

**City of Locust Grove
Council Meeting Minutes
Public Safety Building – Courtroom Chamber
3640 Highway 42 S. – Locust Grove, GA 30248
Monday, October 3, 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	Jack Rose – Public Works Director
Rudy Breedlove – Councilman	Derrick Austin - Police Chief
	Andy Welch – Attorney
	Staff not present:
	Colleen Watts – Main Street Director

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

Invocation given by City Manager Tim Young

Councilman Taylor led the Pledge of Allegiance.

APPROVAL OF AGENDA –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the October 3, 2022, meeting agenda.

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

PUBLIC COMMENTS – NONE

PUBLIC HEARING ITEMS – NONE

APPROVAL OF THE MINUTES –

1. SEPTEMBER 6, 2022 - REGULAR MEETING MINUTES –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the September 6, 2022, regular meeting minutes.

RESULT	APPROVED SEPTEMBER 6, 2022, REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

2. SEPTEMBER 6, 2022 – EXECUTIVE SESSION MEETING MINUTES –

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

RESULT	APPROVED SEPTEMBER 6, 2022, EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

3. SEPTEMBER 19, 2022- WORKSHOP MEETING MINUTES –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the September 19, 2022, workshop meeting minutes.

RESULT	APPROVED SEPTEMBER 19, 2022, WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

ACCEPTANCE OF THE FINANCIAL STATEMENT –

4. AUGUST 2022 FINANCIAL STATEMENT –

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

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

UNFINISHED BUSINESS/ACTION ITEMS –

5. Ordinance for rezoning from RA (Residential Agricultural) to M-1 (Light Industrial) for 156.82 +/- acres (Parcel ID: 110-01023000) in LL 246, 250, and 251 of the 2nd district located on Highway 42 –

Mr. Young said the applicant called and said they are in route to the meeting; however, due to delays on I-75 they are just arriving in Locust Grove.

Mayor Price asked for a motion to recess. Councilman Shearouse made the motion to recess at 6:05pm. Councilman Breedlove seconded the motion. All in favor and motion carried.

At 6:12pm, Councilman Greer made a motion to resume the meeting from recess. Councilman Williams seconded the motion. All in favor and motion carried.

Councilman Greer asked if the condition number seven (7) as related to this item could be explained. Attorney Andy Welch said the discussion between himself, Majestic Realty, and Norfolk

Southern was regarding condition number seven (7) and the letter [dated July 12, 2021] from Norfolk Southern. The letter referred to construction of a private roadway and condition number seven at the time did not reference the roadway. Mr. Galloway, Norfolk Southern, himself, and staff discussed private road or public road options and consideration was to do public road. Norfolk Southern did not consent to the public roadway and the letter from Norfolk Southern only refers to the possibility of constructing a private roadway. Our understanding was that a private roadway would be constructed. Mr. Welch said there are two drafts presented tonight; condition number seven (7) (drafted by staff) and condition number seven (7) (drafted by Mr. Welch) and sent to Mr. Galloway via email on October 3, 2022. Mr. Welch said the condition as drafted by staff does not reference the crossings and said his draft does address the crossings.

Councilman Greer asked if Norfolk Southern is willing to comply with the draft revision from Mr. Welch? Attorney Andy Welch replied this has been an ongoing discussion; however, they do not agree. Mr. Welch said they are agreeing with staff condition; however, Mr. Welch said his concern is the letter says Norfolk Southern would be willing to work with Locust Grove of possible construction that would connect Kings Mill Road on one end and Bethlehem Road on the other end.

Councilman Boone asked who would regulate who drives through if the road is open or not from the Kings Mill Court end. Mr. Welch said if the road is public, the city will maintain and if private, they will maintain. Councilman Boone asked who would enforce regulations. Mr. Welch said we wouldn't be able to enforce, and discussion took place.

