

**City of Locust Grove
Council Meeting Minutes
Public Safety Building – Courtroom Chamber
3640 Highway 42 S. – Locust Grove, GA 30248
Tuesday, September 6, 2022
6:00 PM**

Members Present:	Staff Present:
Robert Price – Mayor	Tim Young – City Manager
Carlos Greer – Councilman	Bert Foster – Assistant City Manager
Willie Taylor – Councilman	Misty Spurling – City Clerk
Keith Boone – Councilman	Jennifer Adkins – Assistant City Clerk
Vincent Williams – Councilman	Daunte’ Gibbs – Community Development Director
Rod Shearouse – Councilman	Derrick Austin - Police Chief
Rudy Breedlove – Councilman	Andy Welch – Attorney
	Staff not present:
	Jack Rose – Public Works Director
	Colleen Watts – Main Street Director

Mayor Price called the meeting to order at 6:00 PM

Invocation given by Chief Derrick Austin

Councilman Breedlove led the Pledge of Allegiance.

APPROVAL OF AGENDA –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the September 6, 2022, meeting agenda.

RESULT	APPROVED AGENDA
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN FAVOR

PUBLIC COMMENTS –

Mayor Price said we have one person signed in for public comment. Mayor Price asked Mr. Jim Jarrell to come forward.

Mr. Jim Jarrell: representative from GREA stepped forward to comment on the request that was submitted for Tanger Self Storage building. Mr. Jarrell said at a previous Council meeting, Council requested more brick be added to the exterior of the facility and we have revised the plans to include more brick and said this plan also includes 15 office (10’ X 15’) spaces with a (10’ X 20’) storage space behind each office.

Councilman Shearouse asked where other locations are. Mr. Jarrell said some locations include Union City, Ackworth, Cartersville and said they have 14 facilities overall.

Councilman Breedlove asked Mr. Jarrell to clarify which of the [tan colors] on the renderings is the brick. Mr. Jarrell said the medium tan color is the brick. Councilman Shearouse asked what percentage of the building is brick? Mr. Jarrell said 70% is brick, and remainder is stucco.

Councilman Greer asked if other facilities have the office space? Mr. Jarrell said this is the first facility that will have office spaces and will be \$500.00 per month for an office suite with or without storage.

Councilman Boone asked if the brick is real or faux? Mr. Jarrell said the brick is real. Nothing further.

PUBLIC HEARING ITEMS – NONE

APPROVAL OF THE MINUTES –

1. MARCH 14-16, 2022 – RETREAT MEETING MINUTES –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the March 14-16, 2022, retreat meeting minutes.

RESULT	APPROVED MARCH 14-16, 2022, RETREAT MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

2. AUGUST 1, 2022 - REGULAR MEETING MINUTES –

Mayor Price asked for a motion. Councilman Taylor made the motion to approve the August 1, 2022, regular meeting minutes.

RESULT	APPROVED AUGUST 1, 2022, REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN TAYLOR
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

3. AUGUST 8, 2022 – SPECIAL CALLED MEETING MINUTES –

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the August 8, 2022, special called meeting minutes.

RESULT	APPROVED AUGUST 8, 2022, SPECIAL CALLED MEETING MINUTES
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

4. AUGUST 15, 2022- WORKSHOP MEETING MINUTES –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the August 15, 2022, workshop meeting minutes.

RESULT	APPROVED AUGUST 15, 2022, WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

5. AUGUST 15, 2022 – EXECUTIVE SESSION MEETING MINUTES –

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the August 15, 2022, executive session meeting minutes.

RESULT	APPROVED AUGUST 15, 2022, EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

ACCEPTANCE OF THE FINANCIAL STATEMENT –

6. JULY 2022 FINANCIAL STATEMENT –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the July 2022, financial statement.

RESULT	APPROVED JULY 2022, FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

UNFINISHED BUSINESS/ACTION ITEMS –

The item “Ordinance for rezoning 156.82 +/- acres from RA (residential agricultural) to M-1 (light industrial) – Parcel ID: 110-01023000 in LL 246, 250, and 251 of the 2nd district located on Highway 42” has been postponed to October 3, 2022.

7. Ordinance to amend the City’s Future Land Use Map designation from Office to Mixed Historic Neighborhood for multiple tracts located on Martin Luther King Jr. Blvd. –

Mr. Gibbs said LG Partners LLC (Standard Properties) is requesting an amendment to the FLUM for multiple properties (Parcels: L06-05001002, L06-05001003, L06-05001004, and L06-05001005). The FLUM does support R-2 and R-3 zonings, and this proceeds the next item should Council have questions.

