



**PAULDING COUNTY BOARD OF COMMISSIONERS
BOARD MEETING MINUTES
April 11, 2023**

Watson Government Complex
Second Floor – Board of Commissioners Meeting Room

CALL TO ORDER: David L. Carmichael, Chairman

**INVOCATION
& PLEDGE:** Jayson Phillips, County Attorney

PRESENT: David L. Carmichael, Chairman; Keith Dunn, Post 1; Sandy Kaecher, Post II; Virginia Galloway, Post III; Brian Stover, Post IV; Jayson Phillips, County Attorney; Frank Baker, County Manager; Rebecca Merideth, County Clerk.

MINUTES:

1. Virginia Galloway made a motion to adopt the March 28, 2023 Work Session Minutes and the March 28, 2023 Board Meeting Minutes, seconded by Sandy Kaecher. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

ANNOUNCEMENTS: None

INVITED GUESTS: None

BID AWARDS:

2. *Award the Paulding Bridge Barrier Improvement Contact to the lowest bidder, Precision 2000, Inc., in the amount of \$399,220.12. Bridge locations are in Post 2. Funding for the project will be from General Fund and SPLOST:*
Sandy Kaecher made a motion to award the Paulding Bridge Barrier Improvement Contact to the lowest bidder, Precision 2000, Inc., in the amount of \$399,220.12. Seconded by Brian Stover. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

3. *Award the purchase and installation of carpet for the 3rd floor of the Courthouse to Mohawk in the amount of \$165,010.87. Located in Post 2. Funding will be through General Funds:*
Sandy Kaecher made a motion to award the purchase and installation of carpet for the 3rd floor of the Courthouse to Mohawk in the amount of \$165,010.87. Seconded by Virginia Galloway. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

REPORTS FROM COMMITTEES & DEPARTMENTS: None

PUBLIC PARTICIPATION ON AGENDA ITEMS: None

CONSENT AGENDA: Chairman Carmichael made a motion to approve the following consent agenda item:

4. *Declare the following items listed as surplus, and approve their disposal through auction or trade: (see attached surplus list)*

Seconded by Virginia Galloway. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

OLD BUSINESS: None

NEW BUSINESS:

5. Professional Services Agreement with Petra Architecture for the design of a new concessions/restroom facility at Union Park at a cost of \$38,200.00. SPLOST funding will be used and the project is located in Post 2:

Sandy Kaecher made a motion to authorize the Chairman to sign a Professional Services Agreement with Petra Architecture for the design of a new concessions/restroom facility at Union Park at a cost of \$38,200.00. Seconded by Keith Dunn. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

6. Development Agreement between LGI Homes-Georgia, LLC and Paulding County for sharing the cost of a 12-inch water main along a portion of the right-of-way of Mount Tabor Church Road. Funding for the pipe will be from the Renewal and Extension Fund. Located in Post 1:

Keith Dunn made a motion to approve a Development Agreement between LGI Homes-Georgia, LLC and Paulding County for sharing the cost of a 12-inch water main along a portion of the right-of-way of Mount Tabor Church Road. Seconded by Brian Stover. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

ITEMS FROM THE MARCH 28, 2023 PLANNING COMMISSION MEETING

Commissioner Stover requested that Mr. Joel Larkin be allowed to speak.

Commissioner Kaecher made a motion to allow Joel Larkin to speak on this item. Seconded by Brian Stover. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway, Post IV Brian Stover.

Mr. Larkin withdrew Application **2023-01-SUP** by Dallas Meath Properties, LLC, for which the recommendation of the Planning Commission is set forth hereafter:

7. 2023-01-SUP: Application withdrew by applicant DALLAS MEATH PROPERTIES, LLC, requesting a Special Use Permit on 17.13 acres of an I-2 (Heavy Industrial) District site for the proposed operation of a crushing and screening facility (earth material recycling). Property is located in Land Lot 1277; District 3; Section 3; north of Brooks Road and Old County Farm Road. POST 4.

RECOMMENDATION FROM PLANNING COMMISSION: DENIAL (4-3-0).

1. Owner/Developer agrees the crushing and screening facility will operate within the hours of 8:00 am to 5:00 pm Monday thru Friday.
2. Owner/Developer agrees to contain dust on site during the operation of the crushing and screening facility especially in windy and/or dry conditions. A dust control plan shall be prepared by a registered engineer and submitted as an addendum in the Plan Review Process.
3. Owner/Developer agrees to provide any required State and Federal approvals including the Georgia Environmental Protection Division (as pertinent) to the County during the Plan Review Process.
4. Owner/Developer agrees to a maximum sound decibels of 100 dBA at 10 ft. from crusher.
5. Owner/Developer agrees to donate sufficient right of way along property frontage to accommodate a 60' right of way along Old County Farm Road (30' from centerline) with a 5' permanent easement that also accommodates utilities.
6. Owner/Developer agrees to enter into a Development Agreement with Paulding County Board of Commissioners concerning improvements of Old County Farm Road. The Development Agreement will include a contribution of \$28,000 towards the construction of local non-residential street category roadway, from the intersection driveway on Old County Farm Road to the intersection of Brooks Road.
7. Owner/Developer agrees that if all truck traffic to / from development utilizes a driveway from the site onto Industrial Boulevard North, the above stipulations (5 & 6) are null and void.
8. Owner/Developer agrees the Special Use Permit (SUP) is limited to a three year period of time from the date of approval.