Mr. Woody Galloway, attorney representing on behalf of Majestic Realty, stepped forward to comment. Mr. Galloway said the language was agreed on between Norfolk Southern and city staff during the annexation discussion. Mr. Galloway said the letter dated July 12, 2021, sent to city staff from Norfolk Southern that specified they would cooperate and provide a private roadway in the development. Norfolk Southern has had an ongoing relationship with the city staff, and it is important that the road remains private due to safety concerns. Mr. Galloway said Majestic Realty does agree to the condition number seven (7) as drafted by staff. The draft from Mr. Welch this morning is not acceptable. Mr. Galloway said Majestic Realty does not have authority to change what Norfolk Southern agreed to.

Councilman Greer said he does not agree that the city should build a private road for their benefit. Mr. Galloway said they are not asking that of the city and if you extend beyond what is needed for this development, which would not be in their (Majestic Realty) best interest. We are not saying we will not cooperate; however, we need to build a road to serve our interest and build the development in a way to serve everyone's interest. Mr. Galloway said Majestic Realty is also donating \$100,000 towards signalization.

Councilman Breedlove said Mr. Galloway is confirming that Majestic Realty is willing to consider with helping the city build the road. Councilman Breedlove asked Mr. Galloway if they are committing to the road or not? Mr. Galloway said he was traveling during the transmittal of the second email from Andy; therefore, he did not see it. Mr. Galloway said they never committed to building a through road (public or private); however, we did commit to build our own road to serve a vast majority of that property. We are willing to cooperate with the city in developing a potential plan. We don't feel like we should have to pay for a road to serve offsite properties. Mr. Galloway said they are not agreeing to building the road, we originally agreed to condition number seven (7) drafted by staff. Councilman Breedlove said to Mr. Galloway "The intention was never to allow other trucks to use." Mr. Galloway said we can look at ways in which that can happen, but safety is a concern, and the question is should Norfolk Southern bear the costs for a road that is not necessary.

Mr. Galloway said he cannot agree because Norfolk Southern did not agree. We are building a private roadway to the end of the development and the city is asking us to build a private road the developer/development does not need.

Attorney Andy Welch said the letter from Norfolk Southern specifies for a private roadway and was given as part of the annexation. The letter does say this will be constructed in two phases, but you approved annexation in cooperation with Norfolk Southern. Mr. Welch said Mr. Galloway is not saying anything inconsistent with this letter and we don't have an answer from Norfolk Southern if they will build a private road or not. Mr. Welch said Norfolk Southern is not saying they won't build the road; however, they are saying they will cooperate towards that. This is not a system improvement; it is a private roadway, and the conditions recognize what is at hand. This is a private improvement and regulating through the condition that if trucks come down from Kings Mill directly to the property.

Mr. Galloway said the current request from the city attorney is to change the language that staff suggested which is to commit for Norfolk Southern/Majestic Realty extend the roadway to make a connection to Kings Mill Road. We cannot commit to something we don't know that we can follow up and do. We are willing to discuss a possible connection to the north. Mr. Galloway said he was not aware of the changes prior to today. Attorney Andy Welch stated to Mr. Galloway that he was not being honest and said communications have been ongoing since July 2021.

Mayor Price said nothing is still resolved after one month of staff collaboration.

Mr. Berry McCabe with Majestic Realty stepped forward to comment. Mr. McCabe said he was involved when the letter was prepared by Norfolk Southern. Norfolk Southern has been clear this could not be a public road because it is a rail served development. Norfolk Southern and Majestic Realty have the intention of building a driveway through our site as the project develops and are agreeing to if the City of Locust Grove wants to connect to the road after development is complete. We cannot commit today; however, we will build a driveway to connect through our property. We can't commit to build a private road through the site to a connection that does not exist. We will not build a private road as drafted by the city attorney, but we will work with the city if further development takes place. The intent was always ingress and egress from that site and the entire site will be gated but never open to the public.

Councilman Shearouse asked if Majestic Realty or Norfolk Southern owns the property at the north end of their property. Mr. Welch said Norfolk Southern owns that property to the north. Mr. Welch said the condition by staff goes to the property boundary line and dead end that may eventually open. If Council chooses, Council could include it be a private route. Attorney Andy Welch read the condition as drafted by staff aloud.

