



BOARD OF COUNTY COMMISSIONERS

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

TUESDAY, JANUARY 24, 2023 6:00 P.M.

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

MEETING MINUTES
VOTING 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 Tuesday, January 24, 2023. 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 Luke Singletary, Commissioner Chris Guarnieri, and Commissioner George Walls. Staff in attendance was County Manager Christi Dockery, County Attorney Jimmy Skipper, and County Clerk Kaitlyn Good. The meeting was also streamed on Facebook Live. Chairman Mathis called the meeting to order at 6:00pm.

INVOCATION

Pastor Robin Chaplin, Victory 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 Board of Commissioners meeting minutes for January 11, 2023.
Commissioner Walls made the **MOTION** to approve the Board of Commissioners meeting minutes for January 11, 2023. Commissioner Roland seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Guarnieri voting yea.

CONSENT AGENDA

NONE

NEW BUSINESS

- (A) Recognition of employees' years of service.
The following employees were recognized for their years of service to Lee County:
5 years – Joshua Olsen – Firefighter
5 years – Kendrick Williams – Firefighter
15 years – Donna Hetland – Election Worker
20 years – Ellen Burgess – Superior Court Chief Deputy
20 years – Michael (Todd) Kirkland – Firefighter/Paramedic

PUBLIC HEARING

NONE

DEPARTMENTAL MATTERS

Planning, Zoning, and Engineering

- (A) 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 by stating that he would like to make a motion to approve Phase II & III based on the conditions they were given for Phase I, and if at any point they can't follow through with the conditions, they stop Phase II & III. Chairman Mathis informed Commissioner Roland that at this time the motion would need to be untable this project and asked to discuss before any motion be made.

Chairman Mathis asked for any discussion from the Board about this project. Commissioner Singletary stated that he puts stock into the comments and assessment of this project from Stormwater Engineer Mike Talley who has been out to the project area, met with the Silicon Ranch staff, and has done previous work with the County. He urged the board to look at the comments and assessment from Mike Talley if they have not done so already.

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

Gordon Rogers, Flint Riverkeeper: Mr. Rogers clarified that they are not anti-solar but pro-renewal, he added that they have no agenda to stop solar farms anywhere but their agenda is about water quality. He stated that the role of the Board is to balance public interest with not only natural resources but private property, and that every property owner has private property rights regardless of the size. He also stated that they are planning to make a complaint to EPD regarding this situation now that they have enough data and encourage the Board to make their own complaint. He said that they would like to bring in their own Stormwater Engineer. Informed the Board that Silicon Ranch has sent a cease and desist letter to the drone flyers. Asked that the Board leaves this on the table.

Neil Fleckenstein, Tall Timbers Research Station and Conservancy: Urged the Board at this point not to approve this project until the current stormwater issues are resolved. Like Mr. Rogers stated just prior, they are supportive of renewable energy, but want to see it done in a way that is also protecting the adjacent property owners. Mr. Fleckenstein added that he would like to bring in a third party engineer, to which Commissioner Singletary pointed out that Mike Talley is a third party engineer posing the point that any third party brought on by Mr. Fleckenstein could be bias.

Commissioner Walls asked if there is any written approval from EPD that allows for sedimentation runoff into the waterways. States that he has heard this but not seen anything written regarding it. Chairman Mathis stated that Phases II and III have not yet been approved by EPD.

Chad Gunter: Stated that the biggest concern is accountability, further stating that he is not against Silicon Ranch or the solar panels, he just would like to see Phase I done correctly before commencing Phases II and III.

Jenny Crisp: Spoke that previous landowners that sold to Silicon Ranch have regrets and have things they would like Silicon Ranch to attend to. Ms. Crisp also stated that she thinks Commissioner Roland should recuse himself from this vote due to a conflict of interest.

Commissioner Roland stated that he met with Mr. Dixon and stated that Mr. Dixon pulled a water sample right below the sedimentation runoff on Silicon Ranch. Commissioner Roland said that he presented Mr. Dixon with a sample from where it runs off the County road and he ran that sample.

