



## BOARD OF COUNTY COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING  
102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

TUESDAY, JANUARY 25, 2022 AT 6:00 PM

T. PAGE THARP BUILDING  
OPAL CANNON AUDITORIUM  
WWW.LEE.GA.US

MEETING MINUTES  
VOTING SESSION

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### COUNTY COMMISSIONERS

Billy Mathis, Chairman	District 3
John Wheaton, Vice-Chairman	District 1
Luke Singletary, Commissioner	District 2
Rick Muggridge, Commissioner	District 4
George Walls, Commissioner	District 5

### COUNTY STAFF

Christi Dockery, County Manager  
Kaitlyn Sawyer, County Clerk  
Jimmy Skipper, County Attorney

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The Lee County Board of Commissioners met in a voting session on Tuesday, January 25, 2022. The meeting was held in the Opal Cannon Auditorium of the Lee County T. Page Tharp Governmental Building in Leesburg, Georgia. Those present were Chairman Billy Mathis, Vice-Chairman John Wheaton, Commissioner Luke Singletary, Commissioner Rick Muggridge, and Commissioner George Walls. Staff in attendance was County Manager Christi Dockery, County Clerk Kaitlyn Sawyer, and County Attorney Jimmy Skipper. The meeting was also streamed on Facebook Live.

### INVOCATION

Pastor Aaron McCulley, Philema Baptist Church, led the invocation.

### PLEDGE OF ALLEGIANCE

The Board and the audience said the Pledge of Allegiance in unison.

### CALL TO ORDER

### APPROVAL OF MINUTES

- (A) **Consideration to approve the minutes for the Board of Commissioners meeting for January 11, 2022.**  
Commissioner Wheaton made the **MOTION** to approve the minutes for the Board of Commissioners meeting for January 11, 2022. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Muggridge voting yea.

### CONSENT AGENDA

NONE

### NEW BUSINESS

- (A) **Recognition of employees' years of service.**  
The following employees were recognized:  
5 years – Crystal (Chris) Hartley – Senior Accounting Technician, Finance  
5 years – Robert Jennings – Lieutenant, Sheriff's Office  
5 years – Chiequilta Green – Communications Supervisor, E-911  
5 years – Renita Gause – Deputy Clerk, Probate Court  
15 years – Heather Jones – Director, Finance  
25 years – James Thurman, Sr. – Judge, Magistrate Court



## PUBLIC HEARING

NONE

## DEPARTMENTAL MATTERS

### Fire & EMS

- (A) Consideration to approve a Memorandum of Agreement for mutual aid with the Marine Corps Logistics Base in Albany, Georgia, effective for nine (9) years.

Commissioner Muggridge made the **MOTION** to approve a Memorandum of Agreement for mutual aid with the Marine Corps Logistics Base in Albany, Georgia with County Attorney Skipper's approval and the following changes to the agreement: The term should be for one (1) year, with annual automatic renewals and the agreement should be between the Lee County Board of Commissioners and MCLB, not the Lee County Fire Department. Commissioner Wheaton seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Walls voting yea.

### Planning, Zoning & Engineering

- (B) Consideration to approve an application from Clifford Harpe, Jr. (Z21-008), as submitted to the Lee County Planning Commission, to allow for a second single family home on a legally subdivided lot of at least 3 acres in the AG-1 (Active Agriculture District). The property owner is the Estate of Katherine Anderson Magee Wilkinson, Parcel Number 041045 of land being part of Land Lot 40 of the 15th Land District of Lee County, Georgia. Planning Department staff recommend approval and the Planning Commission voted unanimously to approve. PUBLIC HEARING HELD JANUARY 11, 2022

Planning Director Rozanne Braswell addressed the Board regarding this application. The property in question is a family farm in AG that has never been subdivided, and in settling the estate, one of the family members was left 2.5 acres in the will; however, the ordinance allows only for a 3 acre split for conditional approval. AG allows for a one time split of 10 acres as long as there is 25 acres remaining as permitted use. The property is near the Sumter County line and is surrounded by other AG. Commissioner Walls asked Ms. Braswell if the property would stay AG, to which she replied that it would.

Commissioner Wheaton made the **MOTION** to approve an application from Clifford Harpe, Jr. (Z21-008), as submitted to the Lee County Planning Commission, to allow for a second single family home on a legally subdivided lot of at least 3 acres in the AG-1 (Active Agriculture District). The property owner is the Estate of Katherine Anderson Magee Wilkinson, Parcel Number 041045 of land being part of Land Lot 40 of the 15th Land District of Lee County, Georgia. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Muggridge voting yea.