Mr. McCabe said we can't agree to build a road across our property to the end of the property that dead ends. Attorney Andy Welch read aloud the condition from the first public hearing that was considered. Mr. McCabe said as the condition is written, it does not appear when we must build. Mr. Galloway said we can add language about phases. Mr. Welch said the language gives discretion to cooperate with Majestic Realty [on the definition of the 2nd Phase on the property].

Mayor Price asked for a motion. Councilman Boone made the motion to amend original motion with second by Councilman Williams.

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request (with condition drafted by staff and amended by Attorney Andy Welch) by approving ordinance **#22-10-061**.

RESULT	APPROVED ORDINANCE WITH AMENDED CONDITION (7) SEVEN #22-10-061
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – FIVE IN FAVOR (BOONE, BREEDLOVE, WILLIAMS, TAYLOR, SHEAROUSE) AND ONE OPPOSED (GREER)

6. Ordinance for rezoning from C-2 to PD for 50.16 +/- acres (Parcel IDs:112-01013003) in LL 201 of the 2nd district located on Price Dr. –

Mr. Gibbs stepped forward to comment. Mr. Gibbs said staff is recommending tabling this item until November 7, 2022, due to several system improvements on the project that can't be disclosed. This will allow extra time for review on the traffic analysis as well. Nothing further.

Mayor Price asked for a motion. Councilman Breedlove made the motion to table the request until November 7, 2022.

RESULT	TABLED UNTIL NOVEMBER 7, 2022
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

7. Resolution to approve architectural plans submitted for Home2Suites by Hilton Hotel Building, located on Marketplace Blvd –

Mayor Price asked for a motion. Councilman Boone made the motion to approve the request by approving resolution #22-10-062.

RESULT	APPROVED RESOLUTION #22-10-062
MADE MOTION	COUNCILMAN BOONE
2 ND MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

8. Resolution to accept the revised MOU (Memorandum of Understanding) with GDOT for P-3 MMIP CVL Project #0014203 – GDOT (Utilities) –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving resolution #22-10-063.

RESULT	APPROVED RESOLUTION #22-10-063
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

9. Ordinance for Sanitation Rate schedule for years 2022-2024 –

Councilman Boone asked when this will be effective. Mr. Young said this will begin November billing and again in January 2023 and July 2023. We will advertise on social media, digital lawn sign, and insert in water bills. Nothing further.

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance #22-10-064

RESULT	APPROVED ORDINANCE #22-10-064
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

NEW BUSINESS/ACTION/DISCUSSION ITEMS – NONE

CITY MANAGER’S COMMENTS –

Mr. Young reviewed the handout [provided] for the 2023 Budget. We will have a meeting on Wednesday, October 19, 2022, with the County Manager, City Managers, and Attorneys for continuation of LOST discussion. Our Council retreat is upcoming on October 10-12, 2022, in downtown Macon, GA.

Attorney Andy Welch made a comment about LOST negotiations and said we offered a 3% “swing” in the Counties favor and asked them to continue mediation. They responded that their “officials” did not have authority to agree on the [3% offer] and proceeded to follow-up their response that they would agree with further mediation. Nothing further.

COUNCIL COMMENTS –

- **Councilman Boone – Honorary naming of structures at Claude Gray Park and Train Viewing Platform** – Councilman Boone said as previously mentioned, he would like to suggest naming the Claude Gray Park Pavilion after former Mayor Jerry Elkins. He would also like to honor Mayor Price and Otis Hammock by naming the Train Viewing Platform in honor of them and their dedication to that structure. Councilman Williams suggested discussion be continued at the upcoming retreat. Nothing further.

MAYOR’S COMMENTS – NONE

EXECUTIVE SESSION – NONE

ADJOURNMENT –

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

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 7:46 PM.

Notes taken by:

Misty Spurling, City Clerk