Luke Wilkinson, Senior VP, Silicon Ranch: Stated that Phase I was operational in December and Phases II and III are aiming to be operational by the end of this year. So far there have been no EPD complaints or violations on the project. They have listened to feedback from the community on stormwater concerns, have learned from experts such as Mike Talley, and they continue to learn and respond by improving the erosion-sediment control plan. They are committed to being a good neighbor and community partner. The following adjustments will be made, if they have not already done so: Increase storage capacity for temporary sediment basins, additional settling time in sediment basins, more robust perimeter controls, upslope protection, continuous seeding, increase monitoring through additional turbidity sampling, and ongoing maintenance activities to clean the sediment from the basins when necessary. A landscaping plan detailing the vegetative buffer, containing native vegetation, has also been submitted.

Mike Talley, County-Contracted Stormwater Engineer: Stated that the problem area on Phase I seems to be in the northern area due to extensive grading. Mr. Talley stated that a possible solution for the sedimentation runoff would be to enlarge the sediment basins, both the existing on Phase I as well as those on II and III. Additionally, upstream of the sediment basins, it is suggested to provide additional silt fence as well as compost tubes to slow the velocity of the flow before it reaches the sediment basins. The basins also need to be regularly maintained, especially keeping fresh gravel; continuous seeding and mulching would also prove beneficial. For Phases II and III, the ponds should be roughly 20% to 30% larger than originally planned and will be completed before other construction is to take place. Mr. Talley emphasized that plans are meant to evolve given the amount rainfall and further stated that all suggestions he provided can be done in under a month.

Felix Marbury: Stated he doesn't understand why this meeting is being held when last meeting it was decided to be tabled until Silicon Ranch complies with the requirements. States that there is no buffer yet. If Silicon fixes the problem, they would go along with this project. Mr. Marbury said that it is not one but three ponds that have a problem. He asked the Board that until they make it work right to not allow Phase II or III to go forth.

Randy Anderson: Spoke on the current state of the roadways surrounding the project and the continued deterioration of such due to construction.

Commissioner Roland made the **MOTION** to untable 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). Commissioner Guarnieri seconded the **MOTION**. The **MOTION** passed 4 – 1 with Commissioner Singletary voting yea and Commissioner Walls voting nay.

Commissioner Roland made the **MOTION** to approve 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) 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; (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; (7) that Phase I be satisfactorily completed; (8) that a true buffer plan be provided; (9) that plans be provided for the completion of the stormwater solutions introduced by Mr. Talley; and (10) with the understanding that if not complying with the abovementioned conditions, work on Phases II and III is stop immediately until proven to be under compliance. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** passed 3 - 2 with Commissioner Singletary voting yea and Commissioner Walls and Chairman Mathis voting nay.

CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES

- (A) **Consideration to appoint two (2) members to the Planning Commission for a term of four (4) years. Current term expires 01/31/2023. New term expires 01/31/2027. Letters of interest received from Juliette D. Bush, Johnny Golden, and Jason Sheffield (reappointment).**

Commissioner Singletary made the **MOTION** to appoint Johnny Golden and Jason Sheffield to the Planning Commission for a term of four (4) years, to expire 01/31/2027. Commissioner Roland seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Walls voting yea.

- (B) **Consideration to appoint four (4) members to the Utilities Authority for a term of one (1) year. Current term expires 01/31/2023. New term expires 01/31/2024. Letters of interest in appointment received from Amy Addison, Chad Arnold, Johnny Barthlein (reappointment), Aaron McCulley, Bob Usry, and George Walls (reappointment; By Virtue of Office).**

Commissioner Walls made the **MOTION** to appoint Chad Arnold, Johnny Barthlein, Aaron McCulley, and himself to the Utilities Authority for a term of one (1) year, to expire 01/31/2024. With no second, the **MOTION** failed.

Commissioner Singletary made the **MOTION** to appoint Amy Addison, Johnny Barthlein, Bob Usry, and Commissioner George Walls to the Utilities Authority for a term of one (1) year, to expire 01/31/2024. Commissioner Roland seconded the **MOTION**.