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance **#22-09-054**

RESULT	APPROVED ORDINANCE #22-08-054
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – FIVE IN FAVOR (GREER, BREEDLOVE, WILLIAMS, TAYLOR, SHEAROUSE) AND ONE OPPOSED (BOONE)

8. Ordinance for rezoning of 4.355 +/- acres from OI (Office/Institutional) to R-3 (Parcel IDs: L06-05001002, L06-05001003, L06-05001004, and L06-05001005) in LL 167 of the 2nd district located on Martin Luther King Jr. Blvd. –

Mr. Gibbs said staff recommends conditions if approved R-2 and the following conditions were read aloud:

1. *As many mature trees as possible shall be preserved and protected during construction and remain preserved and protected.*
2. *Dead and dangerous trees along all property lines shall be removed, particularly along the eastern and southern boundary of the subject property.*
3. *The owner/developer shall provide reasonable undisturbed and or planted buffering between the subject properties and the eastern and southern boundaries.*
4. *All houses shall be constructed of at least two (2) of the following materials on each side of the house: brick, stone, or cement fiberboard.*

Mr. Gibbs said condition number four was added to ensure material is consistent with R-3 zoning that had been previously discussed.

Councilman Greer asked if this would be consistent with the current buffer? Mr. Gibbs said yes.

Councilman Boone asked if sewer is available? Mr. Young said sewer is available on the back property line. The petition [for sewer] is for Roberts Road and that area is below the sewer line.

Councilman Williams asked if R-2 zoning is approved, will each home have individual driveways? Mr. Gibbs said yes, with the loss of one lot. Mr. Young reviewed the R-2 zoning area on the overhead screen (if R-2 zoning is approved) and discussion took place. Mr. Gibbs said if R-3 zoning is approved there would be individual driveways unless Council decides to require shared driveways.

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving ordinance #22-09-055 with R-2 zoning with the addition of condition number four (4).

RESULT	APPROVED ORDINANCE WITH CONDITION (FOUR) ADDED #22-09-055
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – FIVE IN FAVOR (GREER, WILLIAMS, TAYLOR, SHEAROUSE, BREEDLOVE) AND ONE OPPOSED (BOONE)

9. Resolution to approve an Intergovernmental Agreement between Henry County and the city for use of Tyler New World Public Safety Software –

Chief Austin stepped forward and asked Mr. Rick Scott, with Henry County and Mr. Jesse Dobbs, Assistant Director of Technology Services for Henry County, to step forward. Chief Austin said this is a resolution for IGA with Henry County on access to New Tyler Public Safety Software. This would enable our officers to information more quickly and to respond to calls more efficiently. The price is based on [the city’s] calls for service. Last year Locust Grove received 6.5% of calls

in Henry County; therefore, our cost would estimate \$22,000 [based on last year's calls]. We currently pay Tyler \$18,000 in addition to paying Liberty Technology (IT) for maintenance, and data keeping.

Councilman Williams asked what the initial cost will be. Chief Austin said there is no initial cost, as this will be based on usage.

Councilman Boone asked how many calls were received last year. Chief Austin said our department received 15,224 calls last year.

Mr. Scott said the county will also be purchasing the body cam (package) that allows tracking directly through the body camera. Mr. Scott said when an officer responds to a call the individual officer becomes the GPS with this system.

Councilman Greer asked who are we currently paying for services? Chief Austin said we currently pay Tyler Technologies; however, that will cease after this transition.

Councilman Williams asked Tim how much we pay Tyler Technologies. Mr. Young said we migrated our Court software from RMS to New World which will free up server space. We pay a total [including software] of about \$32,000. We will break even with this and have room for growth. Chief Austin said the maintenance fee that we will pay Henry County is for data storage. We will keep a service agreement with Tyler Tech for our current files (record retention).

Attorney Andy Welch said the agreement says it will commence immediately but also says Tyler Tech agreement to expire. Mr. Welch said we need clarity on how long the city will be bound to a contract because the contract cannot be longer than a two-year term.

Mr. Dobbs said he does not know the term; however, can get that sent over as soon as possible. Chief Austin said he would like to begin contract January 1, 2023.

Councilman Greer asked how can we approve if we do not know the contract term? Mr. Welch said normally there is specific termination language that has an automatic renewal. Councilman Breedlove asked if Council should hold off on approving? Mr. Welch said he is not anticipating the contract would have a longer period and suggests Council can proceed with action.

