, Georgia, SK Battery, Inc, and Jackson County, Georgia and to authorize the Chairman to sign once a completed document was provided to the board subject to their being no substantial substantive changes to the agreement.

Chairman Crow made the motion to postpone the 2021 Project Agreement until all areas were agreement were completed and reviewed by the board. Commissioner Seagraves seconded the motion. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

16a. **Gum Springs Park Playground Equipment Purchase and Installation:** (Kevin Poe)

Kevin Poe, County Manager, reported the County was in the second phase of Gum Springs Park construction. The next component included the purchase of playground equipment. Staff obtained a price from GameTime, who held what's similar to a state contract and could buy through a purchasing cooperative. Ricky Sanders, Parks & Recreation Director, reported he met with GameTime over the last five months to determine what equipment needed and what the kids would enjoy. He believed the playground would be utilized given its proximately to the school and area neighborhoods. He asked for approval at this time because the would be a 10% price increase beginning July 9, 2021.

Chairman Crow made the motion to approve the proposal with a budget impact of \$209,886.34 for the Gum Springs Park Playground Purchase and Installation. Commissioner Richardson seconded the motion. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

K. **ZONING RELATED BUSINESS:**

Unfinished Business:

None

New Business:

17) **MA-21-0071 – Keith Hayes, 1105 Winder Hwy., Jefferson, GA; 0.46 acre; change the Future Land Use Map from “Residential” to “Commercial”. (Map J04/Parcel 040)**

<u>Planning Staff Recommendation:</u>	Approval
<u>Planning Commission Recommendation:</u>	Approval

Jamie Dove, Public Development Manager, presented the staff report for a MA-21-0071. The applicant requested a map amendment change from “Residential” to “Commercial” for a small office. Planning Staff and the Planning Commission recommended approval. Christopher Hamilton, County Attorney, explained the public hearing ground rules and opened the public hearing for comment. Hunt Hayes, 1177 Winder Highway, spoke in support of the application and reported there were multiple commercial offices in the area. He thought it would be advantageous to make this property commercial to help grow the commercial footprint in the area.

There was no opposition to the request. Commissioner Hix made the motion to approve MA-21-0071. Commissioner Hardy seconded the motion. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

- 18) **MA-21-0072 – Brian Pierce, 524 Dan Waters Rd., Commerce, GA; 10.34 acres; change the Character Area Map from “Agricultural” to “Rural”. (Map 009/Parcel 010)**

<u>Planning Staff Recommendation:</u>	Approval
<u>Planning Commission Recommendation:</u>	Denial

Jamie Dove, Planning Manager, acknowledged receipt of a request from the applicant to table MA-21-0072 until next month without prejudice. Commissioner Hardy made the motion to table the request until next month. Commissioner Hix seconded the motion. Hearing no discussion, the vote was taken and the motion passed unanimously. (Vote 5 – 0)

- 19) **MA-21-0073 – DuSouth Surveying & Engineering, 3110 Ila Road/Club Drive, Commerce, GA; 17.60 acres; change the Future Land Use Map from “Commercial” to “Residential”. (Map 001/Parcel 028A)**

<u>Planning Staff Recommendation:</u>	Approval
<u>Planning Commission Recommendation:</u>	Approval

Jamie Dove, Public Development Manager, presented the staff report. She explained this was the former driving range for Double Oaks Golf Course. The applicant requested a map amendment change from “Commercial” to “Residential”. A concept plan was submitted with the application and indicated a proposed 17 lot development. Planning Staff and the Planning Commission recommended approval of the request.

Christopher Hamilton, County Attorney, opened the public hearing for comment. Logan Waters, 1426 Wyndham Way, Bethlehem, GA addressed the board in support of the application. He said the existing use was the driving range; however, he proposed to develop a single-family detached subdivision. He added there was residential development on either side of the property. He believed it was fitting for the area. Sewer and septic would be privately maintained, but water will be provided by the City of Commerce. There was a question regarding why the entrance and exit was on Club Drive instead of on Hwy. 98.

