



BOARD OF COUNTY COMMISSIONERS

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

WEDNESDAY, JANUARY 11, 2023 6:00 P.M.

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

MEETING MINUTES
WORK SESSION

COUNTY COMMISSIONERS

Billy Mathis, Chairman	District 3
Luke Singletary, Vice-Chairman	District 2
Dennis Roland, Commissioner	District 1
Chris Guarnieri, Commissioner	District 4
George Walls, Commissioner	District 5

COUNTY STAFF

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

The Lee County Board of Commissioners met in a work session on Wednesday, January 11, 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 Commissioner Dennis Roland, Commissioner Luke Singletary, Commissioner Billy Mathis, Commissioner Chris Guarnieri, and Commissioner George Walls. Staff in attendance was County Manager Christi Dockery, County Clerk Kaitlyn Good, and County Attorney Jimmy Skipper. The meeting was also streamed on Facebook Live.

INVOCATION

Commissioner Billy Mathis led the invocation.

PLEDGE OF ALLEGIANCE

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

Special Presentation

Commissioner Mathis spoke in memoriam of Mr. Edward Paul "Ed" Duffy, Sr. Mr. Duffy served on both the Lee County Commission and the Lee County Utilities Authority for many years. The Board, staff, and the Citizens of Lee County are profoundly grateful to Mr. Ed Duffy for his many years of loyal service and friendship to many.

CALL TO ORDER

(A) Selection of a Chairman for 2023 and by virtue of office, Chairman will serve on the following boards:

- DARTS Policy Coordinator – meets quarterly
- Southwest Georgia Regional Commission – meets monthly
- Health Department – meets quarterly
- WorkSource Southwest Georgia Consortium – meets annually

** Chairman may appoint another Commissioner to serve as proxy.*

Commissioner Walls made the **MOTION** to name Commissioner Mathis as Chairman of the Lee County Board of Commissioners for 2023. Commissioner Singletary seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Roland voting yea. Commissioner Billy Mathis is Chairman of the Lee County Board of Commissioners for 2023.

(B) Selection of a Vice-Chairman for 2023.

Commissioner Roland made the **MOTION** to name Commissioner Singletary as Vice-Chairman of the Lee County Board of Commissioners for 2023. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls and Chairman Mathis voting yea. Commissioner Luke Singletary is

Vice-Chairman of the Lee County Board of Commissioners for 2023.

- (C) **Chairman to make appointments to the County's 2023 Standing Committees:**
- **Budget & Finance Committee:** Commissioners Mathis and Guarnieri
 - **Personnel Committee:** Commissioners Singletary and Mathis
 - **Road Committee:** Commissioners Walls and Roland

APPROVAL OF MINUTES

- (A) **Consideration to approve the Board of Commissioners meeting minutes for December 13, 2022.**
Commissioner Singletary made the **MOTION** to approve the Board of Commissioners meeting minutes for December 13, 2022. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Roland voting yea.
- (B) **Consideration to approve the minutes from the Special Called Board of Commissioners meeting for December 22, 2022.**
Commissioner Singletary made the **MOTION** to approve the minutes from the Special Called Board of Commissioners meeting for December 22, 2022. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Roland voting yea.

CONSENT AGENDA

NONE

NEW BUSINESS

NONE

PUBLIC HEARING

NONE

DEPARTMENTAL MATTERS

Parks & Recreation

- (A) **Consideration to approve an agreement with Lee County Youth Baseball for one (1) year. Current contract expired 12/31/2022**
Commissioner Walls made the **MOTION** to approve an agreement with Lee County Youth Baseball for one (1) year. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Singletary voting yea.

Planning, Zoning & Engineering

- (B) **Consideration to approve an application from SR DeSoto 2 & 3, LLC (Z22-004) requesting a Conditional Use for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District). Project is known as SR DeSoto 2 & 3, LLC. There are multiple property owners as follows: Silicon Ranch Corporation, Wherrell 41, LLC, Roger Howell, John & Eddie Berryhill for a total of (944 acres) fenced/developed area, collectively, ("Landowners") of land being part of Land Lots 188, 189, 195, 196, 197, 221, 222, 227, & 228 of the Fourteenth Land District, of Lee County, Georgia. The property involved is presently zoned AG-1. Planning Commission members and Planning Department staff and consultants recommend approval, with the following conditions, to be fulfilled at the owner/developer's expense: (1) The applicant shall ensure that design and construction of structures shall meet or exceed the standards indicated on the concept plan, narrative, and other documents submitted with the conditional use application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Lee County Code of Ordinances; (2) The applicant shall ensure that design and engineering for land development meets storm water management requirements to minimize stormwater runoff and ensure the quality of water exiting the site; (3) The applicant shall ensure that low impact construction techniques are utilized to avoid soil compaction during and after construction; (4) The applicant shall ensure that**