Mr. Dobbs said the contract the County has is a three-year term. Mr. Scott said the contract was signed in 2018 and is probably approaching renewal. Mr. Welch said we need to clarify because the city will only agree to a two-year contract.

Councilman Boone asked what the city pays per call normally? Chief Austin said he is not sure the per call fee; however, total is \$18,000.

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving resolution **#22-09-056**.

RESULT	APPROVED RESOLUTION #22-09-056
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

10. Resolution to award the bid for services associated with the Bill Gardner Parkway – Road Improvements –

Assistant City Manager, Bert Foster stepped forward. Mr. Foster said this is to award up to the original bid amount [\$3,448,400.56] to Piedmont Paving, Inc. with anticipation that we can offset some of the costs with donation from GDOT. Mr. Young said GDOT has already contributed \$300,000 towards this project.

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving resolution #22-09-057.

RESULT	APPROVED RESOLUTION #22-09-057
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

11. Resolution approving architectural plans submitted for IPILG2 retail building, located at 680 Market Place Blvd. –

Mr. Gibbs stepped forward and said Council requested more brick exterior be added as a requirement and this has been updated to include the requirement.

Councilman Boone made a comment he would like Council to have more leniency on what Council has authority to do/not do. Mr. Gibbs asked Councilman Boone if he can be more specific. Councilman Boone specified if we want more or less of something for example [type/quantity of material]. Mr. Gibbs said Council has authority to make the decision now. Mr. Young said Councilman Boone is asking for clearer guidance.

Councilman Breedlove asked the applicant what the percentage of brick is being proposed. The applicant said he is not sure the percentage; however, said he will find out.

Mr. Young said consistency is important and staying consistent is even more so important. The current ordinance is written to provide a variety of material to avoid a blank building phase. This provision meets those requirements increasing brick to 70-75 percent. If Council wants to change the ordinance to require one-hundred percent brick, they need to do one or the other to stay consistent.

Councilman Boone asked if we changed the language to “Council may require,” we could approve to require less, correct? Mr. Young said flexibility can be written into the ordinance, and the standards can be set high; however, must be consistent.

Councilman Breedlove asked if there is a minimum percentage requirement? Mr. Gibbs said no.

Attorney Andy Welch said the ordinance is in place to set a minimum square footage, number of units, etc. [a baseline]. It is at Council’s discretion to decide what the requirements should be on a case-by-case scenario (based on surrounding buildings and review). Mr. Welch said the applicant is making a request to [Council] for approval of architectural plans and if Council can get cooperation from the applicant initially, there is greater flexibility as opposed to setting high standards and burying it downward and that would not be the best option. The best option is as Mr. Gibbs presented.

Councilman Boone agreed with Mr. Welch; however, said if we proceed with that approach the buildings will all look identical. Mr. Welch said Mr. Gibbs would be able to help with clarity on setting the right standards. Mr. Welch said the power of the ARB is Council has legislative authority (case-by-case review) and Mr. Welch suggested Council reviewing and adjusting the standards.

Councilman Breedlove asked if Council could add a percentage requirement for this request and the next request [item 12]? Mr. Gibbs said yes, however, at the previous Council meeting Council requested the applicant add more brick and the applicant complied.

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution #22-09-058

RESULT	APPROVED RESOLUTION #22-09-058
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

12. Resolution approving architectural plans submitted for Tanger Self Storage building, located at 620 Tanger Blvd. –

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving resolution #22-09-059

RESULT	APPROVED RESOLUTION #22-09-059
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

13. Ordinance to amend FY 2022 Budget – Including Enterprise and Special Funds –

Mr. Young said this is revisions for the 3rd Quarter of 2022 and discussion took place on increases and decreases by fund.

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving ordinance #22-09-060

RESULT	APPROVED ORDINANCE #22-09-060
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

14. Recommendation on petition for increase in sanitation rates – Advanced Disposal/Waste Management –

Mr. Young said staff met with representatives from Advanced Disposal, a subsidiary of Waste Management for discussion on the increase of collection rates. We asked Steve Edwards to break down the rates into subcomponents and Mr. Young reviewed the rate analysis chart, including the factors used in the decision analysis for rate increase. We had a 4% increase in January [from the prior year], and we received the proposed request from Advanced Disposal for an increase in rates from (current) \$10.35/month/cart to \$13.33/month/cart, or an increase of 28.78%. The preferred option is proposal for an increase of \$2.48 instead of \$2.98. This is a 24% increase and considers the original 4% increase in January as well as cost factors.

