

**Upson County Board of Commissioners  
June 14, 2016 Meeting Minutes**

Call to Order

Chairman Blackston calls the meeting to order at 6:00 PM. All Commissioners were in attendance. County Attorney Paschal English was also in attendance. The Invocation and Pledge of Allegiance was led by Chairman Blackston.

Minutes

A motion was made by Comm. Spraggins, with a second from Comm. Wilder, to adopt the minutes from May 24, 2016 regular meeting. The motion carries.

Commissioner Spraggins – Yes Commissioner Hudson – Yes  
Commissioner Ellington – Yes Commissioner Wilder – Yes  
Chairman Blackston – Yes

Public Hearing

Chairman Blackston opened the Public Hearing for Danny and David McDonald requesting a rezoning of 1 acre MOL from R-5 to C-1. The property is located at 704 N. Alabama Road and referred to as being Land Lots 265 & 266 of the 10<sup>th</sup> Land District.

Ed Trice 2355 Crest Highway, representing the Danny and David McDonald, stated that his clients were satisfied with the decision of the Planning Commission.

Gregory Franklin, 514 North Old Alabama Road, stated that he didn't want the McDonald's to lose their vegetable stand, but he didn't want property to be zoned commercial that way so close to his home.

Mr. Doug Currier stated that this is an after-the-fact application. The produce stand has been operating on this site for a few years; it is illegal, non-conforming use in the R-5 zoning district. The property meets most of the minimum district requirements.

D. Minimum District Requirements and Pertinent Review Standards:

-District Standards

The property is currently zoned **R-5** with a request to zone the property **C-1**.

**R-5 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people, while permitting smaller dwellings than many other residential districts require. These districts are free from other uses which are incompatible with single-family homes.**

**C-1 zoning districts are intended to establish and preserve small business areas of a limited nature that serve primarily the residential neighborhood in which they are located. Development standards are designed to promote compatibility with the surrounding residential neighborhood.**

<u>Standard</u>	<u>C-1 Min. Dev. Standards</u>	<u>Existing On Site</u>
a. Min. Heated Floor Area:	1,008 s.f.	√ 160 sf + 1,140 s.f. (1,300 s.f.)
b. Min. Lot Area:	1 acre (Unsewered)	√ 1 acre
c. Min. Lot Width:	100 ft.	√ 290+ ft.
d. Min. Front Yard Setback:	100/35 ft.	X 22/53 ft.
e. Min. Side Yard Setback:	15 ft.	√ 30 ft.+
f. Min. Rear Yard Setback:	35 ft.	√ 35 ft. +

The Planning Commission recommendation on May 9, 2016 was a conditional approval of the c-1 zoning by 5-0 vote. They recommended that the approval be restricted to a fruit and vegetable stand only. The Public Hearing was closed.

A motion was made by Comm. Hudson to deny the rezoning. The motion died for lack of a second.

A motion was made by Comm. Ellington to approve the rezoning as presented by Mr. Currier, with a second from Comm. Spraggins. The motion carries.

Chairman Blackston stated that there are 12,000 parcels in Upson County and hundreds that have incorrect zonings. This applicant is not grandfathered in because if came after zoning started, they are not current on their occupational taxes and the footage is not correct. He added that they need to go by the zoning that they have or not use it at all.

Commissioner Hudson – No Commissioner Ellington – Yes  
Commissioner Wilder – Yes Chairman Blackston – No  
Commissioner Spraggins – Yes

Public Comments

There were no public comments.

New Business

- a. County Manager Mr. Wheelless explained that in the past they have allowed a deputy to stay at the mobile home at Sprewell Bluff to help with security. He has spoken with Sheriff Kilgore and he has some candidates. Mr. Wheelless is asking the board to approve a Resolution and a Tenant Agreement so the Sheriff can assign someone to the property.



