



UPSON COUNTY BOARD OF COMMISSIONERS

Regular Commission Meeting

August 22, 2023 - 6:00 P.M.

106 East Lee Street, Suite 140, Thomaston, GA 30286

THE MEETING WILL BE STREAMED LIVE ON YOUTUBE

PLEASE COPY THE LINK BELOW

<https://www.youtube.com/channel/UCe2eGmYc-ooba5KStmOeXkw>

AGENDA

I. CALL TO ORDER

Chairman Norman Allen

II. INVOCATION

III. PLEDGE

IV. ATTENDANCE

Chairman Norman Allen
Vice-Chairman Lorenzo Wilder
Commissioner James Ellington
Commissioner Benjamin Watson
Commissioner Paul Jones
County Manager Jason Tinsley
County Clerk Jessica Jones
County Attorney Heath English

V. PUBLIC HEARING

AN ORDINANCE OF UPSON COUNTY, GEORGIA TO AMEND THE CODE OF UPSON COUNTY, APPENDIX A – ZONING; PROVIDING STANDARDS FOR APPLICANT-INITIATED POSTPONEMENT OF ZONING-RELATED PROCESSES; ESTABLISHING APPLICATION WITHDRAWAL STANDARDS; CLARIFYING RESPONSIBILITIES OF BOTH THE PLANNING COMMISSION AND BOARD OF COMMISSIONERS FOR HOLDING PUBLIC HEARINGS; PROVIDING FOR REPEAL/CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made to open the public hearing.

Motion: Commissioner Jones

Second: Commissioner Ellington

Commissioner Jones – Yes

Vice Chairman Wilder– Yes

Commissioner Watson – Yes

Commissioner Ellington -Yes

Chairman Allen – Yes

There were no public comments.

A motion was made to close the public hearing.

Motion: Commissioner Jones

Second: Commissioner Ellington

Commissioner Jones – Yes

Vice Chairman Wilder– Yes

Commissioner Watson – Yes

Commissioner Ellington -Yes

Chairman Allen – Yes

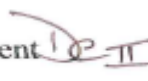
The Zoning Director gave an overview of the amendment change. This was considered as the first reading.

The county Attorney advised to add a time frame in the Section 406-D.



UPSON COUNTY PLANNING COMMISSION - MEMORANDUM -

TO: Jason Tinsley, County Manager
Upson County Board of Commissioners

FROM: Doug Currier II, Director- Building & Zoning Department 

RE: Zoning Procedures Postponement Amendment Language

DATE: August 16, 2023

At its July 10, 2023 meeting, following a public hearing, the Planning Commission reviewed and forwarded to the Board of Commissioners, a draft ordinance amending portions of Article 4 – General Provisions of the Upson County Zoning Ordinance. The proposed language sets policy for applicant-initiated postponements of several zoning decision-related processes, specifically 1) appeals of actions of the zoning administrator, 2) appeals of actions of the Planning Commission, 3) variances, 4) special exceptions and 5) amendments to the zoning ordinance text or the official zoning map. The proposed language also clarifies when withdrawal of an applications by the applicant is appropriate and what the consequences are.

This ordinance was prompted by the actions of two 2023 rezoning applicants, who, after submitting their applications, requested delays in the processing of their applications after they were filed. In both cases the required legal organ advertising was done and in one case the on-site public notice signs had been posted twice. The public was therefore on notice with the expectation of attending date-certain public hearings. Confusion on the part of the public occurred when the signs were removed due to the postponements. Staff did its best to notify neighbors of the delays through the citizens who had contacted staff about the cases and who had left contact information. Without written policy direction or precedent, I felt it to be an arbitrary decision to disallow the postponements.

Additionally, language changes are proposed because the Zoning Ordinance has conflicting/incorrect language in this same section of the ordinance regarding Planning Commission and Board of Commissioners public hearings. The proposed changes reflect current practice and clarify that both bodies hold public hearings.