Councilman Boone asked if this is per can and Mr. Young said this is the cities rate for the first can. If the customer chooses to have a second can, the rate is \$6.50 per can (city costs).

Councilman Shearouse referenced the review by Mr. Young and pointed out the [CPI Rate increase] and said transportation (diesel fuel) is already included in [CPI]. Mr. Young said it is part of the contract negotiation that they can ask for additional (increase) to cover fuel increases in lieu of CPI.

Attorney Andy Welch said fuel is figured differently in the city’s negotiation as compared to other jurisdictions. Mr. Young referred it to being a (surcharge). Councilman Shearouse said in this case we are being charged two times for fuel. Mr. Young said yes, partially, which is why we did not agree to an increase of \$2.98.

Councilman Breedlove asked for clarity on rates (\$10.35, \$13.50). Mr. Young clarified \$10.35 is the cities rate now and our costs to Advanced Disposal will increase to \$12.83. We will increase the current \$13.50 [customer rate] to \$15.50 throughout the rest of the year. Nothing further.

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request.

RESULT	APPROVED INCREASE (\$2.48)
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

NEW BUSINESS/ACTION/DISCUSSION ITEMS –

CITY MANAGER’S COMMENTS –

• Update on Local Option Sales Tax Negotiations –

Mr. Young reviewed two presentations on the overhead screen. The first being the County’s Lost division of revenue proposal and the second being the Cities’ LOST counterproposal. The current revenue split between Henry County and the four cities is 66% to the County and 34% to the Cities which is then subsequently divided amongst the four municipalities. The County is specifying their population figure differently and discussion and review took place of eight (8) measures applied to statutory criteria. This proposal dilutes the city’s share time and time again. The current LOST share is 34% (Municipalities) and 66% (County) and the County is proposing their share be 80% and the municipal share be 20%.

Mr. Young reviewed the millage rate and how the LOST negotiation effects the cities millage rate and the impact the termination of LOST would have on the city.

The County is subsidizing unincorporated area services with property taxes from property owners in the cities. Locust Grove is 3.71% in population (Census 2020) and based on the criteria the reality is the municipal share should be 66% and the County share should be 34%; however, the County is using inaccurate math.

Based on all the Criteria, if the County comes into compliance with its current Service Delivery commitments and eliminates subsidies (per Criterion 7), the municipal share should be 43% and the County share should be 57%.

Councilman Williams asked where the County is getting their numbers? Mr. Young said they use their own methodology and comparisons, but this is nothing new for them.

Mr. Young said we will enter mediation on September 12, 2022, and if an agreement is not reached, the dispute will go to arbitration to be held by October 7, 2022.

Attorney Andy Welch said if we reach arbitration, a three-person panel will be selected, and a hearing will be held to present evidence and would allow some exposure to the fuzzy math on the County's behalf. If the county chooses not to sign LOST agreement, there county taxes would also increase. The other option is implementing a homestead tax exemption (levy sales tax) and the city residents do not get the benefit. Councilman Boone said the County fund balance is \$100 million dollars, correct? Mr. Young said their fund balance is \$116 million dollars currently.

Mr. Welch said mediation will be held at 9:00 AM at the County administration building.

- **Update on PI# 0017770 Highway 42 Study between MLK Jr. Blvd. and Marketplace Blvd./Colvin Drive –**

Staff met with WSP Engineering, and they will be looking at alternatives to congestion along the main stretch of Highway 42 including general widening, alternative routes, and location for new crossing points [over or under the Norfolk Southern line]. Nothing further.

Mr. Young said we had a consultant looking at structural issues at City Hall, and they suggested we close the front entrance due to safety issues. Nothing further.

MAYOR'S COMMENTS –

Mayor Price thanked Tim and Mr. Brown for hard work on LOST negotiations.

EXECUTIVE SESSION – LITIGATION AND PROPERTY ACQUISITION

Motion to go into executive session by Councilman Greer and seconded by Councilman Breedlove for litigation and property acquisition. Motion Carried All in favor 7:40 PM.

At 7:56 PM, motion to come back into regular session made by Councilman Boone and seconded by Councilman Breedlove.

ADJOURNMENT –

Mayor Price asked for a motion to adjourn. Councilman Williams made the motion to adjourn.

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 7:57 PM.

Notes taken by:

Misty Spurling, City Clerk