UPSON COUNTY BOARD OF COMMISSIONERS  
 106 EAST LEE STREET, SUITE 110  
 THOMASTON, GA 30286  
 (706) 647-7012

Rusty Blackston - Chairman  
 Lorenzo Wilder - District 1  
 Steve Hudson - District 2  
 Ralph Ellington - District 3  
 Frank Spraggins - District 4

**A RESOLUTION OF THE  
 UPSON COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Upson County under the supervision of the Upson County Board of Commissioners has the responsibility of maintaining all parks belonging to Upson County in a clean, well maintained and safe environment, including Sprewell Bluff State Outdoor Recreation Area; and

WHEREAS, it is the desire of Upson County, by and through the Board of Commissioners, to employ an individual to provide for security for Sprewell Bluff State Outdoor Recreation Area and to enter into an agreement with said employee to establish certain conditions of employment which will allow said employee to maintain a residence on the grounds of said park thereby promoting 24 hour security.

NOW, THEREFORE, BE IT RESOLVED that the Upson County Board of Commissioners does hereby adopt this resolution authorizing the Chairman of said commission to enter into an agreement on behalf of Upson County that will establish the terms and conditions of said tenancy.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the Board of Commissioners of Upson County to be hereby affixed, this the \_\_\_\_ day of June, 2016.

**BOARD OF COMMISSIONERS OF UPSON COUNTY**

By: \_\_\_\_\_  
 RUSTY BLACKSTON, CHAIRMAN

(SEAL)

Attest: \_\_\_\_\_  
 JESSICA JONES, County Clerk

**SPREWELL BLUFF SECURITY/TENANT AGREEMENT**

This agreement made and entered into this \_\_ day of \_\_\_\_\_, 2016, by and between UPSON COUNTY, GEORGIA, by and through the UPSON COUNTY BOARD OF COMMISSIONERS, hereinafter referred to as "UPSON County," and \_\_\_\_\_, hereinafter referred to as "Tenant," both of whom agree as follows:

WITNESSETH:

Whereas, Upson County, under the supervision of the UPSON COUNTY BOARD OF COMMISSIONERS, has the responsibility for maintaining all parks belonging to Upson County, Georgia, in a clean, well maintained and safe condition, including Sprewell Bluff State Outdoor Recreation Area, hereinafter referred to as "Sprewell Bluff"; and Whereas, it is the desire of Upson County to provide certain benefits, establish certain conditions of employment and to set working conditions of said employee; and

Whereas, \_\_\_\_\_ as Tenant represents that he is willing and capable to act as SECURITY of Sprewell Bluff State Outdoor Recreation Area;

NOW, THEREFORE, the parties agree as follows:

**SECTION I. DUTIES**

A. Security/Tenant shall perform the following services:

1. Shall perform a minimum of two (2) inspections and security checks each day of said Sprewell Bluff. The time, manner and method of performance of the duties required herein shall be performed at the reasonable discretion of the Security/Tenant.
2. Security on an on-call basis, seven (7) days per week. In the event Security/Tenant discovers circumstances indicating acts of vandalism, theft, unlawful trespass or entry or other criminal activity on Sprewell Bluff property, agrees to promptly notify law enforcement and the Upson County Board of Commissioners or their designee.
3. Enforce all park rules.
4. Perform other related duties as required.

B. Upson County shall provide the following:

1. Living quarters together with the use of existing equipment and fixtures located therein on the grounds of Sprewell Bluff, located at 740 Sprewell Bluff Road, Thomaston, Georgia to tenant under this agreement. Upson County shall be responsible for major structural repairs to the living quarters. The tenant shall be responsible for general upkeep and minor repairs of the living quarters.

2. Tenant shall be responsible for all utilities for the living quarters (except water), including (but not limited to) electrical and telephone service.
3. Upson County shall provide property damage and liability insurance on the premises. Upson County has no liability for personal property.
4. Tenant shall schedule time away from the Park with the approval of the Upson County Board of Commission or their designee.