Commissioner Walls requested that his name be taken off as he no longer wished to serve.

Commissioner Singletary made the **MOTION** to appoint Amy Addison, Johnny Barthlein, and Bob Usry to the Utilities Authority for a term of one (1) year, to expire 01/31/2024. Commissioner Roland seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Walls voting

yea.

Chairman Mathis stated that the remaining vacancy, which can be a commissioner who is serving by virtue of office, shall be discussed at the next meeting.

- (C) **Tax Assessor's Office – Consideration to approve a quote for services from K&G Consulting.**
Services can begin mid-February and will consist of training staff and working on the Tax Digest.

Commissioner Singletary made the **MOTION** to approve a quote for services from K&G Consulting in the amount of \$14,352.00 to come from the Tax Assessor's departmental budget (revenue neutral). 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 new storage building at the Parks and Recreation office is complete; and (2) the gym renovation project is progressing.

COMMISSIONER'S MATTERS

- (A) **Discussion of the hospital project.**
Photographs and concept plans were shown for the property, including exterior facade, surrounding commercial and residential areas, and a potential amphitheater.

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. Second Reading Held January 11, 2023**
Commissioner Singletary made the **MOTION** 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. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.
- (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. Second Reading Held January 11, 2023**
Commissioner Singletary made the **MOTION** 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. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.
- (C) **Consideration to adopt an amendment to Chapter 38 Article VI Soil Erosion and Sedimentation Prevention. Second Reading Held January 11, 2023**
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: 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.*

Commissioner Singletary made the **MOTION** to adopt an amendment to Chapter 38 Article VI Soil Erosion and Sedimentation Prevention. Commissioner Roland seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Walls voting yea.

(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 Held January 11, 2023**

Applications will have to be submitted to the County and the Board will then vote on each application.

Commissioner Singletary made the **MOTION** to remove the population requirement within the proposed amendment (limiting to one store per every 9000 citizens) to Chapter 6 of the Code of Ordinances Relating to the Sale and Consumption of Alcoholic Beverages, specifically regarding the Licensure of Package Stores. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

Commissioner Singletary made the **MOTION** to adopt, as amended 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. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

(E) **Consideration to adopt a Resolution Terminating a Temporary Moratorium upon the Zoning, Permitting, Construction, and Operation of Package Stores.**

Commissioner Singletary made the **MOTION** to adopt a Resolution Terminating a Temporary Moratorium upon the Zoning, Permitting, Construction, and Operation of Package Stores. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

(F) **Discussion of Chapter 70, Article V Section 70-162 with respect to permitted uses in an R-1 Single Family Residential District, specifically the construction of accessory structures.**

County Attorney Jimmy Skipper stated that while this issue was discussed at a previous meeting, one area that was not decided on was the acreage limitation on the lot the accessory structure was to be built on. The Board agreed that the amendment should read "exceeding one (1) acre". This text amendment will go to the Planning Commission first for their recommendation and then come back to the Board for public hearing and final vote.

(G) **Consideration to approve a First Amendment to Intergovernmental Agreement between Lee County and the Lee County Development Authority with respect to the Development and Construction of a Hospital in Lee County, Georgia as an Economic Development Project dated 9/15/22.**

Commissioner Singletary made the **MOTION** to approve a First Amendment to Intergovernmental Agreement between Lee County and the Lee County Development Authority with respect to the Development and Construction of a Hospital in Lee County, Georgia as an Economic Development Project dated 9/15/22. Commissioner Roland seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri and Commissioner Walls voting yea.

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.

Michael Steavans – Spoke on concerns regarding the Lee County Medical Center

ANNOUNCEMENTS

(A) The next regularly scheduled County Commission Meeting is **Tuesday, February 14, 2023 at 6:00pm.**

ADJOURNMENT

The meeting adjourned at 7:30PM.

Facebook video link: <https://www.facebook.com/leecountyga/videos/908261107168833>

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.

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