ORDINANCE NO. _____

AN ORDINANCE OF UPSON COUNTY, GEORGIA TO AMEND THE CODE OF UPSON COUNTY, APPENDIX A – ZONING; PROVIDING STANDARDS FOR APPLICANT-INITIATED POSTPONEMENT OF ZONING-RELATED PROCESSES; ESTABLISHING APPLICATION WITHDRAWAL STANDARDS; CLARIFYING RESPONSIBILITIES OF BOTH THE PLANNING COMMISSION AND BOARD OF COMMISSIONERS FOR HOLDING PUBLIC HEARINGS; PROVIDING FOR REPEAL/CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, OCGA §36-1-20, empowers County governments to protect and preserve the public health, safety and welfare, through the adoption of ordinances, and

WHEREAS, pursuant to The Zoning Procedures Law, OCGA §36-66-1, the Upson County Board of Commissioners adopted the Upson County Zoning Ordinance, through Ordinance No. 79, February 15, 1995; and

WHEREAS, Section 1-4 of the Code of Upson County (CUC) and Section 410 of the Upson County Zoning Ordinance (UCZO) list the procedures by which the Code of Upson County may be amended; and

WHEREAS, certain zoning-related processes require public notice in the form of legal newspaper advertising and posted outdoor signs; and

WHEREAS, such notices alert the public to upcoming issues and meeting and hearing dates and times which the public may need to schedule for and prepare for to attend; and

WHEREAS, unrestricted postponement of such meetings and hearings can cause confusion and frustration on the part of the public and additional cost to the County, and

WHEREAS, Upson County currently has no standards related to applicant-initiated postponement of processing such zoning-related procedures; and

WHEREAS, the following amendments establish application postponement and withdrawal standards to guide County staff, applicants and provide the engaged public with reliable information on upcoming meetings and hearings; and

WHEREAS, minor amendments are proposed to clarify the responsibility of both the Planning Commission and Board of Commissioners to hold public hearings; and

WHEREAS, the Upson County Board of Commissioners has determined that the following amendments meet the required review standards and serve to enhance the public health, safety, morality or general welfare of Upson County, Georgia, therefore:

BE IT ORDAINED by the Board of Commissioners of Upson County, Georgia, as follows:

SECTION ONE

That the following sections of the Zoning Ordinance of Upson County, Georgia, are hereby amended to read as follows:

Add the underlined sections as indicated:

ARTICLE 4. GENERAL PROCEDURES

Section 406. Appealing an action of the administrative officer.

D. When an application for appeal of an action of the administrative officer is received, the planning commission will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the planning commission by certified mail with return receipt requested at least 15 days before the hearing. Any person may appear at the hearing, or have a representative attend instead.

Should the party which has filed an appeal of the action of the administrative officer choose to postpone initiation of the appeal process to a future date, such postponement must be initiated prior to notice of the appeal hearing being published and prior to mailing of the certified mail notice. Should an earnest attempt to cancel publication of the notice and/or to cancel mailing of the notice fail, the appeal must proceed. Only one such postponement of the appeal process is permitted for no longer a period than 90 days from the first scheduled hearing date, after which the appeal process must be continued or the appeal shall be considered to have been withdrawn. Withdrawal of the appeal by the petitioner cancels the process as if it had never been initiated. Withdrawal by the appealing party may occur anytime before a final decision has been rendered. This provision does not affect the right of the planning commission to delay the process or continue the public hearing for cause and in accordance with due process requirements.

Section 406.1 Appealing an action of the planning commission.

D. When an application for appeal of an action of the planning commission is received, the board of commissioners will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the board of commissioners by certified mail with return receipt requested at least 15 days before the hearing. Any person may appear at the hearing, or have a representative attend instead.

Should the party which has filed an appeal of the action of the planning commission choose to postpone initiation of the appeal process to a future date, such postponement must be initiated prior to notice of the appeal hearing being published and prior to mailing of the certified mail notice. Should earnest attempts to cancel publication of the notice and/or to cancel mailing of the notice fail, the appeal must proceed. Only one such postponement of the appeal process is permitted for no longer a period than 90 days from the first scheduled hearing date, after which the appeal process must be continued or the appeal shall be considered to have been withdrawn. Withdrawal of the appeal by the petitioner cancels the process as if it had never been initiated. Withdrawal by the appealing party may occur any time before a final decision has been rendered. This provision does not affect the right of the board of commissioners to delay the process or continue the public hearing for cause and in accordance with due process requirements.

Section 407. Variances.

H. When an application for a variance is received, the planning commission will set a time and place for a public hearing on the variance. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. Such notice will state the application number, owner's name, property location, its area, time, place and subject of the hearing. At least 15 days before the public hearing, notice of the time, place, and subject of the hearing will be sent to the appellant or petitioner in writing by U.S. mail to his last known address. Copies of all such letters will be maintained in the applicant file for permanent record.

