



**PAULDING COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
March 08, 2022**

**Watson Government Complex
Second Floor – Board of Commissioners Meeting Room**

CALL TO ORDER: David L. Carmichael, Chairman

INVOCATION & PLEDGE: Pastor Becky Chaille, Senior Leader of Firestarter Ministries

PRESENT: David L. Carmichael, Chairman; Keith Dunn, Post I; Sandy Kaecher, Post II; Brian Stover, Post IV; Jayson Phillips, County Attorney; Frank Baker, County Administrator; Rebecca Merideth, County Clerk

MINUTES:

1. *The February 22, 2022 Work Session Minutes and the February 22, 2022 Board Meeting Minutes were available for review.*

ANNOUNCEMENTS:

Team Paulding: The March 2022 Employee of the Month: Brittany Kelley with the Probate Court aired for the Commissioners and audience.

INVITED GUESTS: None

BID AWARDS:

2. *Approve the Construction Contract for Mulberry Rock Park Phase 2 to the lowest responsible bidder, Magnum Contracting, LLC in the amount of \$1,675,330.16. This is a SPLOST funded purchase in Post 2;*

Discussed action to approve the Construction Contract for Mulberry Rock Park Phase 2 to the lowest responsible bidder, Magnum Contracting, LLC in the amount of \$1,675,330.16. This is a SPLOST funded purchase in Post 2. Tabitha Pollard, Finance Director stated they received 6 bids on this item. She further stated that this will include extending the roadway through the remaining portion of the park, adding storm culverts, roadway storm networks, sidewalks, trails, site grading, water line installation and erosion/settlement control.

Chairman Carmichael asked what the timetable on this project would be.

Michael Justus, Parks and Recreation Director stated they would be ready to begin as soon as the paperwork is signed. Magnum Contracting, LLC should begin on this project quickly and it should take around 180 days for completion. This project only consist of infrastructure and roadwork so it should move quickly.

3. *Award the purchase of a John Deere 410L Backhoe Loader to Flint Equipment Company in the amount of \$124,600.00;*

Discussed action to award the purchase of a John Deere 410L Backhoe Loader to Flint Equipment Company in the amount of \$124,600.00. Tabitha Pollard, Finance Director stated the landfill operates as a transfer station. This piece of equipment is used for packing the trash and the more trash that is packed in the trucks the less fees the County has to pay. Ms. Pollard further stated that we always try to have a backup loader. The current backup loader was purchased in 2005 and has become a maintenance issue. The current loader will become the backup and this will become the primary loader used. This loader will be purchased on a State Contract from Flint Equipment Company.

4. *Approve the low bid provided by Bartow Paving in the amount of \$80,200.87 for paving of the Regions Building Parking lot in Post 4;*

Discussed action to approve the low bid provided by Bartow Paving in the amount of \$80,200.87 for paving of the Regions Building Parking lot in Post 4. Tabitha Pollard, Finance Director stated that the Regions building is owned by the Paulding County Board of Commissioners. In the 2021

Lease Renewal there were a few maintenance projects; ADA ramp for the front of the building, parking lot repairs, etc.

Chairman Carmichael asked Ms. Pollard the timetable for this project.

Ms. Pollard stated this project should start very soon. The prices of materials are rapidly rising so Bartow Paving will only guarantee this bid price for a short period of time.

REPORTS FROM COMMITTEES & DEPARTMENTS: None

PUBLIC PARTICIPATION ON AGENDA ITEMS: None

CONSENT AGENDA: Chairman Carmichael read the following consent agenda items:

5. *Approve the request by the Paulding County Sheriff's Office to retire/surplus Major Shelia Craton's Service Weapon Glock Model 21, Serial #TYN992, cost \$469.00.*
6. *Authorize the Chairman to enter into an Intergovernmental Agreement with the City of Hiram for asphalt resurfacing on certain municipal roads which are connected to streets being resurfaced on upcoming County resurfacing projects. The City shall reimburse the County for the actual cost incurred for the work set forth, which is estimated at \$230,000.00.*
7. *Approve the proposed Community Development 2022 Planning & Zoning Division Fee Schedule.*
8. *Approve the acceptance of the streets listed below for perpetual maintenance by the County:
The Georgian / Unit Z-1 Post 2
Montgomery Lane
Montgomery View Court*
9. *Approve supplemental funding of the Holt Consulting Company Work Authorization No. 22 titled "Sanitary Sewer Line Improvements and Existing Sanitary Sewer Line Tests (Design Phase Services-supplement)" at the Paulding Northwest Atlanta Airport in the amount of \$32,670.00.*

OLD BUSINESS:

10. *Adopt Ordinance 22-01 Zoning Ordinance Text Amendment to adopt a Unified Development Ordinance for Paulding County, Georgia (UDO): The Paulding County Planning Commission and Board of Commissioners to consider a text amendment to the Paulding County Zoning Ordinance (2003-as amended). The amendment is in regards to the adoption of a Unified Development Ordinance (UDO). Tabled at the February 22, 2022 Board of Commissioners Meeting;*

Discussed action to adopt Ordinance 22-01 Zoning Ordinance Text Amendment to adopt a Unified Development Ordinance for Paulding County, Georgia (UDO): The Paulding County Planning Commission and Board of Commissioners to consider a text amendment to the Paulding County Zoning Ordinance (2003-as amended). The amendment is in regards to the adoption of a Unified Development Ordinance (UDO). Tabled at the February 22, 2022 Board of Commissioners Meeting. Ann Lippmann, Community Development Director stated Ordinance 22-01 was unanimously recommended on February 22, 2022 for adoption by the Planning Commission. There have been a few changes made since then approved by the Planning Commission, with the main goal to tie every zoning district in on the Future Land Use Map.