- (C) Consideration to approve an application from Guy Joiner (Z21-009), as submitted to the Lee County Planning Commission, requesting to rezone a total of 3.00 acres from R-1 (Single-Family Residential District) to C-2 (General Business District). The property owners are William and Sherry Stith, Parcel Number 040D607000 of land being part of Land Lot 242 of the Second Land District of Lee County, Georgia. Planning Department staff recommend conditional approval and the Planning Commission voted to deny (5-2). PUBLIC HEARING HELD JANUARY 11, 2022

Commissioner Muggridge made the **MOTION** to conditionally approve an application from Guy Joiner (Z21-009), as submitted to the Lee County Planning Commission, requesting to rezone a total of 3.00 acres from R-1 (Single-Family Residential District) to C-2 (General Business District). The property owners are William and Sherry Stith, Parcel Number 040D607000 of land being part of Land Lot 242 of the Second Land District of Lee County, Georgia. Commissioner Singletary seconded the **MOTION**. Commissioner Wheaton also voted yea. Chairman Mathis stated that with three (3) yea votes, the **MOTION** passed.

The **MOTION** was revisited at 6:25pm as Commissioner Wheaton indicated to Chairman Mathis that his vote was a "nay" and not a "yea". To clarify the vote, Chairman Mathis went down the table, reiterating the votes as follows: Commissioner Muggridge confirmed with a nod that he made the **MOTION**, Commissioner Singletary stated he seconded the **MOTION**, Commissioner Wheaton confirmed with a nod that his vote was a "nay" and Commissioner Walls stated that his vote was a "nay". Chairman Mathis stated that he wished to



abstain due to a potential conflict of interest.

**The final vote is hereby recorded as follows:**

Commissioner Muggridge made the **MOTION** to conditionally approve an application from Guy Joiner (Z21-009), as submitted to the Lee County Planning Commission, requesting to rezone a total of 3.00 acres from R-1 (Single-Family Residential District) to C-2 (General Business District). The property owners are William and Sherry Stith, Parcel Number 040D607000 of land being part of Land Lot 242 of the Second Land District of Lee County, Georgia. Commissioner Singletary seconded the **MOTION**. Commissioner Wheaton and Commissioner Walls voted nay. The **MOTION** failed as Chairman Mathis abstained due to a potential conflict of interest.

- (D) **Consideration to approve an application from Joe and Beth Pollock (Z21-010), as submitted to the Lee County Planning Commission, requesting to rezone a total of 25.00 acres from AG (Active Agricultural District) to R-1L (Low Density, Single Family Residential District). The property owners are Joe and Beth Pollock, Parcel Number 054160046 of land being part of Land Lot 29 of the First Land District of Lee County, Georgia. Planning Department staff recommend denial and the Planning Commission voted unanimously for approval, with the following condition: That this be a one-time approval to divide (no future subdivision of this property) the 25 acre tract into a 15 acre tract and a 10 acre tract. This is approved based on the sale of the 10 acre tract. PUBLIC HEARING HELD JANUARY 11, 2022**
- Commissioner Muggridge asked Planning Director Rozanne Braswell to address the Board regarding as to why the Planning Department recommended denial for this application. Ms. Braswell stated this rezoning is for a recurrent AG-zoned lot that meets the 25 acre minimum for AG. The property was purchased in 2002, with a primary residence being constructed in 2003 and an in-law suite constructed soon after. In the code, AG will not allow for a split unless there is a residual 25 acre tract, hence the rezoning to R-1L. This property was originally part of a larger AG tract, the Hardy Family Farm, which was purchased and subdivided in February 1996 for 32 residential parcels fronting SR 195.

There was an additional 25 acre parcels fronting Carter Place Road (unpaved), Lots 33 – 36 and Lots 37 and 38 fronting SR 195, and Lots 39 – 46 fronting Scott Road (unpaved), as recorded in October 1996. A re-division of Lots 44, 45, and 46 was recorded January 1998. Lot 46A, the subject property, consisted of 59.5404 acres. In June 2002, there was a re-division of Lots 45A and 46A, reducing the subject property to the minimum 25 acre lot size required for AG. Notwithstanding the aforementioned residential development, the predominant zoning and land use remains AG. Single family homes and an in-law suite are permitted uses in AG; AG permitted and conditional uses provide for a second residential dwelling as an in-law suite on the parcel, which is what occurred. There is also a one-time split with 10 acres on permitted or the 3 acres for conditional.