Should the party which has filed for a variance choose to postpone initiation of the variance process to a future date, such postponement must be initiated prior to notice of the variance hearing being published, prior to posting of the required sign and prior to mailing of the written notice. Should an earnest attempt to cancel publication of the notice and/or cancel mailing of the notice fail, the variance process must proceed. Only one such postponement of the variance process is permitted for no longer a period than 90 days from the first scheduled hearing date, after which the variance process must be continued or the appeal shall be considered to have been withdrawn. Withdrawal of the variance application by the petitioner cancels the process as if it had never been initiated. Withdrawal of the request for a variance by the applicant may occur anytime during the process, before a final decision has been rendered by the planning commission. This provision does not affect the right of the planning commission to delay the process or continue the public hearing for cause and in accordance with due process requirements.

Section 409. Special Exceptions.

F. When an application for a special exception is received, the planning commission will set a time and place for a public hearing on the special exception. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. Such a notice will state the application number, owner's name, property location, its area, time, place, and subject of the hearing. At least 15 days prior to the hearing, notice of the time, place, and subject of the hearing will be sent to the appellant or petitioner in writing by U.S. mail to his last known address. Copies of all such letters will be maintained in the applicant file for permanent record.

Following the Planning Commission's public hearing, review and recommendation, the Board of Commissioners shall follow the same process, except in the case of ordinance-designated Abbreviated Special Exception reviews.

Should the party which has filed for a special exception choose to postpone initiation of the special exception process to a future date, such postponement must be initiated prior to notice of the special exception hearing being published, prior to posting of the required sign and prior to mailing of the written notice. Should an earnest attempt to cancel publication of the notice and/or cancel mailing of the notice fail, the special exception process must proceed. Only one such postponement of the special exception process is permitted for no longer a period than 90 days from the first scheduled hearing date, after which the special exception process must be continued or the special exception shall be considered to have been withdrawn. Withdrawal of the special exception application by the petitioner cancels the process as if it had never been initiated. Withdrawal of the request for a special exception by the applicant may occur anytime during the process, before a final decision has been rendered by the Board of Commissioners. This provision does not affect the right of the planning commission or board of commissioners to delay the process or continue the public hearing for cause and in accordance with due process requirements.

Amendments 410. Amendments.

D. When an amendment is initiated which involves changing the zoning district of a parcel of land, the administrative officer must post a sign at least two feet by three feet in size in a conspicuous place on the property, visible from all bordering public streets, at least 15 days but not more than 45 days prior to the date of the scheduled planning commission and board of commissioners public hearings. The signs must set forth the fact that it is a "zoning notice." It They must show the present zoning classification, the proposed zoning classification, the purpose, date, time, and place of the scheduled public hearing, and it they must inform the public that additional information may be obtained from the administrative officer.

F. The planning commission must then conduct a public hearing on the amendment. The responsibility of conducting ~~the public hearings~~ is ~~delegated by~~ shared with the board of commissioners ~~to the planning commission~~ under provisions specified in the Zoning Procedures Law (O.C.G.A. § 36-66-1, enacted by 1985 Ga. Laws, page 1139, 1.), paragraph 2-(b)-(1), as amended. (See section 105, paragraph F of this ordinance for additional details.) Each body shall hold a public hearing when considering an official zoning map amendment application or zoning ordinance text amendment. Notice of the hearings must be published in the legal organ (newspaper) of Upson County at least 15 days but not more than 45 days before ~~the each~~ hearing. The location of the property, present zoning classification, proposed zoning classification, owner's name and the time, date, and place of the hearing must be indicated ~~in the each~~ newspaper notice

Should the party which has filed for amendment of the official zoning map (rezoning) choose to postpone initiation of the rezoning process to a future date, such postponement must be initiated prior to notice of the planning commission's rezoning hearing being published and prior to posting of the required sign(s). Should an earnest attempt to cancel publication of the notice fail, the rezoning process must proceed. Only one such postponement of the rezoning process is permitted for no longer a period than 90 days from the first scheduled planning commission hearing date, after which the map amendment process must be continued or the rezoning shall be considered to have been withdrawn. Withdrawal of the rezoning application by the petitioner cancels the process as if it had never been initiated. Withdrawal of the request for a rezoning by the applicant may occur anytime during the process, before a final decision has been rendered by the board of commissioners. This provision does not affect the right of the planning commission or board of commissioners to delay the process or continue the public hearing for cause and in accordance with due process requirements.

SECTION TWO

The Zoning Ordinance of Upson County, Georgia is hereby amended by approval of the above-listed language.

SECTION THREE

All ordinances or parts thereof in conflict with the terms and provisions of this Ordinance are, and the same hereby, are repealed.