8. **2023-04-Z:** At the call of this item, Brian Stover sought clarification of the authority of an employee of the applicant to speak on behalf of the applicant, **DALLAS PEACH PROPERTY, LLC**, in regard to its rezoning application. The applicant's representative **JERRY L. JOHNSON** advised that the employee did not have authorization to speak on behalf of the applicant. **JERRY L. JOHNSON** affirmed that the applicant agrees to performing a traffic study. **JERRY L. JOHNSON** clarified that the applicant did not agree to stipulation 6 as recommended by the Planning Commission. Chris Robinson confirmed that stipulation 6 was not originally recommended by staff, but was added and approved by the Planning Commission. Mr. Robinson further confirmed that the applicant did not agree to stipulation 6.

Commissioner Stover made a motion to approve the application with stipulations one (1) through five (5) and striking stipulation six (6) requesting to rezone approximately 0.82 acres from the B-1 (General Business) District to B-2 (Highway Business) District for the purposes of demolishing the existing gas station and constructing a new 5,100 square foot gas station / convenience store. Property is located in Land Lot 657; District 3; Section 3; at the northwest corner of the intersection of Cartersville Hwy (SR 61) and Braswell Mountain Road. Proposed project site address is 6821 Cartersville Hwy. POST 4. The motion failed for the lack of a second.

Commissioner Galloway made a motion to approve the application with all six (6) stipulations, but amending stipulation six (6) to remove the language indicating that the owner/applicant agreed to it; seconded by Chairman Carmichael. Voting Yea: Chairman Carmichael, Virginia Galloway; Voting Nay: Post I Keith Dunn, Post II Sandy Kaecher, Post IV Brian Stover. Motion fails.

Commissioner Stover made a motion to approve the application with stipulations 1-5 striking stipulation six (6). Seconded by Sandy Kaecher. Voting Yea: Post I Keith Dunn, Post II Sandy Kaecher, Post IV Brian Stover. Voting Nay: Chairman Carmichael, Post III Virginia Galloway. Motion carries 3-2-0.

RECOMMENDATION FROM THE PLANNING COMMISSION: APPROVAL (6-0-1).

1. Owner/Developer agrees to no other permitted uses in the B-2 Zoning District.
2. Owner/Developer agrees to no billboards on the site/property.
3. Owner/Developer acknowledges that access along SR 61 will be coordinated and approved by Georgia Department of Transportation.
4. Owner/Developer agrees to provide a traffic impact study for the development and coordinate with Paulding County DOT on methodology and parameters of study.
5. Owner/Developer agrees access to the development shall be determined during the plan review process based upon Traffic Impact Study.
6. ~~Owner/Developer agrees to no COAM's on the premises:~~

9. **2023-05-Z:** Virginia Galloway made a motion to approve with seven (7) stipulations and amending stipulation four (4) (as indicated below in italics) application by **JORDAN BRACKETT / HARMONY PASTURES LLC**, requesting to rezone approximately 118.15 acres from R-2 (Suburban Residential) District to R-1 (Rural Residential) District to develop a 78-lot residential subdivision with minimum lots of one acre or larger. Property is located in Land Lots 1069, 1070, 1102 and 1139; District 19; Section 3; property is situated along the north and south side of Mulberry Rock Road at Holt Road. POST 2.

Commissioner Stover asked if they would have to go to another entrance if Holt Road was not utilized.

George Jones, Transportation Director stated that if Holt Road is not utilized then improvements would be needed.

RECOMMENDATION FROM THE PLANNING COMMISSION: APPROVAL (6-0-1).

1. Owner/Developer agrees to submit development plans for review to the Development Control Committee.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
3. Owner/Developer agrees that full access onto Holt Road will be no closer than 200' from the beginning radius of Mulberry Rock Road.

4. Owner/Developer agrees to improve the entirety of Holt Road to meet the requirements for an S-2 Residential Local Street without curb and gutter, *if utilizing Holt Road from their access road to Mulberry Rock Road.*
5. Owner/Developer agrees to donate sufficient right of way for a 25' miter at the intersection with Holt Road and Mulberry Rock Road.
6. Owner/Developer agrees that lots shall not derive access from Mulberry Rock Road.
7. Owner/Developer shall be responsible for incorporating horizontal traffic calming practices within the development, if required by PCDDOT. All practices shall be approved by the Paulding County Department of Transportation and designed in accordance with the Institute of Transportation Engineers (ITE) Manual for Traffic Calming.

Seconded by Sandy Kaecher. Voting Yea: Chairman Carmichael, Post I Keith Dunn, Post II Sandy Kaecher, Post III Virginia Galloway. Abstain: Post IV Brian Stover.

CONCLUSION OF REGULAR BUSINESS

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: None

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

Commissioner Galloway announced she will be having a Town Hall Meeting for Post 3 on April 20th from 5:00pm to 7:00pm at Taylor Farm Park.

Commissioner Kaecher announced the Autism Awareness Month Proclamation will be presented at 4:00pm today in Veterans Park.

EXECUTIVE SESSION: None

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


Rebecca Merideth, County Clerk


David I. Carmichael, Chairman