Commissioner Singletary wished to clarify that this property had already been split once, to which Ms. Braswell replied that it had been split twice. This makes it different than the case discussed previously in the meeting (Z21-008). It was split to the minimum 25 acres. Commissioner Muggridge stated that, like is commonly advised by County Attorney Skipper, the Board's votes shouldn't be based on opinions and rather like that of a judge, adjudicating the law in each case. Commissioner Muggridge then asked Ms. Braswell if it made any difference that the property is adjacent to R-3. Ms. Braswell stated that that property was done when it was split as a major subdivision, with a rezoning having been done to allow that. This property, as it is currently zoned AG, would not allow for that split, nor would it be in compliance with the in-law suite code, which is further explained in Lee County code (§70-78), as follows: *The in-law suite should be used for housing family members only. No in-law suite shall be rented to non-family members. No commercial use of the in-law suite shall be permitted.* Ms. Braswell stated that to subdivide and sell this in-law suite would be in direct violation of the ordinance. Ms. Braswell summarized that Planning Department staff recommended denial because it is not consistent with the current ordinance. Staff continues to experience development pressures throughout the County, and making this change would set a precedent.

Commissioner Wheaton stated that while he understands the reasoning for the zoning in place, he also looks at how we encroach on the property owners. In good faith the applicants have asked for a change, to allow them to recoup some of the money they had invested into this house by renting it. Commissioner Wheaton voiced



sympathy for the applicants' situation and his thoughts were to approve this, but not create a precedence. With that being said, Commissioner Wheaton stated he would like to approve what the applicants have asked for, which is to rent the house. Commissioner Wheaton asked if the applicants (present, in the audience) if this would be a long-term rental, to which Mrs. Pollock replied that it would not be a rental, that it would be a one-time sale (already with a potential buyer), and it won't change the integrity of the AG land.

Commissioner Wheaton made the **MOTION** to approve an application from Joe and Beth Pollock (Z21-010), as submitted to the Lee County Planning Commission, requesting to rezone a total of 25.00 acres from AG (Active Agricultural District) to R-1L (Low Density, Single Family Residential District). The property owners are Joe and Beth Pollock, Parcel Number 054160046 of land being part of Land Lot 29 of the First Land District of Lee County, Georgia. The **MOTION** died due to lack of a second.

- (E) **Consideration to approve an application from Pinewood Solar, LLC (Z21-011), a Subsidiary of NextEra Energy Resources (NextEra) (Griffin Leone, Project Manager), as submitted to the Lee County Planning Commission, proposing to construct and operate a large scale (1500 acres) ground mounted solar energy system as principal use in the AG-1 (Active Agriculture District) zone. There are multiple property owners as follows: Cross Creek Plantations LLC, Parcel 044 005; Cross Creek Plantations LLC, Parcel 044 002; Cross Creek Plantations LLC, Parcel 045 001; Griffith Farms LLC, Parcel 046 014; Griffith Farms LLC, Parcel 035 066; Lagg Farms LLC, Parcel 044 001; Michigan Homes, Inc., Parcel 035 015; R & S Farms Inc., Parcel 035 041; Jimmy C Smith, Parcel 035 100. The project site is located approximately 6 miles north of the City of Leesburg, south of State Route 377, and west of State Route 195 within four contiguous parcels. Planning Department staff recommend conditional approval and the Planning Commission voted for approval, with the conditions set forth by staff recommendation (see page 45) and the following additional condition (5-1): The commencement of construction is to begin within 18 months from the Lee County Board of Commissioners January 25, 2022 meeting. PUBLIC HEARING HELD JANUARY 11, 2022**

Commissioner Singletary made the **MOTION** to approve an application from Pinewood Solar, LLC (Z21-011), a Subsidiary of NextEra Energy Resources (NextEra) (Griffin Leone, Project Manager), as submitted to the Lee County Planning Commission, proposing to construct and operate a large scale (1500 acres) ground mounted solar energy system as principal use in the AG-1 (Active Agriculture District) zone. There are multiple property owners as follows: Cross Creek Plantations LLC, Parcel 044 005; Cross Creek Plantations LLC, Parcel 044 002; Cross Creek Plantations LLC, Parcel 045 001; Griffith Farms LLC, Parcel 046 014; Griffith Farms LLC, Parcel 035 066; Lagg Farms LLC, Parcel 044 001; Michigan Homes, Inc., Parcel 035 015; R & S Farms Inc., Parcel 035 041; Jimmy C Smith, Parcel 035 100. The project site is located approximately 6 miles north of the City of Leesburg, south of State Route 377, and west of State Route 195 within four contiguous parcels. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Wheaton and Commissioner Muggridge voting yea.