Commissioner Stover asked Ms. Lippmann to explain the Mobile Home Park District.

Ms. Lippmann shared a copy of the map and stated that the Mobile Home Park District is only a name change that was carried over from the previous map from 1986. She reminded everyone that 75% of Paulding County is still zoned R-2.

Commissioner Stover stated this has been in the works for a long time, he thanked Community Development and the Planning Commission.

Jayson Phillips, County Attorney thanked Mr. Fred Bentley and his staff for being instrumental in putting the UDO together.

Chairman Carmichael stated how organized the UDO is and how easy it is to use.

Ms. Lippmann stated that it is color-coded and that there are new “special exceptions” hyperlinks in each section. She pointed out that the UDO includes two new residential districts.

Chairman Carmichael thanked everyone that was involved in putting this together.

NEW BUSINESS:

11. Public Hearing to receive public comments on Resolution 22-05 Requesting Amendments to the Paulding County Form of Government;

Public Hearing to receive public comments on Resolution 22-05 Requesting Amendments to the Paulding County Form of Government. Jayson Phillips, County Attorney explained Resolution 22-05, how it will affect the County and explained the duties the Chairman and Commissioners have.

Chairman Carmichael opened the Public Hearing.

Mr. Wayne McCaulley stated he felt the money spent on a County Manager should go to the County’s first responders.

Mr. Jim Tully thanked Mr. Phillips and the Board for holding this Public Hearing. He questioned if the current form of government in the County is being utilized correctly. He stated Citizens of the County would be effected by the changing of the form of government. Mr. Tully asked for accountability, transparency and to be included.

Ms. Virginia Galloway thanked the Board for giving the Citizens the opportunity to voice their opinions.

Ms. Debra Sever asked if there will be a list of qualifications for the County Manager to meet and if the Public will be able to view them. Ms. Sever also asked if the County Manager will be required to be a Citizen of Paulding County.

Ms. Beverly Cochran stated she attended the February 8th meeting and is opposed to this change. She stated the Administrator is a division of the government that is currently working well. Ms. Cochran asked if the form of government is changed, will the Chairman’s salary be decreased and will he become part-time. Ms. Cochran respectfully asked for the Chairman and the Commissioners to reverse their vote and wait until closer to the next election before making this change.

Ms. Cathy Helms asked why this Resolution was created. She stated that the Chairman can assign duties to the Administrator. Ms. Helms asked for this Resolution to be placed on the ballot at the next election so the Citizens can vote on it.

Ms. Carroll McLeod stated that she understands the Manager System and researched how it works. She stated that with Paulding County being one of the fastest growing Counties in Georgia she believes this Resolution will be a good thing. Ms. McLeod thanked the Board for all that they do for the County.

Ms. Nancy Hollingshed stated in 1990 Chairman Carruth turned his power over to the County Administrator until Chairman Sherrin took office. Ms. Hollingshed stated that what is trying to be done here can be done with the way the form of government is currently set up. Ms. Hollingshed asked if the Chairman’s salary will be reduced.

Ms. Lydia Rollins stated that she is in favor of this change to the form of government. She stated that the Chairman needs people under him to be able to do the day-to-day tasks that the Board can trust, to allow the Chairman to do what he was elected to do.

Chairman Carmichael thanked everyone for coming and speaking their minds. He stated that it is important to the Board to hear from the Citizens.

Mr. Phillips stated that historically in Paulding County under Chairman Carruth in 1999 the County Manager was created but named County Administrator. The County can not change the duties of the Chairman by a Resolution or Ordinance, only through the General Assembly. Mr. Phillips also stated that there is a State Statue that prohibits any County to require their employees to reside in that County.

Commissioner Stover stated that a lot of businesses and the School Board run this way. He stated that this is being transparent on how the Board would like to operate.

Chairman Carmichael stated that out of 159 Counties in Georgia, 71 of them are ran with a County Manager form of government. He stated that the main focus is to find ways to be more efficient. There will be no additional tax payer money used and no salary changes. He stated that the County has grown and is not the same as it was 20 years ago. Resolution 99-23 created a County Manager, named County Administrator, to carry out the administrative duties as CEO. The County Manager is not an elected official and can serve as long as he/she would like once appointed by the Board.

Chairman Carmichael closed the Public Hearing.

12. Ordinance 22-02 an Ordinance to make findings of fact based on evidence of adverse secondary effects of adult uses and sexually oriented businesses in reports and cases made available to the County; to provide for updated regulations of sexually oriented businesses for the Light Industrial and Heavy Industrial zoning districts within the County limits; to provide a new section to Chapter 46, Article VII entitled "Obscenity and Other Offenses".