SECTION II. TERMS

- A. This agreement shall be in effect for a period of twelve (12) months beginning on the date of signing and may be renewed annually. Either party may, however, terminate this Agreement on thirty (30) days written notice to the other party.
- B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of Upson County from terminating the services of the Tenant. In the event the Tenant should violate any of the provisions of this contract or any policy directive of Upson County such violation shall constitute default under the terms and conditions of this Agreement and at such time Upson County can take immediate occupancy of said property.
- C. Upson County reserves the right to inspect said property with 24 hours written notice to tenant.
- D. It is hereby understood and agreed between the parties that Tenant must be an employee of the Upson County Sheriff's Department at all times during this contract.
- E. Nothing in the agreement shall prevent, limit or otherwise interfere with the right of the Tenant to resign at any time from his position with the Upson County Sheriff's Department, subject to the provisions set forth in Section II-A.
- F. Tenant understands if his employment with the Upson County Sheriff's Department is terminated or he resigns or otherwise vacates his employment, he shall be in default under the terms and conditions of the Agreement. Said Tenant would then be afforded fifteen (15) calendar days from the date of his severance from employment to vacate the premises located at 740 Sprewell Bluff Road, Thomaston, Georgia. Tenant agrees to remove all personal possessions from the premise of 740 Sprewell Bluff Road within said 15 day time period or be responsible for the costs associated with removal of property.
- G. Tenant agrees that his pay at the time of vacating said residence shall be off set to the extend repairs determined by the Upson County Board of Commissioners or their designee are necessary to the property located at 740 Sprewell Bluff Road, Thomaston, Georgia.
- H. Tenant agrees to keep the residence well maintained, in a safe condition free and clear of all trash and debris both inside the residence and within the immediate curtilage outside the residence.
- I. Tenant must obtain approval from the County Commission prior to any additional occupancy.
- J. Tenant must obtain approval from the County Commission prior to allowing pets inside the residence.

This agreement is made and entered into in Upson County, Georgia, and shall be construed according to the laws of the State of Georgia.

This agreement contains the entire agreement of the parties and shall not be modified except by a Modification Agreement in writing signed by both parties hereto.

WHEREAS, the parties hereto have set their hands and seals as of this \_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
WITNESS                      DATE

\_\_\_\_\_  
WITNESS                      DATE

UPSON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
RUSTY BLACKSTON                      DATE  
Chairman

\_\_\_\_\_  
NAME                                      DATE  
Tenant

A motion was made by Comm. Spraggins with a second from Comm. Wilder to approve the Resolution and Tenant Agreement.

Chairman Blackston – Yes Commissioner Ellington – Yes

Commissioner Wilder – Yes

Commissioner Spraggins – Yes Commissioner Hudson – Yes

- b. Chairman Blackston gave an overview of the County Credit Card Resolution and Ordinance. The only change from the previous week was the addition of the number of transactions to 25 per month and \$10,000 per month.

County Manager, Commissioners and County Attorney Comments

**County Manager Jim** stated that the next retreat would be the during vacation week and wanted to make sure everyone would be available.

Applications for the Sprewell Bluff Advisory Committee are being accepted through June 28, 2016.

**Commissioner Wilder** had no comments.

**Commissioner Spraggins** stated that Sprewell Bluff has been a huge project and there have been negative and positive comments, but everyone should go see it. He thanked Commissioner Hudson for all of his hard work at the Bluff.

**Commissioner Ellington** thanked Commissioner Hudson for all his hard work at the Bluff. He added that they meet with Engineers about the sewer lines on Highway 19 North.

**Commissioner Hudson** had no comments.

**County Attorney Paschal English** had no comments.

**Chairman Blackston** thanked Commissioner Hudson for his work at the Bluff, adding that the cabins are progressing.

Executive Session

A motion was made by Comm. Wilder with a second from Comm. Ellington to exit regular meeting into executive session for personnel.

A motion was made by Comm. Wilder with a second from Comm. Ellington to exit executive session back to regular meeting.

A motion was made by Comm. Spraggins with a second from Comm. Ellington to establish a position for a Sprewell Bluff Coordinator. The motion carries.

Adjournment

Comm. Ellington made a motion to adjourn at 7:00 pm, with a second by Chairman Blackston to adjourn the meeting.

\_\_\_\_\_  
Chairman Rusty Blackston

\_\_\_\_\_  
Commissioner Steve Hudson

\_\_\_\_\_  
Commissioner Frank Spraggins

\_\_\_\_\_  
Commissioner Lorenzo Wilder

\_\_\_\_\_  
Commissioner Ralph Ellington

\_\_\_\_\_  
Jim Wheelless, County Manager