## **CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES**

NONE

## **COUNTY MANAGER'S MATTERS**

- (A) **Updates on County projects.**

County Manager Christi Dockery discussed ongoing projects in the County: (1) The Tharp Building restoration project is moving along and is on track to be completed by mid-February; (2) the GDOT has accepted our LMIG application and we can expect payment within approximately 10 days; and (3) a survey will be conducted in the coming weeks for the future boat ramp on the 100 acres; once completed, DNR will review and construction can begin in early Fall.

Commissioner Muggridge added that with a healthy LMIG on the way, and after having agreed last year to split TSPLOST funds moving forward, he suggests limiting the spending for each district to around \$800,000.00. Chairman Mathis added that everyone should get a list of roads together.



(B) **Consideration to adopt the amended and restated ACCG 401(a) Defined Contribution Plan for Senior Management employees.**

Commissioner Muggridge made the **MOTION** to adopt the amended and restated ACCG 401(a) Defined Contribution Plan for Senior Management employees. Commissioner Wheaton seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Walls voting yea.

(C) **Consideration to adopt an ordinance updating existing speed limits, as prepared by GDOT. FIRST READING**

Chairman Mathis stated that this ordinance needed to be re-examined as there appeared to be missing information. Commissioner Muggridge asked that if a Commissioner requests, and the Board agrees, to change a speed limit on this list, besides not being able to issue a radar-generated speeding ticket would there be any ramifications? Is that the only thing that goes away? And if that's the only reason, then on residential roads where tickets aren't being written and radars aren't being run, could we change the speed limit to 25? Is there a reason why we shouldn't, especially those who don't go anywhere or are not connector roads? Commissioner Muggridge also referred to Old Leesburg Road, suggesting a speed limit change to 40 to try to make it safer.

Chairman Mathis asked staff to get with County Attorney Skipper to look into if the state statute pertaining to speed limits applies to county roads as well as state routes. County Manager Dockery added that some roads, such as Century or Ledo Roads, have multiple speed limits due to stop lights or stop signs, based on state statute. Ms. Dockery added that it was her understanding that as long as it stays in the state statute, then it can be changed without doing a study. The ordinance in question is listing roadways for radar use. Chairman Mathis asked County Manager Dockery to look into it and bring a definitive answer to the Board at the next meeting.

Commissioner Muggridge made the **MOTION** to table this item. Commissioner Singletary seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Wheaton and Commissioner Walls voting yea.

Chairman Mathis revisited the **MOTION** and discussion for item 8C (Z21-009) at 6:25pm. See further information above under item 8C.

### **COMMISSIONER'S MATTERS**

(A) **Consideration to ratify the FY2022 LMIG application.**

Commissioner Muggridge made the **MOTION** to ratify the FY2022 LMIG application. Commissioner Wheaton seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Walls voting yea.

### **UNFINISHED BUSINESS**

NONE

### **COUNTY ATTORNEY'S MATTERS**

NONE

### **EXECUTIVE SESSION**

NONE

### **PUBLIC FORUM**

*Citizens will be allowed to address the Board of Commissioners regarding any issues or complaints. Individuals should sign up prior to the start of the meeting.*

No citizens took part in the Public Forum.

### **ANNOUNCEMENTS**

- (A) The renewal process for 2022 Occupation Tax/Business License has begun. **All 2021 business licenses expired on December 31, 2021. On January 31, 2022, the late fee will increase to \$100.00.**

(A) The next regularly scheduled County Commission Meeting is **Tuesday, February 8, 2022 at 6:00 p.m.**

**ADJOURNMENT**

The meeting adjourned at 6:28PM.

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CHAIRMAN

ATTEST: \_\_\_\_\_  
COUNTY CLERK

*Lee County is a thriving vibrant community celebrated for its value of tradition encompassing a safe family oriented community, schools of excellence, and life long opportunities for prosperity and happiness without sacrificing the rural agricultural tapestry.*

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days.  
The meeting rooms and buildings are handicap accessible.