SECTION FOUR

Should any sentence, paragraph or section of this Ordinance be declared to be invalid, for any reason, such declaration shall not affect the validity of any other sentence, paragraph or section of this Ordinance and all such remaining sentences, paragraphs and sections hereof shall remain valid and of full force and effect, and the Board of Commissioners of Upson County, Georgia, hereby declares that such continuing validity of the remaining portions hereof is its intent as of the date of the enactment hereof.

The foregoing ordinance this day adopted by the Board of Commissioners of Upson County, Georgia, and effective, this Xth day of MONTH, 2023.

**BOARD OF COMMISSIONERS
OF UPSON COUNTY**

BY: _____
NORMAN ALLEN, Chairman

BY: _____
LORENZO WILDER, Vice Chairman

BY: _____
JAMES ELLINGTON, Commissioner

BY: _____
PAUL JONES, Commissioner

BY: _____
BENJAMIN WATSON, Commissioner

ATTEST:

Upson County Clerk

VI. PUBLIC COMMENTS – There were no public comments.

VII. CONSENT AGENDA

a. Approval of the August 8, 2023 Regular Meeting Minutes


A motion was made to approve the consent.

Motion: Commissioner Ellington Second: Commissioner Wilder

Commissioner Jones – Yes Vice Chairman Wilder– Yes
Commissioner Watson – Yes Commissioner Ellington -Yes
Chairman Allen – Yes

VIII. NEW BUSINESS

b. Approval Resolution 11.2023 Authorizing the 2023 Tax Levy

	UPSON COUNTY BOARD OF COMMISSIONERS 106 EAST LEE STREET, SUITE 110 THOMASTON, GA 30286 (706) 647-7012	Norman Allen Chairman Lorenzo Wilder District 1 James Ellington District 2 Paul Jones District 3 Benjamin Watson District 4
	Jason Tinsley – County Manager The English Law Group, County Attorney	

RESOLUTION AUTHORIZING 2023 TAX LEVY

WHEREAS, pursuant to the authority set out in Article IX, Section IV, paragraph 1 of the Constitution of the State of Georgia and O.C.G.A. §48-5-400, Upson County is authorized to levy taxes for the operation of the county government and the public schools; and

WHEREAS, the Board of Commissioners of Upson County has determined that it is necessary to levy an ad valorem tax on all taxable property in Upson County for the purpose of funding public services provided to the citizens of Upson County in 2023; and

WHEREAS, all legal advertisements and public hearings required by O.C.G.A. §48-5-32 & 32.1 have been conducted in accordance with said laws; and

WHEREAS, the Upson County Board of Education has certified to the Board of Commissioners of Upson County the tax levy it needs to provide funds for public education in Upson County for the year 2023.

NOW, THEREFORE, the Board of Commissioners of Upson County, Georgia, do hereby levy an ad valorem tax on all taxable property within Upson County for the operation of county government for the year 2023 as follows:

County-wide general maintenance and operations millage – 6.45
Unincorporated joint projects millage – 2.71
Unincorporated services millage – 2.75

Further, the Board of Commissioners of Upson County also hereby levies an ad valorem tax on all taxable property within Upson County for the year 2023 for the support and maintenance of public education, and activities necessary and incident thereto in the amount of 14.01 mills.

Adopted in an open meeting, this 22nd day of August, 2023.

BOARD OF COMMISSIONERS OF UPSON COUNTY

Norman Allen, Chairman

ATTEST: _____
Jessica Jones, County Clerk

Thomaston-Upson County Schools
205 Civic Center Drive
Thomaston, Georgia 30286
Telephone 706-647-9621 Fax 706-647-7154

Larry Derico, Ed.D.
Superintendent
Amy Miller, Ed.D.
Assistant Superintendent

Jacqueline Hollis, *Board Chair*
Jaye Eubanks, *Vice-Chair*
Sheila Hall
Angeline McGill
Scott Roberts
Steve Sadler
Brian Salter

August 18, 2023

Mr. Andy Chastain
Upson County Tax Commissioner
Courthouse Annex
Thomaston, Georgia 30286

Dear Mr. Chastain:

The Thomaston-Upson County Board of Education, during its August 17, 2023
Called Board Meeting held at 6:00 p.m., officially set the tax millage rate at 14.01
mills.

Sincerely,



Larry Derico, Ed.D.
Superintendent

A motion was made to approve Resolution 11.2023 Authorizing the 2023 Tax Levy.