monthly water quality testing is conducted per GA EPD standards and send the monthly reports to the County. Any sampling and reporting conducted by GA EPD should also be shared with the County; (5) The applicant should ensure that a wildlife management assessment is conducted to provide a recommendation on mitigation and share all updates on wildlife management with the County on a monthly basis; and (6) The applicant shall complete the abovementioned and have the Phase I project approved per the existing Memorandum of Understanding before Phase II commences and have the Phase II project approved per the existing Memorandum of Understanding before Phase III commences. Public Hearing held December 13, 2022

Commissioner Roland opened the discussion on the item by stating he visited the property today and took a few pictures that were sent to staff and the Board. Commissioner Walls commented on the seeming dirtiness of the surrounding waterways after a recent rainfall event. County Manager Christi Dockery stated the buffer plan is not yet completed and is expected to be completed soon. Applicant Connor Echols added that a third party consultant has been hired to complete a robust buffer plan for all three phases of the project. The buffers are put in at the end of the year; for Phase I the buffers will begin to be placed in the spring. Mr. Echols stated the plan should be completed within the next two to three weeks. The panel area is fenced. The buffer plan will include trees (evergreens), shrubs, grasses, and pollinators around the project area. Buffers will be installed as each phase is completed. Mr. Echols also stated that the estimated completion for Phase I is the end of this January, with buffering being installed in the Spring.

Chairman Mathis then allowed the public to speak on this issue.

David Dixon: Spoke on concerns on stormwater runoff and sediment, citing violations of the Clean Water Act (specifically the standard or turbidity) and asks that Phase I be completed successfully and issues rectified before commencing Phases II and III

Neil Fleckenstein, Tall Timbers: Spoke on concerns of stormwater runoff and the need for a detailed stormwater plan, soil compaction and erosion, a plan for the vegetative buffers and ponds, and asks that Phase I be completed successfully and issues rectified before commencing Phases II and III

Commissioner Singletary asked Mr. Fleckenstein if his company did any monitoring and if he was aware of any baseline measures for runoff in the creeks prior to the commencement of this solar project. Mr. Fleckenstein replied that they do not conduct water quality monitoring on their property.

Director of Energy, Silicon Ranch: Spoke on the plans for sheep and vegetation on the property; There are currently 140 operating solar farms, 12 of which have sheep on them currently. The Lee County property will have approximately 2500 sheep beginning in 2024, with 8 – 10 full time staff members to oversee the property.

Luke Wilkinson, Senior VP, Silicon Ranch: Stated that they want to be good neighbors and member of the community and welcome anyone out to the property- commissioner, staff, or citizen.

Felix Marbury: Stated that given the buffer plan, it may still require several plantings and many years before the vegetation can actually act as the buffer as intended; also mentioned it may be a conflict of interest for Commissioner Roland to vote as his family profited from the sale of land for Phase I.

Commissioner Roland replied by stating that he received no money from the prior deal, but that only his mother had.

Mike Talley, County contracted Stormwater Engineer: Stated he and Chief Marshal/ Code Enforcement Officer Jim Wright have driven around and reviewed the site several times and he has observed a clean job site, with clear attention to site detail and site plan. Mr. Talley also stated that the erosion control elements on the property are designed per EPD standards and any erosion control inspections fall under EPD jurisdiction. The county does not review the erosion control; that is done by EPD or Georgia Soil and Water Conservation. To potentially address the runoff issue, Mr. Talley suggests making the existing stormwater holding pond bigger to increase storage capacity, add more silt fencing, or add more sediment basins. Mr. Talley emphasized that every rainfall event is different and the outcome depends on how much rain is received and how fast it comes (i.e. one inch of rain over the course of 24 hours has a much smaller effect than the receipt of one inch of rain in just one hour).

Jenny Crisp: Spoke on concerns of flooding and the failed silt fencing; supports the idea of a larger pond; asks that Phase I be completed successfully and issues rectified before commencing Phases II and III.

Don Odom: Spoke on concerns about litigation with Silicon Ranch in Stewart County and asks that Phase I be completed successfully and issues rectified before commencing Phases II and III

Site Manager, Silicon Ranch: Stated that they want to be good neighbors and wish to work with everyone to make it right

Commissioner Walls made the **MOTION** to table the application from SR DeSoto 2 & 3, LLC (Z22-004) requesting a Conditional Use for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District) until Phase I is finished. With **no second**, the **MOTION** failed.