Mr. Hamilton called for opposition. Kerry Pittman, a representative of Double Oaks Golf Club, addressed the board. He was opposed and expressed concern about the flow and quality of water from the development. He believed muddy water would from the development to his ponds which was used to irrigate the golf course. Logan Waters spoke in rebuttal concerning the stormwater runoff. He referred to the concept plan and advised Lot #3 would be a detention pond. He added state law required him to meet regulations regarding stormwater runoff and water quality.

Commissioner Hardy made the motion to approve MA-21-0073 to change the Future Land Use Map from “Commercial” to “Residential”. Commissioner Richardson seconded the motion. Hearing no discussion, the vote was taken. Chairman Crow and Commissioners Hardy and Richardson voted in favor of the motion. Commissioners Hix and Seagraves opposed. (Vote 3 - 2)

- 20) **MA-21-0074 – DuSouth Surveying & Engineering, 1902 Old Hoods Mill Road, Commerce, GA; 20.23 acres; change the Character Area Map from “Rural” to “Suburban” and change the Future Land Use Map from “Agricultural/Forestry” to “Residential”. (Map 023/Parcel 020)**

Planning Staff Recommendation:

Approval

Planning Commission Recommendation:

Denial

Jamie Dove, Public Development Manager, presented the staff report for MA-21-0074. The applicant requested a map amendment to change the Character Area Map from “Rural” to “Suburban” and change the Future Land Use Map from “Agricultural/Forestry” to “Residential” in order to develop a 21 single-family residential subdivision. Planning Staff recommended approval of the request. The Planning Commission recommended denial.

Christopher Hamilton, County Attorney, opened the public hearing on the request. Logan Waters, 1426 Wyndham Way, Bethlehem, GA spoke in support of the request advising there were other subdivisions in the area. He believed this would be good for the area. Brittany Purcell, 432 Wrights Mill Road, Commerce, GA spoke in support of the application. Ms. Purcell was also a business and commercial property owner with offices located at 1237 S. Elm Street, Commerce, GA. She spoke in support of the request and addressed concerns regarding safety and traffic which were discussed at the Planning Commission’s meeting.

Mr. Hamilton called for opposition. Johnny Briscoe, 767 Whitehill School Road, addressed the board and reported he lived on a family farm that adjoined the property in question. He was concerned about the safety of kids if one should wonder onto his farm. He also had a lake on his property and he was concerned about the liability should a kid drown in his lake. He was also concerned about water runoff and increased traffic.

Mr. Waters spoke in rebuttal to the concerns about livestock and the property and the lake. He was willing to work with the land owner to develop a compromise during the rezoning process to include a planted buffer or opaque fence. He also reported they conducted stormwater detention onsite and said the traffic would not be a significant increase. He did not believe 21 additional homes would create a problem.

Commissioner Hardy made the motion to deny MA-21-0074. Commissioner Seagraves seconded the motion. Hearing no discussion, the vote was taken and the motion passed. Chairman Crow and Commissioners Hix, Hardy, and Seagraves. Commissioner Richardson opposed. (Vote 4 – 1)

L. EXECUTIVE SESSION:

None

M. ADJOURNMENT:

Chairman Crow adjourned the meeting at 7:44 p.m.

All printed material/documentation presented is filed in Board Minute Addendum Book No. 13-Q and hereby becomes a part of the official minutes.

Minutes Approved: Monday, July 19, 2021

JACKSON COUNTY BOARD OF COMMISSIONERS



A handwritten signature in black ink, appearing to read "Tom Crow".

Tom Crow, Chairman

A handwritten signature in black ink, appearing to read "Jim Hix".

Jim Hix, Commissioner District 1

A handwritten signature in black ink, appearing to read "Chas Hardy".

Chas Hardy, Commissioner District 2

A handwritten signature in black ink, appearing to read "Ralph Richardson, Jr.".

Ralph Richardson, Jr., Commissioner District 3

A handwritten signature in black ink, appearing to read "Marty Seagraves".

Marty Seagraves, Commissioner District 4

Attest:

A handwritten signature in black ink, appearing to read "Ericka Johnson".

Ericka Johnson Deputy Clerk