Discussed action to adopt Ordinance 22-02 an Ordinance to make findings of fact based on evidence of adverse secondary effects of adult uses and sexually oriented businesses in reports and cases made available to the County; to provide for updated regulations of sexually oriented businesses for the Light Industrial and Heavy Industrial zoning districts within the County limits; to provide a new section to Chapter 46, Article VII entitled "Obscenity and Other Offenses". Ann Lippmann, Community Development Director stated that a part of the updated UDO changed the name from *Adult Entertainment Establishments* to *Sexually Oriented Businesses*.

Mr. Fred Bentley stated that all of the Board members helped put the UDO together. He stated that over time, it is important to go through specifics to find facts and conclusions of law to make sure that our Ordinances deal exclusively with time, place and manner in a limited manner and to limit the things that are not protected by our constitutional rights. Also writing Ordinances that are content neutral to control adverse effects.

Chief Trever Hess thanked Mr. Bentley, Ms. Lippmann and her staff for putting this together. This Ordinance has not been updated since 1997. As list of secondary effects include but not limited to, property crime, drug usage, prostitution, sexual assault/exploitation and armed robbery. The majority of the patrons that frequent these types of establishments come from outside of the County, bringing crime inside the County. If this Ordinance is adopted, it will help regulate these businesses and mitigate those secondary effects that would harm the welfare and safety of the public.

Mr. Bentley stated that if you don't have an Ordinance declaring this unconstitutional, it opens a door for these type of establishments to open anywhere.

Commissioner Kaecher thanked Mr. Bentley.

13. Approve the purchase of stream mitigation credits from Dawsonville Bluffs, LLC, in the amount of \$427,310.00 for the Mulberry Rock Park Phase 2 Project. This is a SPLOST funded purchase in Post 2.

Discussed action to approve the purchase of stream mitigation credits from Dawsonville Bluffs, LLC, in the amount of \$427,310.00 for the Mulberry Rock Park Phase 2 Project. This is a SPLOST funded purchase in Post 2. Michael Justus, Parks and Recreation Director stated that this is a part of the Mulberry Rock Park Phase 2 Project. He stated that this will connect the front and back of the park with a loop road. Planning into the future for Phase 3, possibly adding a large water feature in the center of that loop. This will be impacting some of the streams and wetlands. We are required to buy mitigation credits to address those disturbed areas. Mr. Justus thanked Croy Engineering for helping with this project.

Chairman Carmichael asked if you have to get mitigation if you do not cover a stream.

Mr. Justus stated that it would cost more to cover the stream than it would to let it go through the road.

14. Approve the purchase of wetland credits from RES Aster, LLC, in the amount of \$180,000.00 for the Mulberry Rock Park Phase 2 Project. This is a SPLOST funded purchase in Post 2;

Discussed action to approve the purchase of wetland credits from RES Aster, LLC, in the amount of \$180,000.00 for the Mulberry Rock Park Phase 2 Project. This is a SPLOST funded purchase in Post 2. Michael Justus, Parks and Recreation Director stated that this is for two credits of \$90,000.00 each.

15. Adopt Resolution 22-09 providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal of, premium, if any and interest on the Paulding County School District general obligation refunding bond, Series 2025, in the original principal amount of \$58,720,000;

Discussed action to adopt Resolution 22-09 providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal of, premium, if any and interest on the Paulding County School District general obligation refunding bond, Series 2025, in the original principal amount of \$58,720,000. Tabitha Pollard, Finance Director stated that the Board of Commissioners is the Tax Levying Authority. The School Board found an advanced refunding opportunity that they have approved. This would be refinancing the 2014 bond issue which is backed with a tax levy requiring it to be approved by the Board of Commissioners. This will not provide new money, it is only for interest savings. The rate in 2014 was 3.75%-5% and this will be 2.28%.

16. Adopt Resolution 22-10 providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal of, premium, if any and interest on the Paulding County School district taxable general obligation refunding bond, Series 2022, in the original principal amount of \$60,625,000;

Discussed action to adopt Resolution 22-10 providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal of, premium, if any and interest on the Paulding County School district taxable general obligation refunding bond, Series 2022, in the original principal amount of \$60,625,000. Tabitha Pollard, Finance Director stated that this will be tax exempt at 1.79%.

Chairman Carmichael asked for an estimate on money saved by refinancing.

Ms. Pollard stated that she does not have an exact amount. The original interest rate was at 3.02% and this will be at 2.28%.

Chairman Carmichael asked when the payoff date will be

Ms. Pollard stated that the payoff date will be in 2033.

CONCLUSION OF REGULAR BUSINESS

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: None

EXECUTIVE SESSION: None

Chairman Carmichael asked the Commissioners if they had any comments or announcements.

Chairman Carmichael thanked Chuck Hart for his service and read his resignation letter.

ADJOURNMENT: Sandy Kaecher made a motion to adjourn, seconded by Brain Stover. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post IV Brian Stover.