Commissioner Singletary stated he would like to see additional measures put in place by Silicon Ranch to mitigate the runoff issue, with the involvement of Mike Talley. He would also like to view the buffer plan before being comfortable letting the next two phases commence. However, if everything is in compliance, there is no reason to deny.

County Attorney Jimmy Skipper stated that when an issue is tabled, it is typically meeting date certain as to when it will come back before the Board. If the Board wishes to make a general motion to table this issue, that is theoretically allowed, but then another motion would need to happen to take the item off the table and place it back on a future meeting agenda.

Commissioner Walls made the **MOTION** to table the application from SR DeSoto 2 & 3, LLC (Z22-004) requesting a Conditional Use for a large scale (1,566 total acres) ground mounted solar energy system as a principal use in the AG-1 (Active Agriculture District) until a buffer plan is received and there is more information provided regarding the runoff issue. Commissioner Singletary seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Roland voting yea.

CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES

- (A) **Consideration to appoint one (1) member to the Regional Commission Council of Southwest Georgia for a term of one (1) year. Current term expired 01/01/2023. New term expires 01/01/2024. Letters of interest in reappointment received from Chad Griffin.**

There is currently one more vacancy on this Board.

Commissioner Singletary made the **MOTION** to reappoint Chad Griffin to the Regional Commission Council of Southwest Georgia for a term of one year, expiring 01/31/2024. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls and Commissioner Roland voting yea.

- (B) **Tax Assessor's Office – Consideration to approve a quote for services from K&G Consulting.**

Commissioner Singletary made the **MOTION** to table a quote for services from K&G Consulting until more information is provided regarding the services to be offered. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

COUNTY MANAGER'S MATTERS

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

County Manager Christi Dockery discussed ongoing projects in the County: (1) The gym is still an ongoing project; (2) the Parks & Recreations storage building project has begun and will be completed in 90 days; and (3) we are currently waiting for the contract to be finalized for the 2023 LMIG projects, to begin hopefully within the next month.

- (B) **Consideration to declare vehicles and equipment surplus.**

Commissioner Singletary made the **MOTION** to declare the following vehicles and equipment surplus to be sold on GovDeals: A 2012 Chevrolet Impala VIN 9744, a 1985 Ingersoll Rand Air Compressor SN 9795, a

2009 Ford F-150 Crew Cab VIN 1830, a 2003 London Aire Mosquito Sprayer SN 0412, a Bad Boy 852 Outlaw Mower SN 5008, and a 2004 Ford F-150 VIN 3841. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Roland voting yea.

(C) **Consideration to approve a Letter of Intent for renewal lease of the Department of Juvenile Justice, located inside the Courthouse.**

County Manager Christi Dockery explained that the new lease will now provide for a monthly payment of approximately \$706, which is revenue neutral as that is what expenses are for this location.

Commissioner Singletary made the **MOTION** to approve a Letter of Intent for renewal lease of the Department of Juvenile Justice, located inside the Courthouse. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Roland voting yea.

COMMISSIONER'S MATTERS

(A) **Discussion of the use of funds received from the Opioid Litigation settlement.**

County Manager Christi Dockery provided an update for the Board stating that approximately \$60,000 has been received in result of the Opioid Litigation. Staff is currently researching options for the use of these funds, including specialized training for first responders. Chairman Mathis suggested the addition of the purchase of defibrillators.

(B) **Discussion of the Lee County Medical Center.**

To begin the discussion, Chairman Mathis provided a general overview, including how this is a Development Authority project and the Development Authority will issue bonds in the amount of around \$160 million. This amount may go down some because of the cost of materials. These bonds will be issued, with the proceeds of the bonds going to fund the project cost, fund the debt service reserve, and startup costs. The Authority will lease the project to LCMC, a limited liability company, with sole member of the company being Brentwood, a nonprofit corporation. Chairman Mathis stated that what began as a for-profit hospital is now a not-for-profit hospital owned by the Development Authority. Additionally, indigent care will be provided because it is required by state law.

Chairman Mathis continued by stating that the bonds that will be issued will be backstopped by some funds from the County at approximately \$1.8 million per year, which will go to fund project costs. The County would not be liable for the bonds if the hospital were to fail, and when the hospital becomes profitable and the lease ends, the ownership of the hospital will revert back to the Development Authority and the County will get their money back. The County is liable only for the \$30 million, 15 year bond that was previously agreed upon. The hospital is to be managed by a company named QHR, who manage 150 community hospital across the country.