Motion: Commissioner Jones

Second: Commissioner Watson

Commissioner Jones – Yes

Vice Chairman Wilder– Yes

Commissioner Watson – Yes

Commissioner Ellington -Yes

Chairman Allen – Yes

c. Discussion on the 2024 budget directives from Board to Staff

Jessica Jones

From: Jason Tinsley
Sent: Thursday, August 17, 2023 9:12 AM
To: Jessica Jones; Norman Allen; Allen Salter; Heath English
(heath@englishlawgrouppllc.com)
Subject: RE: 8.22.23 Regular Meeting Agenda.docx

Our EMA Director will most likely NOT be able to attend next Tuesday. Discussions on the future of weather sirens will need to be on the work session agenda. I have Richard confirmed for that WED the 6th.

We need to get a budget calendar on the agenda for next week! *It's most wonderful time of the year.*

I would like to have a discussion about 2024 budget directives from BOC to staff. Review and revise the following:

- Maintaining a stable rate of taxation
- Reducing reliance on property tax
- Reduction of reoccurring yearend fund balances
- Pursuing/maximizing alternative revenues sources (grants, state programs, private sources of revenue)
- Achieving and maintaining a stable Aa- underlying credit rating from Moody's
- Maintaining current level of services
- Seek efficiencies through review of operating policies or through the creation of polices where none exist
- Explore efficiencies through staff attrition, department reorganization and public/private partnerships
- Review of fees and charges for service
- Review of existing contracts and purchasing protocols
- Pursue targeted investment in Capital improvements to reduce operating costs and improve service delivery
- Provide employees with market-based levels of compensation commensurate with increases to CPI and other applicable market indicators
- Reward higher performing employees via a merit-based composition increase plan
- Increase levels of citizen engagement through social media and citizen feedback surveys

Commissioner Watson would like to see the Capital Improvement Plan incorporated into this, to prioritize the needs.

Chairman Allen would like the board to discuss economic development and what they are going to do with budget planning.

d. Discussion and possible consideration on the 2024 Budget Calendar

UPCOMING MEETING DATES

September				
M	T	W	T	F
4	5	6	7	8
HOLIDAY		Work Session		
11	12	13	14	15
Draft Budgets due to CFO	BOC Meeting			
18	19	20	21	22
25	26	27	28	29
Staff Budget Meetings	BOC Meeting			

October				
M	T	W	T	F
2	3	4	5	6
		Work Session High Level Budget Overview		
9	10	11	12	13
	BOC Meeting			
16	17	18	19	20
23	24	25	26	27
	Budget Hearings w/Selected Departments BOC Meeting	Budget Hearings w/Selected Departments		
30	31			

November				
M	T	W	T	F
		1	2	3
		Work Session		
6	7	8	9	10
Advertise Public Hearing				HOLIDAY
13	14	15	16	17
	BOC Meeting Budget Public Hearing			
20	21	22	23	24
			HOLIDAY	HOLIDAY
27	28	29	30	
	Joint Projects Meeting 5:00 BOC Meeting			

December				
M	T	W	T	F
				1
4	5	6	7	8
		Work Session		
11	12	13	14	15
	BOC Meeting Budget Approval			
18	19	20	21	22
25	26	27	28	29
30	31			

A motion was made to accept the 2023 budget calendar.

Motion: Commissioner Jones

Second: Commissioner Watson

Commissioner Jones – Yes

Vice Chairman Wilder– Yes

Commissioner Watson – Yes

Commissioner Ellington -Yes

Chairman Allen – Yes

e. County Manager, Commissioners, and County Attorney Comments

County Manager Jason Tinsley introduced Richard Hickmon as the permanent EMA Director.

County Clerk Jessica Jones had no comments.

County Attorney Heath English had no comments.

Commissioner Watson wished Commissioner Ellington a Happy Birthday.

Commissioner J. Ellington thanked and congratulated Mr. Hickmon on becoming EMA Director.

Commissioner Wilder welcomed and congratulated Mr. Hickmon on becoming EMA Director.

Commissioner Jones wished Commissioner Ellington a Happy Birthday. He asked for continued prayers for the volunteer fighters.

Chairman Allen welcomed Mr. Hickmon and thanked him for all he has done so far.

IX. ADJOURNMENT

A motion was made by Commissioner Jones with a second from Commissioner Ellington to adjourn the meeting.

Chairman Norman Allen

Commissioner James Ellington

Commissioner Benjamin Watson

Commissioner Lorenzo Wilder

Commissioner Paul Jones