The ultimate goal of the hospital is to provide citizens a choice in healthcare. The CON extension has been granted and is active. There is also a projected \$50 million economic impact with the project as well as development plans and concepts for the surrounding commercial area.

Chairman Mathis then allowed the public to speak on this matter.

Kathleen F.: Spoke on financial concerns and how the project was not cost effective; voiced concern over the lack of transparency and communication with the County about the project.

Mark Mitchell: Spoke on the high cost indigent care and the major current issue of lack of staffing.

James Brooks: Spoke on concerns about the high cost of indigent care.

Ricky Spence: Spoke on concerns about the lack of transparency about the project and bonds, specifically when the change took place making it a not for profit hospital versus the for profit hospital that was presented.

Kevin L.: Spoke on the concern about location, competing for staff, labor challenges, and overall heightened costs; voiced concern over whether there was enough population growth to support a hospital.

Johnny Golden: Asked if Lee County taxpayers would be given favoritism for service and asked if a patient's other doctors could come in if not associated with the hospital.

UNFINISHED BUSINESS

NONE

COUNTY ATTORNEY'S MATTERS

- (A) **Consideration to adopt an amendment to Chapter 58 Article IV, Section 58-86 of the Code of Ordinances Related to Approval of Minor Subdivisions and Plat Requirements with Respect to Such Minor Subdivisions. First Reading Held December 13, 2022**
County Attorney Jimmy Skipper summarized the text amendment, referring to issues having been discussed at the November 8, 2022 and December 13, 2022 meetings, including a date submission issue as well as a few more suggestions from our Planning Department consultants. Staff has also sent this amendment to surveyors, with additional comments also being received. The second reading was conducted.
- (B) **Consideration to adopt an amendment to Chapter 58 Article IV, Section 58-122 of the Code of Ordinances Related to Approval of Major Subdivisions and Plat Requirements with Respect to Such Major Subdivisions. First Reading Held December 13, 2022**
County Attorney Jimmy Skipper stated that the comments are the same as was for item (A) except that this is for major subdivisions versus minor subdivisions. The second reading was conducted.
- (C) **Consideration to adopt an amendment to Chapter 38 Article VI Soil Erosion and Sedimentation Prevention. First Reading Held December 13, 2022**
County Attorney Jimmy Skipper stated that this text amendment is reflective of GA EPD requiring the addition of one sentence into the code so that it will comply with state code. That sentence being the addition of subsection (18) *Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.* No further changes are suggested or required. The second reading was conducted.
- (D) **Consideration to adopt an amendment to Chapter 6 of the Code of Ordinances Relating to the Sale and Consumption of Alcoholic Beverages, specifically regarding the Licensure of Package Stores. FIRST READING**
County Attorney Jimmy Skipper discussed added changes since discussion of the proposed amendment at the last meeting, including limiting one licensed store for every 9000 residents (based on census data, this would allow for three package stores within the County), the minimum required square footage (4500 sq. ft), location requirements (state law; stores must be at least 500 yards apart), hours of operation, and the option to have drive thru windows allowed for package stores. County Attorney Jimmy Skipper added that the state allows for drive thru windows and the Board just needs to discuss and decide if they want this option in the ordinance. Once determined, Mr. Skipper will draft accordingly and bring the final amendment to the Board for approval at the next meeting. The Board members discussed the issue and agreed to leave the option for drive thru windows in the amendment. The first reading was conducted.
- (E) **Consideration to adopt a Resolution Terminating a Temporary Moratorium upon the Zoning, Permitting, Construction, and Operation of Package Stores.**
County Attorney Jimmy Skipper advised the Board to table this item, pending action taken on the previous item (D).

EXECUTIVE SESSION

- (A) **Executive Session to discuss pending or threatened litigation and personnel matters.**
Commissioner Singletary made the **MOTION** to adjourn to Executive Session. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea. Time: 8:02PM.

Commissioner Singletary made the **MOTION** to adjourn from Executive Session. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner

Roland voting yea. Time: 8:30PM.

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 spoke during the public forum.

ANNOUNCEMENTS

(A) The next regularly scheduled County Commission Meeting is **Tuesday, January 24, 2023 at 6:00pm.**

ADJOURNMENT

The meeting adjourned at 8:31 PM.

Facebook video link: <https://www.facebook.com/leecountyga/videos/841134740300235>

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.